Government of Madras

EDUCATION AND PUBLIC HEALTH DEPARTMENT

(Public Health)

G.O. No. 2926, 16th August 1939

Establishment—Public Health—Punishments and appeals—Position after the Public Health Act—Direction under section 145—Issued.

Order—No. 2926, P.H., dated 16th August 1939.

Some doubts have been expressed as to the exact scope of section 14 of the Madras Public Health Act, and the authorities competent to appoint, transfer and punish public health subordinates employed by local authorities. At present no regulations have been framed by the Government on this question and consequently under the provisions of sub-section (2) of section 14, it is the Health Officer who should appoint, transfer and punish public health subordinates under his control, subject to the approval of the Executive Authority. It is proposed to frame regulations as regards punishments and appeals of subordinates of local authorities but as the issue of regulations is likely to take some time, the Government consider that the provisions under the Statutory Rules framed under the Madras Local Boards Act and the Madras District Municipalities Act should continue to apply to punishments and appeals. The order contained in the annexure to this Government Order gives effect to this decision of the Government and it will be published in the *Fort St. George Gazette*.

(By order of His Excellency the Governor)

G. H. Cooke,
Secretary to Government.

To the Executive Authorities of Municipal Councils (through Chairmen).
" Presidents of District Boards.
" Presidents of Panchayat Boards (through Presidents of District Boards).
" Director of Public Health.
" Chief Engineer, Public Works Department (General, Buildings and Roads).
" Superintending Engineer (Public Health).
" Inspector of Municipal Councils and Local Boards.
" Local Administration Department.
" Superintendent, Government Press, for publication of the annexure in the *Fort St. George Gazette*.

ANNEXURE.

In exercise of the powers conferred by section 145 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to direct that the rules and orders which immediately before the said Act came into force, were applicable to members of the public health establishments of local authorities (other than the Corporation of Madras), in regard to their punishment and their right to appeal against punishments, shall continue to apply to them until regulations providing for those matters are made under sub-section (2) of section 8 of the said Act.

Government of Madras

LOCAL AND MUNICIPAL (LEGISLATIVE) DEPARTMENT

G.O. No. 41, 9th April 1919

Madras City Municipal Act, 1919

Forwarding the — for the assent of the Governor-General.

READ—the following papers:—

I

Letter—from the Hon'ble Mr. H. G. STOKES, C.I.E., I.C.S., Acting Secretary to the Government of Madras, Local and Municipal (Legislative) Department.
To—the Secretary to the Government of India, Legislative Department.
Dated—the 30th January 1919.
No.—263-1.

With reference to rule 8 (1) of the instructions to Local Governments regarding legislation in local Councils I am directed to forward a copy of the report of the Select Committee which considered the Madras City Municipal Bill, 1918.

II

Telegram—from the Secretary to the Government of India, Legislative Department.
To—the Secretary to the Government of Madras, Local and Municipal (Legislative) Department.
Dated—the 7th March 1919.
No.—B. 74.

Your 263 Legislative, January 30th. Please report stage of Madras City Municipal Bill. If Bill not yet passed local Legislative Council it may be held pending further communication.

III

Telegram—from the Secretary to the Government of Madras, Local and Municipal (Legislative) Department.
To—to the Secretary to the Government of India, Legislative Department.
Dated—the 7th March 1919.

Your telegram B. 74. Following upon committee stage proceedings February meeting of Legislative Council completed consideration of Bill except single sub-clause 101 (*d*). As then announced and now included in agenda issued Legislative Council will pass Bill into Law on Tuesday next 11th March. On the information available to them the Madras Government would greatly deprecate any postponement and request that further communication may be telegraphed urgently.

IV

Telegram—from the Secretary to the Government of India, Legislative Department.
To—the Secretary to the Government of Madras, Local and Municipal (Legislative) Department.
Dated—Delhi, the 8th March 1919.
No.—682.

Your wire 7th March. Madras City Municipal Bill. Government of India consider clause seventy-two of Bill should be amplified to embody principles contained in rules two, three and four of the rules forwarded to Local Government with Military Department E.M. Endorsement No. 1113 M.W. 5th April 1902 also desirable that provisions of sub-clauses seventy-two two and three should apply also to the digging of holes, etc., vide rule four above. But that in case of site within Military zone

portion of Esplanade the plan and site plan should be approved by Officer Commanding the station at Madras not General Officer Commanding the Madras district as there is now no such officer. Also consider that in sub-clause four of clause seventy-two the Commissioner should be required to serve a notice within fourteen days after receipt of the request from the Military authorities and the owner should be given a time limit of seven days to demolish the obstruction. Time limit might involve slight modification in sub-clause three hundred and sixty-two (*c*) of the Bill. The reference in sub-clause one hundred and eighteen (*f*) should be paragraph 1 (*h*) and not paragraph 1 (*b*) and in preamble of Bill to section seventy-nine two of the Government of India Act, 1915.

V

Letter—from the Hon'ble Mr. H. G. Stokes, c.i.e., I.C.S., Acting Secretary to Government, Local and Municipal (Legislative) Department.
To—the Private Secretary to His Excellency the Governor.
Dated—the 25th March 1919.
No.—23 R. Leg.

I have the honour to enclose a copy of the Act specified in the margin and to state that the Act was passed by the Legislative Council of the Governor of Fort St. George at a meeting held on the 13th March 1919. I have the honour further to request you to be good enough to submit the Act for a declaration of His Excellency the Governor's assent to the law in accordance with Council rule 53.

An Act to consolidate and amend the law relating to the municipal affairs of the City of Madras.

Order—No. 41, L. and M. (Legislative), dated 9th April 1919.

The following letter will be addressed to the Government of India.

(True extract)

H. G. Stokes,
Acting Secretary to Government.

GOVERNMENT OF MADRAS

LOCAL AND MUNICIPAL (LEGISLATIVE) DEPARTMENT

No. 42.

From

The Hon'ble Mr. H. G. STOKES, c.i.e., I.C.S.,
Acting Secretary to the Government of Madras,
Local and Municipal (Legislative) Department,

To

The SECRETARY to the GOVERNMENT OF INDIA,
Legislative Department,

Dated Fort St. George, the 9th April 1919.

Sir,

I am directed to submit a copy of the Act specified in the margin which was passed by a large majority of thirty-three votes to five in the Legislative Council of the Governor of Fort St. George on the 13th March 1919 and received the assent of His Excellency the Governor on the 26th March 1919 and to request that it may be submitted for the assent of His Excellency the Governor-General.

An Act to consolidate and amend the law relating to the municipal affairs of the city of Madras.

(1) Bill as introduced, with Statement of Objects and Reasons.
(2) Notes on clauses.
(3) Report of the proceedings of the Commissioners of the Madras Corporation in Committee.
(4) Report of the Select Committee with Bill as amended by the Committee.
(5) Papers Nos. 1—16 relative to the Bill.
(6) Extracts from the proceedings of the Council, dated 14th August 1918, 10th to 14th February 1919 and 11th, 12th and 13th March 1919.

2. Fifty copies of each of the marginally-noted papers accompany.

I have the honour to be,
Sir,
Your most obedient servant,

H. G. STOKES,
Acting Secretary to Government.

Government of Madras

EDUCATION AND PUBLIC HEALTH DEPARTMENT

(Public Health)

MUNICIPAL OFFICE
29 JUL 1940
VIRUDHUNAGAR

G.O. No. 3031, 9th July 1940

Medical Institutions—Local fund and municipal—Institutions of Indian Medicine—Rules to regulate the appointment of honorary medical officers—Re-issued.

READ—the following paper :—

From the Commissioner, Tiruvannamalai Municipality, dated 15th June 1939, Roc. No. B-1-1196/39.

Order—No. 3031, P.H., dated 9th July 1940.

The rules regulating the appointment of honorary medical officers in institutions of Indian Medicine under the control of local bodies issued in G.O. No. 1781, P.H., dated 13th May 1939, have been revised and are appended to this Order.

(By order of His Excellency the Governor)

R. V. KRISHNA AYYAR,
Secretary to Government.

To all Presidents of District Boards.
,, the Commissioner, Tiruvannamalai Municipality (through the Chairman, Municipal Council).
,, all other Executive Authorities of Municipal Councils (through the Chairmen of Municipal Councils concerned).
,, the Surgeon-General.
,, the Principal, Indian Medical School.
,, the Director of Public Health.
,, the Examiner of Local Fund Accounts.
,, the Inspector of Municipal Councils and Local Boards.
,, the Local Administration Department.

[Appendix

APPENDIX.

RULES TO REGULATE THE APPOINTMENT OF HONORARY MEDICAL OFFICERS IN THE INSTITUTIONS OF INDIAN MEDICINE UNDER THE CONTROL OF LOCAL BODIES IN THE MADRAS PRESIDENCY.

1. *Scope of employment and appointing authority.*—District boards and municipal councils may at their discretion employ honorary medical officers in the institutions of Indian Medicine under their control. The appointments shall be made in consultation with the Principal, Indian Medical School, by the president in the case of a district board and by the executive authority in the case of a municipal council.

2. *Advertisements of vacancies.*—Whenever it is proposed to make an honorary appointment in any municipal or local fund institution of Indian Medicine, due publicity should be given to such proposal by publication on the notice boards of the institution concerned, of the office of the local board or municipal council and also in the public press and the *Fort St. George Gazette* and district gazette. Applications in the prescribed form for appointments should be invited specifying the special qualifications, if any, required and out of those received, the best should be recommended to the Principal, Indian Medical School. In case of difference of opinion between the appointing authority and the Principal, Indian Medical School, the matter shall be referred to the Government whose decision shall be final.

3. *Designation.*—There will be only one class of honorary medical officers, viz., honorary medical officers of Indian Medicine.

4. *Qualification.*—A candidate for appointment as honorary medical officer should be a practitioner of Indian Medicine registered in class A in the Register of Practitioners of Indian Medicine maintained by the Central Board of Indian Medicine.

5. *Tenure of appointment.*—The tenure of appointment of an honorary medical officer will be five years of which the first two years will be treated as period of probation. The tenure may be extended in deserving cases at the discretion of the appointing authority.

6. *Honorarium.*—Honorary medical officers will be eligible subject to such conditions as the local body may prescribe, for an honorarium not exceeding Rs. 20 per mensem. They shall not be eligible for any other allowances.

7. *Receipt of fees from patients.*—Honorary medical officers must abide by the rules, if any, framed by local bodies in regard to the acceptance of fees from patients, by the staff of the dispensary.

8. *Duties.*—(i) Honorary medical officers should conform to the rules in force in the institutions in which they are working, in so far as they relate to the admission, care and discharge of patients, the use of materials belonging to the institutions and also the hours of attendance.

(ii) Honorary medical officers should perform such duties as may be assigned to them. The allocation of their duties will be made by the appointing authority with the approval of the District Medical Officer concerned. An appeal shall however lie to the Government against the allocation so made.

(iii) Honorary medical officers shall give at least three full hours of the best part of the day for service in the dispensaries in which they are appointed.

(iv) Honorary officers who have only out-patients in their charge should attend daily during the out-patient hours.

(v) Subject to the above rules the hours of attendance shall be fixed by the appointing authority with the approval of the District Medical Officer concerned.

(vi) The entire management and control of medical institutions and the discipline of the staff are vested in the medical officer in charge of the medical institutions. Honorary medical officers should observe all the rules in force and report all instances of neglect or inattention or other breaches of discipline relating to their wards to the medical officer in charge who will deal with them.

They may freely consult the medical officers in charge or the District Medical Officer or the Principal, Indian Medical School, on any points in respect of which they consider that the rules admit of improvement but they must abide by any decision arrived at by the Principal, Indian Medical School, with the approval of the Government.

(vii) The medical officers in charge of the medical institutions should give full scope to the honorary workers and endeavour to make the scheme a success. During the temporary absence for short period of paid medical officers on court duty, casual leave, etc., the honorary medical officer or the senior honorary medical officer will be in charge of the institutions.

(viii) Honorary medical officers should be prepared to co-operate with the public health staff in epidemic work also in their respective localities in the event of a sudden outbreak of an epidemic.

9. *Issue of certificates.*—Honorary medical officers will issue sick certificates for patients under their treatment but should not, except at the special request of the medical officer in charge, deal with any cases other than those assigned to them or with the other miscellaneous work of the institutions.

10. *Private practice.*—Honorary medical officers will be free to undertake private practice outside the institutions concerned. They shall not—

(i) receive any fees from patients for the purpose of admitting them in the institutions in which they are employed, or

(ii) discharge any patient from the medical institution for the purpose of treating him as a private patient, provided that it shall be open to an honorary medical officer to take under his care a patient who has been discharged from the hospital in accordance with the rules governing the discharge of patients from medical institutions.

Private patients may be admitted in the institutions irrespective of whether they have made any payment or not to honorary medical officers for consultation outside the institutions, but every patient so proposed to be admitted should take his turn according to the usual procedure and no preference should be shown to those who have consulted the honorary medical officers privately.

11. *Temporary absence from duty.*—Honorary medical officers should be punctual in the hours of attendance prescribed and should not leave the institution during the hours of duty except on previous permission from the medical officer in charge. Nor should they avail themselves of any leave without previous sanction and until arrangements are made to carry on their duties during their absence, except under extraordinary circumstances. They should always notify to the District Medical Officer through the medical officers in charge of the institutions their absence from the stations.

12. *Leave.*—Honorary medical officers may be granted casual leave up to fifteen days in a year by the District Medical Officer. They may be granted leave of absence other than casual leave for a period not exceeding one month, by the appointing authority concerned on the recommendation of the District Medical Officer, if arrangements can be made for carrying on their duties without extra expenditure. In such cases, the honorary medical officers will be considered to have a lien on their appointments during the period of leave and they will be allowed to rejoin their appointments on the expiry of the leave. If no such arrangements can be made, the honorary medical officers should be instructed to resign their appointments and fresh appointments should be made in their places.

13. *Transfer.*—Honorary medical officers shall not ordinarily be transferred from place to place, but mutual transfers may be effected if both parties agree.

14. *Age-limit.*—Honorary medical officers shall ordinarily retire on attaining the age of 55 years. Those who wish to continue in service shall produce a certificate of physical fitness.

15. *Use of libraries.*—Honorary medical officers will be allowed the use of the libraries in the institutions in which they are appointed.

16. *Responsibility in case of loss of, or damage to, etc., dispensary property.*—Every honorary medical officer will be held personally responsible for any loss sustained by local bodies through fraud or negligence on his part, and he will be liable to make good the value of the dispensary property or equipment lost, damaged or destroyed by his default or carelessness. They should not take outside or use the dispensary property, instruments, appliances, dressings, etc., for their private cases except on payment of the fees prescribed.

17. *Reports on officers.*—On the 31st January of each year, the appointing authority should submit to the Principal, Indian Medical School, confidential reports on all honorary medical officers serving under them in the form prescribed. During the period of probation, half-yearly confidential reports should similarly be submitted to the Principal, Indian Medical School.

18. *Termination of appointment.*—The appointment will ordinarily be terminable by three months' notice in writing on either side. In all cases the appointing authority reserves the right to terminate the appointments or to accept the resignations of honorary medical officers without any notice and without assigning any reasons therefor. In the event of a breach of rule 11, the services of the honorary medical officer concerned are liable to be summarily dispensed with. In cases where the charges against an honorary medical officer are not of a confidential nature, he may be given an opportunity to explain. In regard to adverse confidential reports against an honorary medical officer, the appointing authority may call for an explanation, which should be submitted to the Principal, Indian Medical School.

19. *General.*—The Government reserve the right to amend or to add to these rules as they deem fit.

20. *Correspondence, etc.*—All communications, correspondence, appeals, complaints, etc., from honorary medical officers should be sent to the Principal, Indian Medical School, through the appointing authority and the District Medical Officer. They should not correspond direct with the Principal, Indian Medical School, or the Government.

21. *Publication of official information.*—(i) No honorary medical officer, shall, except in accordance with any special or general permission of the Principal, Indian Medical School, communicate directly or indirectly, any official document or information to a Government servant unauthorized to receive the same, to a non-official or to the press.

(ii) No honorary medical officer shall, in any document which he publishes or in any communication to the press or in a public speech, criticize the policy or action of the Government in the matter of medical administration, intemperately or unreasonably. No such publication or communication or speech should be made without the special or general permission of the Principal, Indian Medical School.

If, however, honorary medical officers have any grievance in connexion with the discharge of their public duties, they should make their representation to the District Medical Officer direct and, if necessary, they may address the Principal, Indian Medical School, through the District Medical Officer and the appointing authority.

(iii) No honorary medical officer shall, except with the previous sanction of the District Medical Officer and the final approval of the Principal, Indian Medical School, have recourse to any court or the press for the vindication of his official acts or character, from defamatory attacks. Application for such sanction should be made through the appointing authority.

Nothing mentioned above shall derogate from the right of an honorary medical officer to vindicate his private acts or character.

Government of Madras

LOCAL ADMINISTRATION DEPARTMENT

G.O. No. 294, 25th January 1940

Rules—Appointment and punishment of officers and servants of local boards and municipal councils—Amendments—Confirmed.

READ—the following paper :—

G.O. No. 4095, L.A., dated 20th October 1939.

Order—No. 294, L.A., dated 25th January 1940.

In G.O. No. 4095, L.A., dated the 20th October 1939, Government published for general information, the draft of certain amendments to the rules relating to the appointment and punishment of officers and servants of local boads and municipal councils. No objection or suggestion having been received the amendments are hereby confirmed.

2. The appended notifications will be published in the *Fort St. George Gazette*.

(By order of His Excellency the Governor)

L. J. MACIVER,
Secretary to Government.

To all Presidents of District Boards with copies to Presidents of Panchayat Boards (major) and the Valparai Panchayat Board.
,, the Executive Authorities of all municipal councils (through the Chairmen of municipal councils concerned).
,, all Collectors except the Collector of Madras.
,, the Inspector of Municipal Councils and Local Boards.
,, the Director of Public Health.
,, the Examiner of Local Fund Accounts.
,, the Director of Public Instruction.
,, the Surgeon-General.
,, the Superintending Engineer (Public Health), through the Chief Engineer (Public Works Department).
,, the Education and Public Health Department.
,, the Legal Department.
,, the Principal, Indian Medical School.
,, the Superintendent Government Press, for publication of the notifications in the *Fort St. George Gazette*.

APPENDIX

NOTIFICATIONS.

I

In exercise of the powers conferred by sections 70 and 72 and clause (*a*) of sub-section (2) of section 199 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), the Government of Madras are hereby pleased to make the following amendments to the rules relating to the appointment and punishment of officers and servants of local boards published with Local Self-Government Department Notification No. 934, dated the 18th August 1936, at pages 451 to 453 of Part I-A of the *Fort St. George Gazette*, dated the 1st September 1936, as subsequently amended:—

AMENDMENTS.

1. In clause (*f*) of rule 1 of the said rules, for the words "except in consultation with", the words "except with the previous approval of" shall be substituted.

2. In rule 5 of the said rules—

(i) in the fourth proviso for the words "Provided further that no punishment shall be inflicted," the following words shall be substituted, namely:—

"Provided further that none of the punishments specified in this rule shall be inflicted;" and

(ii) in Explanation I, clause (i) shall be omitted and clauses (ii) and (iii) shall be renumbered as clauses (i) and (ii) respectively.

3. In sub-rule (1) of rule 9 of the said rules—

(i) after the words and figure "referred to in rule 8," the words "and against all orders of discharge or reversion to a lower post of a person appointed on probation, during the period of probation" shall be inserted; and

(ii) for the proviso the following proviso shall be substituted, namely:—

"Provided that the discharge or reversion of any person shall not be deemed to be an order imposing a punishment within the meaning of this sub-rule and no appeal shall lie in cases falling under Explanation I and clause (i) of Explanation II to rule 5."

II

In exercise of the powers conferred by sections 73 and 75 and clause (*a*) of sub-section (2) of section 303 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Government of Madras are hereby pleased to make the following amendments to the rules relating to the appointment and punishment of officers and servants of municipal councils, published with Local Self-Government Department Notification No. 935, dated the 18th August 1936, at pages 453 to 454 of Part I-A of the *Fort St. George Gazette*, dated the 1st September 1936, as subsequently amended:—

AMENDMENTS.

1. In rule 4 of the said rules—

(i) in the third proviso for the words "Provided further that no punishment shall be inflicted" the following words shall be substituted, namely:—

"Provided further that none of the punishments specified in this rule shall be inflicted;" and

(ii) in Explanation I, clause (i) shall be omitted and clauses (ii) and (iii) shall be renumbered as clauses (i) and (ii) respectively.

2. In sub-rule (1) of rule 8 of the said rules—

(i) after the words and figure "Against all orders of the executive authority imposing punishments other than those referred to in rule 7" the following words shall be inserted, namely:—

"and against all orders of discharge or reversion to a lower post of a person appointed on probation during the period of probation;" and

(ii) for the proviso, the following proviso shall be substituted, namely:—

"Provided that the discharge or reversion of any person shall not be deemed to be an order imposing a punishment within the meaning of this sub-rule and no appeal shall lie in cases falling under Explanation I and clause (i) of Explanation II to rule 4."

Government of Madras

LOCAL ADMINISTRATION DEPARTMENT

G.O. No. 293, 25th January 1940

Rule—Qualifications of officers and servants of municipal councils—Amendment—Confirmed.

READ—the following papers:—

G.O. No. 4253, L.A., dated 1st November 1939.

From the Commissioner of Vellore Municipality, dated 23rd December 1939, R.O.C. No. B-13004/39.

Endorsement from the Chairman, Municipal Council, Vellore, dated 27th December 1939.

Order—No. 293, L.A., dated 25th January 1940.

In G.O. No. 4253, L.A., dated the 1st November 1939, the Government published for general information the draft of an amendment to the rule relating to qualifications of officers and servants of municipal councils.

2. With reference to the suggestion made by the Commissioner of the Vellore Municipality, it is hereby directed that the amendment to the rule confirmed in this order, shall not adversely affect the continuance in, or promotion to, the posts of upper division clerks, of such of the existing incumbents of the clerical posts under municipal councils as are drawing on the date of the coming into force of the amendment a substantive pay in excess of the maximum pay of the lower division scale which may be fixed by the Inspector of Municipal Councils and Local Boards for municipal staff.

3. No other objection or suggestion having been received in respect of the draft amendment, the amendment is hereby confirmed. The appended notification will be published in the *Fort St. George Gazette*.

(By order of His Excellency the Governor)

L. J. MACIVER,
Secretary to Government.

To the Commissioners of all Municipalities (through the Chairmen of Municipal Councils concerned).
" all Collectors (except Madras).
" the Inspector of Municipal Councils and Local Boads.
" the Examiner of Local Fund Accounts.
" the Director of Public Instruction.
" the Director of Public Health.
" the Surgeon-General.
" the Superintending Engineer (Public Health), through the Chief Engineer (Public Works Department).
" the Public Department.
" the Education and Public Health Department.
" the Legal Department.
" the Principal, Indian Medical School.
" the Superintendent, Government Press, for publication of the notification in the *Fort St. George Gazette*.

APPENDIX

NOTIFICATION.

In exercise of the powers conferred by clause (*b*) of section 74 and clause (*a*) of sub-section (2) of section 303 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Government of Madras are hereby pleased to make the following amendment to the rule prescribing the qualifications of officers and servants under municipal councils, published with Local Self-Government Department Notification No. 1522, at page 562 of Part I-A of the *Fort St. George Gazette*, dated the 3rd December 1935, as subsequently amended:—

AMENDMENT.

In the entry in column (1) against item (1) of the table subjoined to the said rule, after the words "where there is only one accountant, the accountant" the words "upper division clerks" shall be inserted.

34

Government of Madras

LOCAL SELF-GOVERNMENT DEPARTMENT

(Local and Municipal)

G.O. No. 2068, L. & M., 9th May 1928

Rules—Appointment and punishment of municipal servants—Amendment of rules regarding the constitution of Appeal Committee, etc.—Draft published.

Order—No. 2068, L. & M., dated 9th May 1928.

Under the existing rules relating to the appointment and punishment of municipal servants the Standing Appeal Committee consists of the chairman and of two councillors elected by the municipal council. Decisions on appeals should in the opinion of the Government be given by a tribunal wholly independent of the authority which passed the original orders of punishment; they consider therefore that the chairman should be excluded from taking part in the decision of the appeal. They propose however to provide that he should have the right to attend the meetings of the committee to support his orders if he so desires. The opportunity will be taken to revise at the same time the procedure in regard to the presentation and hearing of appeals, in order to ensure their prompt disposal by the committee. The appended notification will be published in the *Fort St. George Gazette*.

2. Chairmen of municipal councils are informed that the rules in question will be issued in a consolidated form when the amendments now proposed are confirmed.

(By order of the Government, Ministry of Education and Local Self-Government)

C. W. E. COTTON,
Secretary to Government.

To all chairmen of municipal councils.
" all presidents of district boards (with copies for presidents of taluk boards).
" all Collectors.
" the Law (Drafting) Department.
" the Surgeon-General.
" the Director of Public Health.
" the Inspector of Municipal Councils and Local Boards.
" the Examiner of Local Fund Accounts.
" the Superintendent, Government Press (for publication of the notification in Part I-A of the *Fort St. George Gazette*).

APPENDIX

NOTIFICATION

The following draft of certain amendments to the rules for the appointment and punishment of municipal servants published with the notification of the Local Government in the Local and Municipal Department No. 226 of Part I-A of the *Fort St. George Gazette*, dated 21st March 1922, as subsequently amended, which the Governor acting with Ministers proposes to make under sections 75 and 303 of the Madras District Municipalities Act, 1920, is published as required by section 305 of the said Act. Notice is hereby given that the said draft will be taken into consideration by the Governor acting with Ministers after six weeks from the date of publication of this notification.

Any objection or suggestion which may be received from any person with respect to the draft within the said period will be considered by the Governor acting with Ministers.

DRAFT AMENDMENTS.

1. In rule 8 of the said rules

(1) The first sentence shall be renumbered as sub-rule (1) of that rule and in that sub-rule as so renumbered

(*a*) *for* the words "Standing Committee consisting of three members including the chairman", the words "Standing Committee consisting of three other members" shall be substituted; and

(*b*) the following sentence shall be added at the end, namely:—

"The chairman of the municipal council shall have the right of attending meetings of the committee to support his orders, if he so desires".

(2) The second sentence shall be renumbered as sub-rule (2) of that rule.

2. In rule 9 of the said rules

(i) *For* clause (*a*) the following clause shall be substituted, namely:—

"(*a*) The members of the Standing Committee shall be elected by the municipal council in November in each year and shall serve on the committee for a period of one year commencing from the 15th November.

"The council shall when electing the three members, elect one of them as chairman of the committee."

(ii) The following shall be added as clause (*c*):—

"If the member who vacated his seat was also the chairman of the Standing Committee, an election of a chairman shall be held by the council as soon as may be after a new member has been elected."

3. *For* rule 10 of the said rules the following rule shall be substituted, namely:—

"10. (1) No appeal shall be decided unless at least two members of the Standing Committee are present.

"(2) When all the members of the Standing Committee are present, the appeal shall be decided in accordance with the opinion of such members or of the majority.

"(3) Where only two members are present to hear an appeal and there is difference of opinion between them on any point, the original order of the chairman shall be deemed to stand in regard to that point."

4. The second paragraph of rule 11 of the said rules shall be omitted.

5. After rule 11 of the said rules the following rules shall be added, namely:—

"12. All appeals shall be submitted to the chairman of the Standing Committee who shall convene a meeting thereof within one month from the date of the presentation of the appeal, of which at least three days' notice shall be given to the appellant and to the chairman of the municipal council.

"13. If a chairman of the committee fails to convene a meeting of the committee as provided in rule 12 he shall cease to hold office as member and chairman. The council shall thereupon make a fresh election of a member to the committee at its next meeting and thereafter elect a chairman from among the members of the committee so constituted.

"14. When the hearing of an appeal has once begun, it shall be continued from day to day except for Sundays and holidays until it is completed unless the committee finds the adjournment of the hearing beyond the following day to be necessary."

LOCAL SELF-GOVERNMENT (L. & M.) DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 2068, L. & M., DATED 9TH MAY 1928.

[SUBJECT.—*Amendment of the rules relating to the punishment of municipal servants.*]

Demi-official from C. LAKSHMINARAYANA SASTRI, B.A., B.L., Pleader, Municipal Councillor and President, Congress Committee, Cuddapah, to the Hon'ble Mr. A. RANGANATHA MUDALIYAR, Minister for Development, dated the 14th April 1927.

A Municipal Chairman punishes a permanent municipal subordinate by reducing him from a higher post to a lower one. The subordinate so punished prefers an appeal to the Appellate Committee as per rules framed by Government. The Chairman, who is also a member of the Appeal Committee, does not choose to place the paper (the appeal) before the Appeal Committee. I request to be informed whether one or all the remaining members of the Appeal Committee can call upon the Chairman to place the matter before the Committee on any particular date. If the Chairman does not even then place the paper before the Appeal Committee, can the other members of the Committee dispose of the appeal themselves independently of the Chairman if the Chairman does not choose to attend the meeting after due notice is given to him of the date of meeting? If the Chairman does not fix a date for the meeting of the Appeal Committee, can the remaining members fix a date for the meeting after giving due notice to the Chairman and can they dispose of the appeal themselves if the Chairman purposely or otherwise chooses to absent himself from the meeting convened by the remaining members? I seek the favour of your kind opinion in the matter as you are an experienced Member of the Legislative Council, of six years' standing.

The following questions have been raised in the demi-official above:—

(*a*) whether the two councillor-members of the Appeal Committee are competent to call upon the Chairman to place before the Committee an appeal which the Chairman fails to place before it,

(*b*) whether they can fix a date for the meeting of the Committee to consider an appeal, and

(*c*) whether they can dispose of a case independently of the Chairman, if he is not present at the meeting—notice being given to him of the date of the meeting.

These questions are considered below.

2. *Query* (*a*).—Whether the Appeal Committee can take action in any case *suo motu* was considered when it was proposed in G.O. No. 1901, L. & M., dated 28th August 1923, to amend rule 6 of the draft rules relating to appointments, punishment and appeals. It was thought that the Committee should have such a right. A right to take action *suo motu* would seem to include a right to call upon the Chairman to place the appeal before it if he fails to do so.

Vide below.
N.R.—24-5-27.

3. *Query* (*b*).—Under rule 8 of the rules issued in G.O. No. 499, L. & M., dated 14th March 1922, the councillor-member of the Appeal Committee was the convener of the Committee of which the Collector was the Chairman. When this rule was revised in 1923 it was decided that this matter might be left to the Committee itself to decide —vide page 230 of G.O. No. 1901, L. & M., dated 28th August 1923.

The question was also considered whether a time-limit should be laid down both for placing the appeal before the Committee and for its disposal. But no time-limit was actually fixed—vide notes on page 70 of G.O. No. 94, L. & M., dated 8th January 1924.

It would seem therefore that the question whether the councillor-members can fix a day for the meeting of the Committee depends upon the regulations, if any, framed by the Committee in this matter. If no regulations have been framed, the question is not free from doubt.

4. *Query* (*c*).—*Whether the councillor-members can dispose of the case without the Chairman.*—Please see notes on pages 64, 67 and 72 of G.O. No. 94, L. & M., dated 8th January 1924. It is pointed out in these notes (1) that the Chairman must be a member of every Committee with reference to section 14 (3) of the District Municipalities Act (page 64); (2) that the opinion of the majority should prevail (page 67); and (3) that all members must be present (page 72) at a meeting of the Committee.

5. A draft letter on the above lines is put up for approval.

V.V.M.—16-5-27. B.A.—19-5-27.

The questions raised are dealt with below *seriatim*:—

Query (*a*).—Old rule 6 of the Appeal Rules run as follows:—

"There shall be no right of appeal against any order of the Chairman inflicting a punishment of fine but *the Committee* referred to in rule 8 may exercise a power of revision and modify or cancel such order."

It was with reference to the latter half of this rule that it was held in 1923 that the rule does not prevent the Committee taking action *suo motu*. This part of the rule has however been expunged—vide revised rule 6 in G.O. No. 94, L. & M., dated 8th January 1924. Further the rule related to punishments of fine only. The view referred to above is not of help in answering the present question which has to be considered with reference to rule 8 as revised in G.O. No. 94, L. & M., dated 8th January 1924. This rule reads—

"A municipal officer or servant other than an officer or servant . . . may appeal against the order of the Chairman . . ; . . to a Standing Committee consisting of three members of the Council including the Chairman."

It will be noted that there is no Chairman for the Standing Committee. So any appeal presented to the Committee should be addressed to 'the Standing Appeal Committee of the———Municipal Council.'

If the Chairman receives the appeal first, it will be only as one of the members of the Appeal Committee and not in virtue of any special power vested in him as Chairman of the Municipal Council. So he will have to pass on the appeal petition to the other two members of the Appeal Committee after he has perused it; and he will not be in order in intercepting the appeal and preventing other members seeing it. It follows that, should the Chairman be guilty of such interception and suppression, the other members could call upon the chairman to circulate the appeal to them, and should he still fail to do so, call for another copy of the appeal from the municipal officer or servant concerned and take cognizant of it. This leads to the next question whether they can fix a date for a meeting of the Council.

A

2. *Query* (*b*).—Under the old rule 8, the Collector was the Chairman of the Appeal Committee and the councillor-member the convener. This made it plain that the councillor-member only can convene meetings of the Committee which involves of course fixing dates for the meetings. The present rule 8 does not provide for a convener. The object is perhaps that the procedure of Committees should be governed by regulations framed under section 25 (*e*) of the District Municipalities Act. In the absence of such regulations the members will apparently have to agree upon a date between themselves. This means that any member may propose a date for a meeting for the acceptance of the others. This leads to the next question.

B

3. *Query* (*c*).—This question is whether the two councillor-members can dispose of the appeal themselves without the Chairman.

It has been decided that all the three members of the Appeal Committee should be present and decide an appeal. This is also indirectly the effect of rule 10 under which the opinion of the majority prevails in case of difference of opinion. If two members only are present and they differ, the appeal cannot be decided

C

at all. The fact that all the three members have to be present will render it impossible in practice for any one member or any two members to fix a date for a meeting without consulting the other or others.

4. A draft reply on the lines suggested in the above note is submitted. Law (Drafting) may perhaps see it before issue.

N. RAMAYYA SASTRIYAR—24-5-27.

Law (Drafting) may see but it is doubtful if the Government should give its opinion on a hypothetical case.

C. B. COTTERELL—27-5-27.

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LAW (DRAFTING) DEPARTMENT.

I agree with the view taken at **A** in page 2. As regards **B** at page 2, I think that an attempt should be made to fix a date suitable to all the members. Any member can suggest a suitable date to the others and if all do not agree, the date agreed to by the majority should be deemed to be the proper date for the meeting. If at least two members do not agree to a particular date, the Committee cannot meet till such an agreement is reached. As to **C** at page 2, it is no doubt true that all should be asked to attend. But if one wilfully stays away after having notice of the date fixed, his action cannot be allowed to stop the work of the Committee. I think that the other two members can dispose of the appeal. If they differ among themselves, nothing can be done and the order of the Chairman will stand. It will be well if regulations are ordered to be framed under section 25 (*e*) of the Act expressly providing for confirmation of Chairman's order in case there is no majority in favour of cancelling or varying it on the analogy of section 98 (2) of the Civil Procedure Code. A provision for the opinion of the majority prevailing is no indication that a majority should always be possible.

P

C. V. KRISHNASWAMI AYYAR—14-6-27.

P. SITARAMAYYA—5-6-27.

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LOCAL SELF-GOVERNMENT (L. & M.) DEPARTMENT.

The note of the Law (Drafting) Department may be perused. The Secretary has already noted that it is doubtful if the Government should give an opinion on a hypothetical case.

2. Regarding the remarks of Law (Drafting) about **C** on page 2 ante, it may be stated that it tends, to a great extent, to defeat the object of appeal. The Appeal Committee consists of only three members including the Chairman. In any appeal in which opinion is likely to be divided, the Chairman has only to keep away from the meeting to see that his original order of punishment is confirmed. It is doubtful therefore whether the suggestion at **P** above should be accepted.

3. It is for consideration whether the draft demi-official already approved may issue with the last sentence suitably modified in accordance with the view expressed by Law (Drafting) to the effect that if one member absents himself the other two can dispose of the appeal or whether the councillor may be informed that the Government are not prepared to offer advice on hypothetical question.

V.V.M.—22-6-27. B.A.—23-6-27.

For orders on paragraph 3 of the above note. A variant to the suggestion at **P** above is to restore the old rule making the Chairman the convener of meetings of Standing Appeal Committees and imposing upon him the duty of convening a meeting of the Committee within say one month of the presentation of the appeal. Failure to convene a meeting within the prescribed period may be made punishable with fine not exceeding Rs. 100—vide section 303 (3) of the District Municipalities Act.

Perhaps it may also be desirable to remove the Chairman from the Appeal Committee though he may have the right to address the Committee to elucidate his attitude in passing an order of punishment. If this is done, the Appeal Committee will consist of three unbiassed members; and any *two* of them may then be entrusted with the disposal of the appeal as suggested by Law (Drafting).

May a revision of the rules as outlined above be taken up?

N. RAMAYYA SASTRIYAR—24-6-27.

I am inclined to favour the proposal that the Chairman should *not* be a member of the Committee. Three members should be elected from the councillors excluding the Chairman. The Chairman should have the right to attend the meeting of the Committee and be heard, but should not vote.

C. B. COTTERELL—28-6-27.

I think the proposals of the Secretary are excellent and may be adopted.

P. S[UBBARAYAN]—6-7-27.

It need not issue apparently.
N.R.—13-7-27.

Orders are solicited as to the issue of draft demi-official—vide paragraph 3 of the note on page 3 ante.

2. Separate action will be taken to revise the rule as indicated in the Secretary's note above.

V.V.M.—8-7-27. B.A.—8-7-27.

Action may be taken in this file for the amendment of the rules.

N.R.—13-7-27.

A draft order and draft notification embodying the alterations proposed are put up for approval.

2. Subject to orders on the case, it is proposed to make one of the members of Committee its convener with reference to **A** on page 2 ante. Under the rules as originally issued in 1922, the councillor-member of the Committee was its convener.

3. The draft alterations in the rules have first to be published in the Gazette for information and submission of objections and criticisms with reference to section 305 of the District Municipalities Act. It does not seem necessary to invite the views of the Chairman of Municipal Councils individually.

4. The draft order and notification may first be sent to the Law (Drafting) Department for scrutiny.

V.V.M.—18-8-27. B. A.—27-8-27.

The *form* of the amendments to be made in the rules should first be considered and decided before a draft is put up. Please prepare sectional notes on rules 8 and 9 of the rules in question. Section 14 (*b*) of the Act should be borne in mind in this connexion.

The draft put up overlooks an amendment to rule 9 made last year.

N.R.—4-9-27.

From the Chairman, Municipal Council, Dindigul, No. 1674, *dated 30th August* 1927.

Sectional notes on rules 8 and 9 are put up in the pages following. The draft alterations, if accepted, may be sent to Law (Drafting) for scrutiny.

2. The Chairman, Municipal Council, Dindigul, proposes consolidation of all rules relating to appointment and punishment of municipal servants. This may be done after the amendments under consideration in this file have been confirmed.

Yes.
N.R.—2-10-27.

A

V.V.M.—20-9-27. B.A.—24-9-27.

A copy of rules 8, 9 and 10 as proposed to be amended is put up.

N.R.—22-11-27.

Where are the rules as they *now stand*? Type in half margin for amendment.

C.B.C.—23-11-27.

A copy of the rules 6 to 11 relating to appeals as they now stand is put up.

B.A.—25-11-27.

N.R.—26-11-27.

Omit the portions * of rules 8 and 9 which I have marked.

Add that the council in electing the three members shall elect one as Chairman. Also add that the Municipal Chairman shall have the right of attending meetings of the Committee to support his orders, if he so desires.

A

C. B. COTTERELL—28-11-27.

The draft additions made in rules 9 and 10 are for approval. If the amendments are approved, a draft order and notification will be put up.

N.S.R.—3-12-27.

2. If the rules are amended as above, there will be no definite provision in them as to whether it is necessary that all the members of the Committee should be present when an appeal is heard and disposed of. This is a point on which different opinions were expressed—cf. Law (Drafting) note on page 3 supra. It seems desirable that there should be some definite provision in the rules on this point.

3. As regards rule 10, which merely provides that where there is a difference of opinion the opinion of the majority shall prevail, some difficulties may arise in practical working. If only two members of the Committee attend and there is no agreement between them, there can be no opinion of the majority. The appeal will have apparently to be heard again at a subsequent meeting.

4. This opportunity may also be taken to state definitely to whom the appeal petitions should be addressed. It may happen that a Chairman against whose orders an appeal petition is presented delays or avoids passing on the appeal to the Chairman of the Committee for a time or until there is a change in the constitution of the Committee which is likely to uphold his order.

B

5. It is also for consideration whether any attempt should be made to prescribe a period within which appeals should be placed before the Committee and within which the Committee should pass orders thereon.

This seems desirable.
N.R.—12-12-27.

C

B.A.—6-12-27.

With reference to the Secretary's orders above and the suggestions at **B** and **C** above, which are considered in the sectional notes infra, amendments to the rules have been suggested in red ink in the copy. These are for consideration.

N. RAMAYYA SASTRIYAR—12-12-27.

Approved as far as they go. We have to provide a sanction for rule 12, and to provide for the case when the three members do not all attend.

For the latter we may perhaps rule that if all members do not attend the appeal should be decided by the Council at the next meeting. For the former a possible sanction would be the removal of the Committee Chairman. Examine please.

C.B.C.—12-12-27.

Item (1) *above.*—In the proposed rule 12 it is suggested that the *Chairman* of the Committee should convene meetings of the Committee within a month from the presentation of the appeal. Ordinarily, he has no interest in delaying the disposal of appeals preferred against the Chairman's order. In case sanction is considered necessary, it has to be considered what the penalty should be. For failure to call for a meeting the following are some of the courses open:—

(1) Resort to the provisions of section 339 of the Madras District Municipalities Act;

(2) by providing that he shall cease to be the Chairman of the Committee (this is suggested by the Secretary); and

(3) providing that the appeal shall be heard by another body, the whole council for example.

* (i) The words "including the Chairman" occurring in the first sentence of rule 8.
(ii) The words "other than the Chairman" and "their election" occurring in rule 9 (*a*).

2. It seems doubtful whether it is possible or desirable to have recourse to section 339. The default on the part of the Chairman of the Committee may not be wilful or caused by any malice and, moreover, it may not be desirable to place honorary public workers in this position.

It does not appear that this section can be invoked. It relates only to non-compliance with a notice, requisition or order *under* the Act *or any rule*.
N.R.—5-2-28.

3. It may be possible to adopt the second course. But the adoption of this course may not secure the object aimed at, viz., the early disposal of the appeal. Under rule 9 (*a*) of the proposed rules, the Council shall in electing the three members of the Appeal Committee elect one of them as Chairman. The vacancy caused by the lapse of the office of Chairman will apparently have to be filled by the Council by electing another Councillor as Chairman. This itself may take sometime and the new Chairman, will have to be given some time (presumably one month from the date of assumption of office) to call for the next meeting. The same considerations will arise even if the other members of the Committee are permitted to elect one among themselves as Chairman. The same procedure will have to be gone through in (the perhaps rare) cases of failure on the part of the Chairman elected for the second time.

Vide below.
N.R.—5-2-28.

4. The third course referred to above, namely, that the Council be made the authority for dealing with the appeal, does not also seem to be very desirable. It is likely that in a large body of Councillors, party feelings will claim precedence over interest of justice, and it seems undesirable that permanent executive staff should be made to depend on the whims and fancies of a large body of Councillors—cf. in this connexion notes on page 67 of G.O. No. 94, L. & M., dated 8th January 1924.

Not only that. A large body of councillors is obviously unsuitable as an appellate authority from an administrative stand point.
N.R.—5-2-28.

5. It seems desirable on the whole to leave matters as they are without providing for any special sanction. The position will undoubtedly be better than at present inasmuch as the matter is taken off the hands of the Chairman who is the authority inflicting punishments and as the chances of the elected Chairman of the Appeal Committee leaving the straight course are rarer than at present.

6. In regard to the question of procedure to be prescribed, when all the three members of the Committee are not present at the meeting, the absence of the third member will be felt acutely only in cases where the other two members take different views on an appeal, as under rule 10 of the proposed rules, the opinion of the majority has to prevail. The Law (Drafting) has, it may be noted, held that a provision for the opinion of the majority prevailing is no indication that a majority should always be possible. The question is whether if all the three members do not attend the appeal should be decided by the Council at the next meeting. Attention is invited to the notes on page 67 of G.O. No. 94, L. & M., dated 8th January 1924, in which a suggestion that the decision of the Committee in cases where it is not unanimous should be subject to the decision of the Municipal Council was not accepted. In view of this and of the reasons given in paragraph 4 above, it is for consideration whether it may be laid down that if all members do not attend the appeal should be disposed of at the next meeting of the Council. Municipal Councils are dilatory and particularly so when such personal questions are at issue. The question of sanction for failure on the part of the Council to pass orders at the next meeting has also to be considered.

Vide below.
N.R.—5-2-28.

7. Perhaps as was done in the case of the authority constituted to revise voters' lists for taluk board elections provision may be made for the election by the Council of a reserve member who may take the place of any member who is unable to attend a sitting or who is personally or otherwise interested—cf. rule 9 of the rules issued with G.O. No. 2296, L. & M., dated 20th June 1927.

This seems to be a needless complication.
N.R.—6-2-28.

B.A.—28-2-28.

Sanction for breach of proposed rule 12.—The removal of the Chairman of the Committee as suggested by Secretary seems to be the best form of sanctions, though some delay will occur in the disposal of appeals. Such delay is inevitable.

But the removal may be contingent on failure to convene a meeting of the Committee within two months from the presentation of an appeal.

The following may be added as rule 13 :—

"13. If a Chairman of the Committee fails to convene a meeting of the Committee within two months of the presentation of an appeal, he shall cease to hold office as member and Chairman. The Council shall thereupon make a fresh election of a member to the Committee and thereafter elect a Chairman from among the members of the Committee at its next meeting."

2. *Provision for cases where all the three members are not present.*—It does not appear that the Council as a whole can be relied upon as an efficient appellate authority.

Now that the Chairman is not to be a member of the Appeal Committee, it is sufficient if two members are present to hear an appeal. If these two differ, the Chairman's order of punishment may stand. If they agree, their decision will be effectual.

The contingency of only one member or no member being present at a meeting of the Appeal Committee need not perhaps be contemplated at present.

If the above suggestions are acceptable, rule 10 of the existing rules may be recast as follows :—

"10. (1) At least two members shall be present to hear and decide an appeal.

(2) The opinion of the majority of the members present shall prevail in the decision of an appeal.

(3) Where only two members are present to hear an appeal and there is difference of opinion between them on any point, the original order of the Chairman of the Municipal Council shall be deemed to stand in regard to that point."

3. Perhaps the present opportunity may be taken to lay down that when once an appeal is taken up, the Committee should go on sitting from day to day until the appeal is decided, without adjourning the sittings. This will avoid the pendency of part-heard appeals and the difficulties consequent on supervening obstacles to the progress of an appeal.

If this suggestion is accepted, it may be given effect to by an additional rule 14 in the following form :—

"When an appeal is taken up, the Committee shall sit from day to day without adjournment until the appeal is decided."

What will be the consequence if the above rule is not observed need not perhaps be considered at present. The rule is only intended to emphasize the fact that adjournment is not desirable.

4. Law (Drafting) may be consulted on the revised rules proposed.

N. RAMAYYA SASTRIYAR—5-2-28.

The defaulting Chairman had better go out altogether. I have made slight amendments. Otherwise I accept Assistant Secretary's note.

C. B. COTTERELL—7-2-28.

LAW (DRAFTING) DEPARTMENT.

As a revised copy of the amended rules was not put up, I have had some difficulty in ascertaining the amendments accepted by the Local Self-Government Department. I have, however, collected them together and appended my remarks in the form of sectional notes below.

C. GOVINDAN NAYAR—24-2-28.

P. SITARAMAYYA—25-2-28.

LOCAL SELF-GOVERNMENT (L. & M.) DEPARTMENT.

The rules as proposed to be amended in the notes on pages 1—6 ante, are shown in the sectional notes below. A draft order will be put up after orders are passed on the sectional notes.

2. After the amendments under consideration in this file have been settled, the consolidation of all the rules relating to appointment and punishment of municipal servants will be taken up—vide **A** on page 4 ante.

C.B.C.—1-3-28

S.P.—14-3-28. S.S.—14-3-28.

N. RAMAYYA SASTRIYAR—18-3-28.
C. B. COTTERELL—19-3-28.

Please see Secretary's orders on sectional notes and the redraft of rule 9 therein.

2. A draft order with a notification publishing the amendments to the rules is submitted. It is presumed that the amendments and additions alone need now be published, and that the final issue of the consolidated rules should be deferred until the amendments and additions are confirmed—vide **A** on page 4 ante and paragraph 2 on page 7 ante.

This is the intention.
N.R.—2-4-28.

S.P.—27-3-28. S.S.—27-3-28.

Please type the draft as revised.

N.R.—2-4-28.

Typed and submitted.

The draft is for approval. Law (Drafting) may see the final form of the amendments before publication.

N.R.—2-4-28.

C.B.C.—3-4-28.

LAW (DRAFTING) DEPARTMENT

Amendment No. 1.—This may be recast as follows:—

"1. In rule 8 of the said rules—

(1) the first sentence shall be renumbered as sub-rule (1) of that rule and in that sub-rule as so renumbered—

(*a*) for the words "Standing Committee consisting of three members including the Chairman," the words "Standing Committee consisting of three other members" shall be substituted; and

(*b*) the following sentence shall be added at the end, namely:—

"The Chairman of the Municipal Council shall have the right of attending meetings of the Committee to support his orders, if he so desires."

(2) The second sentence shall be renumbered as sub-rule (2) of that rule."

Amendment No. 2 (i).—The alterations indicated on the draft may be made. No other remarks.

Amendment No. 2 (ii).—The addition proposed to clause (*b*) may be lettered as a separate clause (*c*). The alterations indicated on the draft may be made.

It may be noted that there is no provision for election to a casual vacancy in the office of Chairman arising by reason other than that of his ceasing to be a member, e.g., when a member resigns his Chairmanship only and not the membership.

Amendment No. 3.—In sub-rule (2) of rule 10, the words "when all the members of the Standing Committee are present" were inserted by this department in view of the wording of sub-rules (1) and (3) which refer to the presence of two members only. In those cases, no question of majority will arise as in the case under sub-rule (2). The latter part of the sub-rule, namely, "the appeal shall be decided in accordance with the opinion of such members or of the majority" follows the wording of section 98 (1) of the Civil Procedure Code. I do not think that the wording is either verbose or unhappy. On the other hand, it appears to be preferable to the draft suggested by Local Self-Government.

The alterations indicated on the draft may be made.

Amendment No. 4.—The alterations indicated on the draft may be made.

Amendments Nos. 5 *to* 7.—These may be combined into one as follows:—

"After rule 11 of the said rules, the following rules shall be added, namely:—

12.—

13.—

14.—."

The alterations indicated on the draft may be made.

C. GOVINDAN NAYAR—12-4-28.
P. SITARAMAYYA—14-4-28.

LOCAL SELF-GOVERNMENT (L. & M.) DEPARTMENT.

The modifications suggested by Law (Drafting) may be accepted. A revised draft has been put up with the alterations suggested by Law (Drafting). The draft may now issue

S.P.—24-4-28. B.A.—3-5-28.

N. RAMAYYA SASTRI—6-5-28.
C. W. E. COTTON—7-5-28.

Issue and print the notes.

N.R.—9-5-28.

[Notes to G.O. No. 2068, L. & M., 9th May 1928.]

SECTIONAL NOTES.

Rules 1—5. * * * * * APPEALS.

Rule 6 *as it now stands.*

6. There shall be no right of appeal against any order of the Chairman inflicting a punishment of fine, but the Committee referred to in rule 8 may, if it deems fit, exercise a power of revision and modify or cancel such order.

LAW (DRAFTING) DEPARTMENT.

There has been no amendment to this rule. No remarks.

C.G.N.—24-2-28.
P.S.—25-2-28.

LOCAL SELF-GOVERNMENT DEPARTMENT.

No remarks.

S.P.—13-3-28. S.S.—14-3-28.

N.R.—18-3-28.
C. B. COTTERELL—18-3-28.

Rule 7 *as it now stands.*

7. Where a Government servant lent to a Municipal Council is punished with reduction or suspension otherwise than with the consent of Government, he shall have a right of appeal to Government.

LAW (DRAFTING) DEPARTMENT.

No amendment. No remarks.

C.G.N.—24-2-28.
P.S.R.—25-2-28.

LOCAL SELF-GOVERNMENT (L. & M.) DEPARTMENT.

No remarks.

S.P.—13-3-28. S.S.—13-3-28.

N. RAMAYYA SASTRI—18-3-28.
C. B. COTTERELL—18-3-28.

Existing rule 8.

8. A Municipal officer or servant other than an officer or servant referred to in sections 72 and 77 of the Madras District Municipalities Act, 1920, may appeal against the order of the Chairman, reducing, suspending, removing or dismissing him from service to a Standing Committee consisting of three members of the Council. A second appeal shall lie to Government in the case of an officer or servant whose salary is not less than Rs. 100 per mensem.

Explanation.—(*a*) The reduction of a Municipal employee from one permanent appointment to another on lower pay is a dismissal from the higher appointment within the meaning of this rule.

(*b*) The termination of a Municipal employee's service by the issue of a month's notice not on the ground that his services are no longer required but on the ground that he has been unsatisfactory in his work or conduct is a dismissal within the meaning of this rule.

(*c*) In the case of employees on probation under Municipal Councils the termination of their services during the period of probation does not amount to any punishment and there is therefore no right of appeal.

RULE 8.

Rule 8 *as proposed by Local Self-Government.*

8. A Municipal officer or servant other than an officer or servant referred to in sections 72 and 77 of the Madras District Municipalities Act, 1920, may appeal against the order of the Chairman, reducing, suspending, removing or dismissing him from service to a Standing Committee consisting of three members of the Council. A second appeal shall lie to Government in the case of an officer or servant whose salary is not less than Rs. 100 per mensem.

Explanation.—(*a*) The reduction of a Municipal employee from one permanent appointment to another on lower pay is a dismissal from the higher appointment within the meaning of this rule.

(*b*) The termination of a Municipal employee's service by the issue of a month's notice not on the ground that his services are no longer required but on the ground that he has been unsatisfactory in his work or conduct is a dismissal within the meaning of this rule.

(*c*) In the case of employees on probation under Municipal Councils, the termination of their services during the period of probation does not amount to any punishment and there is therefore no right of appeal.

LAW (DRAFTING) DEPARTMENT.

Although the appeal is against the order of the Chairman, the mere omission of the expression 'including the Chairman' at the end of the first sentence of the rule is not sufficient to carry out the intention that the Chairman should not be a member of the Standing Committee. The Chairman being a member of the Council will, *prima facie*, be qualified to be elected as a member of the Standing Committee. It is, therefore, desirable to make the intention to exclude him clear by inserting the word "other" between the words "three" and "members" as shown in the draft.

P

C. GOVINDAN NAYAR—24-2-28.
P. SITARAMAYYA—25-2-28.

LOCAL SELF-GOVERNMENT (L. & M.) DEPARTMENT.

The Secretary has noted in the general notes that the Chairman should not be a member of the Committee and that the three members of the Appeal Committee should be elected from the councillors *excluding the Chairman*. The amendment suggested by Law (Drafting) will secure that purpose. It may be accepted.

Yes.
N.R.—18-3-28.

S.P.—14-3-28. S.S.—14-3-28.

The amendment suggested at at **P** may be accepted.

N. RAMAYYA SASTRI—18-3-28.
C. B. COTTERELL—19-3-28.

Existing rule.

9. (*a*) The members of the Standing Committee shall be elected by the Municipal Council in November in each year and shall serve on the Committee for a period of one year commencing from the 15th November.

(*b*) For any vacancy in the office of a member of the Standing Committee arising in the course of the year either on account of the member ceasing to be a councillor or otherwise, a fresh election shall be made by the Council; and such member shall be entitled to hold office duly up to the 14th November following.

Rule 9 *as proposed by Local Self-Government.*

9. (*a*) The members of the Standing Committee shall be elected by the Municipal Council in November in each year and shall serve on the Committee for a period of one year commencing from the 15th November following.

The Council shall, in electing the three members, elect one of them as Chairman of the Committee.

(*b*) For any vacancy in the office of a member of the Standing Committee arising in the course of the year either on account of the member ceasing to be a councillor or otherwise, a fresh election shall be made by the Council, and such member shall be entitled to hold office only up to the 14th November following.

Explanation.—The Chairman of the Municipal Council shall have the right of attending meetings of the Committee to support his orders, if he so desires.

LAW (DRAFTING) DEPARTMENT.

Clause (*a*).—Under the rule, as it stands, the election to the Standing Committee is to be in November. No date is specified. But the period of membership of one year is fixed to commence from "the 15th November following." The intention, therefore, seems to be that the election should take place on or before the 14th November—see also rule 9 (*b*). This may be stated so in the rule itself instead of leaving it vague. As no specific date is mentioned for the election in November, there is also the possibility of its being held after the 15th, in which case the provision about the commencement of membership (which is specified) would become unintelligible. The words "on or before the 14th November" may be substituted for the words "in November" in clause (*a*) of the rule.

A

The expression "*when* electing the three members" seems to be preferable to "*in* electing the three members" in the second paragraph of rule 9 (*a*).

B

2. *Clause* (*b*).—This clause merely provides for filling up the vacancy of a *member* of the Standing Committee. If the Chairman of the Standing Committee vacates his membership, is the member elected in his stead necessarily to be the *Chairman* of the Standing Committee? Is it not open to the Council to elect one of the other two continuing members of the Standing Committee, the Chairman thereof while electing a member in the place of the ex-Chairman? Perhaps the intention is that the Council should first elect a *member* to fill up the vacancy and then elect a *Chairman* from among the members of the Committee at the same meeting or later—see the provision in rule 13. It is necessary to insert a clear provision on the point in this rule also.

C

3. The explanation newly appended to rule 9 (*b*) seems to be out of place and is not in reality an "explanation." It may be inserted as the second sentence in rule 8, which deals with the appeals and the constitution of the Standing Committee. The heading "Explanation" may, of course, be omitted. Another alternative is to make it a separate rule by itself and place it after rule 8.

4. Having regard to clause (3) of rule 10, it is essential to secure the presence of all the three members of the Standing Committee when hearing appeals. If only two members are present and they disagree, the appeal becomes practically infructuous.

Hence, the necessity to safeguard against the absence of the members. This may be done by inserting a provision to the effect that failure to attend a particular number of meetings will unseat a member. It is for Local Self-Government to consider this aspect of the matter.

C. GOVINDAN NAYAR—24-2-28.

P. SITARAMAYYA—25-2-28.

LOCAL SELF-GOVERNMENT (L. & M.) DEPARTMENT.

Clause (*a*).—The amendments suggested by Law (Drafting) at **A** and **B** may be accepted.

Vide below.
N.R.—18-3-28.

2. *Clause* (*b*).—With reference to the note of Law (Drafting) at **C** the following may be added at the end of clause (*b*) :—

" If the member who vacated his seat on the Committee was also the Chairman of the Standing Committee the vacancy shall be filled in the manner prescribed in rule 13."

Vide below.
N.R.—18-3-28.

3. *Paragraph* 3 *of Law* (*Drafting*) *note*.—The explanation newly appended to rule 9 (*b*) may be made a separate rule by itself and numbered as rule 8-A, or it may be added as a second sentence of rule 8.

4. *Paragraph* 4 *of Law* (*Drafting*) *note*.—The following may perhaps be inserted as clause (*c*) of rule 9 :—

" A member of the Standing Committee shall cease to hold his office if he fails to attend two consecutive meetings of the Committee."

Not necessary.
N.R.—18-3-28.

S.P.—14-3-28. S.S.—14-3-28.

A *ante*.—The simplest amendment would seem to be to omit the words " following their election " occurring at the end of rule 9 (*a*). This will avoid questions of legality of elections held after the 14th November and at the same time ensure that, whatever be the date of the actual election, the term of the member elected will be only one year from the 15th November.

2. **B** *ante*.—This is a minor amendment which may be accepted.

3. **C** *ante*.—The following may be added at the end of rule 9 (*b*) :—

" If the member who vacated his seat was also the Chairman of the Standing Committee, an election of a Chairman shall be held as soon as possible after a new member has been elected."

4. *Paragraph* 3 *of Law* (*Drafting*) *note*.—The new explanation may be made the second sentence of rule 8 as suggested.

The existing second sentence of the rule relating to second appeals to Government may be numbered as a separate sub-rule (2).

5. *Paragraph* 4 *of Law* (*Drafting*) *note*.—The matter has been fully discussed already. No further amendment seems called for as suggested.

N. RAMAYYA SASTRI—18-3-28.

Re-draft, please.

C. B. COTTERELL—18-3-28.

Please see a re-draft of the rule.

N.R.—2-4-28.

S.P.—27-3-28. S.S.—27-3-28.

Rule 9 *as now proposed.*

9. (*a*) The members of the Standing Committee shall be elected by the Municipal Council in November in each year and shall serve on the Committee for a period of one year commencing from the 15th November.

The Council shall, when electing the three members, elect one of them as Chairman of the Committee.

(*b*) For any vacancy in the office of a member of the Standing Committee arising in the course of the year either on account of the member ceasing to be a councillor or otherwise, a fresh election shall be made by the Council, and such member shall be entitled to hold office only up to the 14th November following.

If the member who vacated his seat was also the Chairman of the Standing Committee, an election of a Chairman shall be held as soon as possible after a new member has been elected.

N. RAMAYYA SASTRI—2-4-28.

8.8.—27-3-28.

Existing rule 10.

10. When there is difference of opinion amongst the members of the Appeal Committee, the opinion of the majority shall prevail.

Rule 10 *as proposed by Local Self-Government.*

10. (1) At least two members shall be present to hear and decide an appeal.

(2) The opinion of the majority of the members present shall prevail in the decision of an appeal.

(3) Where only two members are present to hear an appeal and there is difference of opinion between them on any point, the original order of the Chairman of the Municipal Council shall be deemed to stand in regard to that point.

LAW (DRAFTING) DEPARTMENT.

Clauses (1) *and* (2) *of this rule* may run thus :

" (1) No appeal shall be decided unless at least two members of the Standing Committee are present.

(2) When all the members of the Standing Committee are present, the appeal shall be decided in accordance with the opinion of such members or of the majority."

C. GOVINDAN NAYAR—24-2-28.

P. SITARAMAYYA—25-2-28.

LOCAL SELF-GOVERNMENT (L. & M.) DEPARTMENT

The re-draft of clauses (1) and (2) proposed by Law (Drafting) may be accepted. Draft of clause (3) may stand.

S.P.—14-3-28. S.S.—14-3-28.

The re-draft of clause (2) proposed by Law (Drafting) does not appear to be happily phrased and is more verbose than necessary. The following seems better, if a change is needed at all :—

" Every appeal shall be decided in accordance with the opinion of the majority of the members present."

N.R.—18-3-28.

C. B. COTTERELL—18-3-28.

RULE 11.

Existing Rule.

11. No appeal under these rules shall be entertained unless preferred within one month from the date of receipt of the order appealed against.

All appeals shall be submitted to the Chairman of the Appeal Committee through the Chairman of the Municipality concerned.

LAW (DRAFTING) DEPARTMENT.

The words "Standing Committee" may be substituted for the words "Appeal Committee" in the second paragraph of the above rule.

C. GOVINDAN NAYAR—24-2-28.
P. SITARAMAYYA—25-2-28.

LOCAL SELF-GOVERNMENT (L. & M.) DEPARTMENT.

The amendment proposed by Law (Drafting) may be accepted.

S.P.—14-3-28. S.S.—14-3-28.

No. It is proposed to replace the second sentence of the rule by the new rule 12 proposed infra. In any case the words within brackets should go out.

N. RAMAYYA SASTRI—18-3-28.

New rule proposed by Local Self-Government.

12. All appeals shall be submitted to the Chairman of the Committee who shall convene a meeting of the Committee within a month from the date of presentation of an appeal, notice of the meeting being given to the Chairman of the Municipal Council.

LAW (DRAFTING) DEPARTMENT.

The portion of the rule to the effect that "all appeals shall be submitted to the Chairman of the Committee" is a repetition of the provision in the second paragraph of rule 11 and may be omitted. The rule does not provide for issue of notice of the date of hearing of appeal to the appellant. Without such notice, he may not have an opportunity to support the appeal. It would seem to be desirable to give him the opportunity, especially as the Chairman is allowed to attend the meetings to support his orders. On the above basis, the rule may be recast thus:

No. It is intended to omit the second paragraph of rule 11.

N.R.—18-3-28.

"The Chairman of the Standing Committee shall convene a meeting thereof within one month from the date of the presentation of an appeal of which due notice shall be given to the appellant and to the Chairman of the Municipal Council."

If it is intended to specify the period of notice, "three clear days' notice" or "two clear days' notice," etc., may be inserted instead of "*due* notice."

C.G.N.—24-2-28.
P.S.R.—25-2-28.

LOCAL SELF-GOVERNMENT (L. & M.) DEPARTMENT.

With the insertion of the words "All appeals shall be submitted to" at the beginning and the word "who" before "shall convene."

N.R.—15-3-28.

The re-draft proposed by Law (Drafting) may be accepted. The words "three days' notice" may be substituted for the words "due notice" in the re-draft of the rule suggested by Law (Drafting).

S.P.—14-3-28 S.S.—14-3-28.

Yes. Three days' notice may be provided for.

N.R.—18-3-28.

Yes, and the whole of the second part of section 11 can go.

C. B. COTTERELL—19-3-28.

New rule proposed by Local Self-Government.

13. If a Chairman of the Committee fails to convene a meeting of the Committee within two months of the presentation of an appeal, he shall cease to hold office as member and Chairman. The Council shall thereupon make a fresh election of a member to the Committee and thereafter elect a Chairman from among the members of the Committee at its next meeting.

LAW (DRAFTING) DEPARTMENT.

Rule 12 gives the Chairman one month's time to convene a meeting, while this rule impliedly allows him two months. The existence of this provision practically nullifies the mandatory character of the previous rule. It is desirable that both the rules should fix the same period for convening the meeting. In this view, for the

B words "within two months of the presentation of an appeal," the words "as provided in rule 12" may perhaps be substituted.

The words "at its next meeting" occurring at the end may be inserted after the

C words "to the Committee" and the words "so constituted" may be added at the end as indicated in the draft above.

C. GOVINDAN NAYAR—24-2-28.
P. SITARAMAYYA—25-2-28.

LOCAL SELF-GOVERNMENT (L. & M.) DEPARTMENT.

The amendments suggested by Law (Drafting) may be accepted.

S.P.—14-3-28. S.S.—14-3-28.

The period of two months was purposely allowed in this rule in order to avoid, as far as possible, too frequent changes in the chairmanship of the Committee. If it is considered that the period should be the same in rules 12 and 13, the amendment suggested at **B** above may be accepted as preferable to the alteration of "one month's" into "two months'" in rule 12, which will have the effect of causing needless delay in convening the meeting.

C.B.C.

The amendments suggested at **C** above may be accepted.

N. RAMAYYA SASTRI—18-3-28.
C. B. COTTERELL—19-3-28.

New rule proposed by Local Self-Government.

14. When an appeal is taken up, the Committee shall sit from day to day without adjournment until the appeal is decided.

LAW (DRAFTING) DEPARTMENT.

The proposed rule does not provide for adjournments even for good and sufficient reasons, nor does it allow of the decision being reserved. If it is considered necessary to provide for these contingencies, the rule may be recast as follows:—

"When the hearing of an appeal has once begun, it shall be continued from day to day until it is completed unless the Committee finds the adjournment of the hearing beyond the following day to be necessary."

It is on the lines of the proviso to Order XVII, rule 1 (2), Civil Procedure Code.

Although it may not be *illegal* to do business on a holiday, it is not quite regular to do so. See Mr. Fazl-ud-din's opinion dated 9th May 1925. It is the intention that the appeal should be heard on holidays also and not merely on *working days*? In any event, it is better to make the intention clear by inserting the necessary provision in the rule itself.

C.G.N.—24-2-28.
P.S.R.—25-2-28.

LOCAL SELF-GOVERNMENT (L. & M.) DEPARTMENT.

The Law (Drafting) Department state that the re-draft of rule 14 is on the lines of the proviso to Order XVII, rule 1 (2), Civil Procedure Code. The re-draft may be accepted.

2. If it is considered however, necessary, to insert a provision in the rule that the appeal need not be heard on holidays, the words "holidays and Sundays being excepted" may perhaps be inserted after the words "from day to day."

S.P.—14-3-28. S.S.—14-3-28.

It does not seem necessary to complicate the rules by introducing a reference to holidays as suggested by Law (Drafting). Even supposing that holidays are declared to be prohibited days for the transaction of business, the question will apparently still arise whether business actually transacted on those days will be illegal or only irregular.

"Except for Sundays and holidays" can be added after "adjournment."

C.B.C.—19-3-28.

N. RAMAYYA SASTRI—18-3-28.

C. B. COTTERELL—19-3-28.

LOCAL AND MUNICIPAL (LEGISLATIVE) DEPARTMENT.

NOTES CONNECTED WITH G.O. Nos. 41-42, L. AND M. (LEGISLATIVE), DATED 9TH APRIL 1919.

[SUBJECT.—*The Madras City Municipal Bill.*]

The Government of India have approved the introduction of the measure with the omission of clause 146 relating to terminal tax on railway passengers. With this omission and a few other consequential alterations, the Bill has been published in English and vernaculars (Tamil, Telugu and Hindustani) on the 23rd instant. By 10th August, the three months' period fixed in proviso to rule 4 of the Government of India's instructions shall have expired. The Bill is therefore ready for introduction at the next Council meeting. Obviously, it will be necessary to refer the Bill to a Select Committee for report.

2. A notice of motion to be given by the Hon'ble Diwan Bahadur P. Rajagopala Achariyar Avargal, C.I.E., Member in charge of the Bill, is submitted. It may be submitted to the Honourable Member for favour of signature.

C.V.R.—28-7-18.

V. T. KRISHNAMA ACHARI—28-7-18.

The composition of the Select Committee for the City Municipal Bill will need consideration. Presumably Messrs. Ranga Achariyar and Yaqub Hasan and Sir Gordon Fraser will be members, as also the new member whom the Trades Association have to elect in place of Mr. Higginbotham who has resigned.

A suggestion was made some time ago that it might be advisable to nominate one or two experts as members of the Council under Regulation I (2) on page 123 of the Council Manual. It is doubtful however whether any one who can be called an expert is now available. Under rule 44 of the Business rules, on page 93 of the Manual, a Select Committee may, for the purpose of obtaining information, invite any person to be present at its sittings.

R. A. GRAHAM—29-7-18.

I have signed the notices. Let me see the file back again please so that I may note on the personnel of the Select Committee for the City Bill.

P. R[AJAGOPALA ACHARIYAR]—1-8-18.

Letter—from the Hon'ble Diwan Bahadur P. RAJAGOPALA ACHARIYAR Avargal, C.I.E., Member of Council.

To—the Secretary to the Madras Legislative Council.

Dated—the 1st August 1918.

Under rule 23 of the rules for the conduct of business at meetings of the Madras Legislative Council I hereby give you notice that at the meeting of the Council to be held on the 13th August 1918 I shall, under rule 34, introduce the Madras City Municipal Bill, 1918, and move that it be read in Council.

The notice has been entered in the preliminary agenda paper which issues today (2nd August 1918—ten clear days before the date of the meeting).

2. The file may now be resubmitted to the Honourable Member for orders in regard to the composition of the Select Committee.

C.V.R.—2-8-18.

V. T. KRISHNAMA ACHARI—2-8-18.

R. A. GRAHAM—2-8-18.

I propose that the Select Committee should consist of—

(1) The Hon'ble Mr. Aziz-ud-din Sahib.
(2) The Hon'ble Mr. T. Ranga Achariyar.
(3) The Hon'ble the Rev. G. Pittendrigh.
(4) The Hon'ble Mr. Yaqub Hasan Sahib.
(5) The Hon'ble Sir Gordon Fraser.
(6) The Hon'ble Mr. J. H. Thonger.
(7) The Hon'ble Mr. T. Richmond.
(8) The Hon'ble Sir Francis Spring.
(9) The Hon'ble the Advocate-General.
(10) The Hon'ble Mr. R. A. Graham.
(11) Myself.

I shall be glad to know if His Excellency approves the personnel proposed for the Committee. Please circulate to His Excellency sharp.

P. R[AJAGOPALA ACHARIYAR]—3-8-18.

His Excellency the Governor.

R.A.G.—3-8-18.

P[ENTLAND]—4-8-18.

The file may now be resubmitted to the Honourable Member (Local and Municipal).

C.V.R.—5-8-18.

V.T.K.—5-8-18.

R.A.G.—5-8-18.

Thanks.

P. R[AJAGOPALA ACHARIYAR]—6-8-18.

The Select Committee on the City Municipal Bill consists of Messrs. Aziz-ud-din, Ranga Achariyar, Ramanuja Achariyar, Yaqub Hasan, Thonger, Richmond, Subbarayalu Reddiyar, and Sir G. Fraser, with the Hon'ble Mr. Rajagopala Achariyar, the Advocate-General and myself.

Please issue notices to all of them to-day that the first meeting of the Committee will be at 4 p.m. on Monday the 23rd September.

R.A.G.—15-8-18.

A draft demi-official is submitted for approval.

C.S.—15-8-18.

V.T.K.—15-8-18.

Demi-official—from the Hon'ble Mr. R. A. GRAHAM, I.C.S., Acting Secretary to Government, Local and Municipal (Legislative) Department.

To—
- the Hon'ble Diwan Bahadur P. RAJAGOPALA ACHARIYAR Avargal, C.I.E.
- the Hon'ble Mr. S. SRINIVASA AYYANGAR.
- the Hon'ble Mr. R. A. GRAHAM.
- the Hon'ble Khan Bahadur Muhammad AZIZ-UD-DIN HUSAIN SAHIB Bahadur, C.I.E., I.S.O.
- the Hon'ble Mr. T. RANGA ACHARIYAR.
- the Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR Avargal.
- the Hon'ble YAKUB HASAN SAHIB Bahadur.
- the Hon'ble Mr. J. H. THONGER.
- the Hon'ble Mr. T. RICHMOND.
- the Hon'ble Diwan Bahadur A. SUBBARAYALU REDDIYAR Avargal.
- the Hon'ble Sir Gordon FRASER, *Kt.*

Dated—the 15th August 1918.
No.—1826 A-1.

I am directed to inform you that the first meeting of the Select Committee on the Madras City Municipal Bill, 1918, will be held at the Council Chamber, Fort St. George, at 4 p.m. on Monday the 23rd September 1918.

Please put up a demi-official to Mr. Molony, asking him to attend the meetings of the Select Committee and informing him that the first meeting will be at 4 p.m. on Wednesday the 25th.

R. A. GRAHAM—23-9-18.

A draft demi-official is submitted for approval.

C.S.—23-9-18.

R.A.G.—23-9-18.

Demi-official—from the Hon'ble Mr. R. A. GRAHAM, I.C.S., Acting Secretary to Government, Local and Municipal (Legislative) Department.
To—J. C. MOLONY, Esq., I.C.S., President, Corporation of Madras.
Dated—the 23rd September 1918.
No.—2028-1.

I am directed to ask you to be so good as to attend the meetings of the Select Committee on the Madras City Municipal Bill. The first meeting will be held at 4 p.m. on Wednesday the 25th instant at the Executive Council Chamber, Fort St. George.

Letter—from the Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR Avargal, Non-official Additional Member of the Madras Legislative Council.
To—the Secretary to the Legislative Council, Madras.
Dated—the 30th August 1918.

In connexion with the Madras City Municipality Bill, under the consideration of the Select Committee, please send me, if available, a copy of the Bill printed side by side with the existing Act. This will be very useful and will facilitate reference.

The Additional Member wants a copy of the Madras City Municipal Bill printed side by side with the existing Act. Submitted that no such copies have been printed, but copies of the *Bill* with references to the sections of the existing Act are available and can be spared.

2. A draft letter is submitted for approval.

3. With reference to the orders of the Under Secretary a draft letter forwarding copies of the Bill to the other Additional Members of the Select Committe is also submitted.

T.S.R.—6-9-18.

C.S.—6-9-18.

N. CHENGAL RAO—6-9-18.

V. T. KRISHNAMA ACHARI—10-9-18.

Letter—from M.R.Ry. Rai Sahib V. T. KRISHNAMA ACHARIYAR Avargal, Under Secretary to Government, Local and Municipal (Legislative) Department.
To—the Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR Avargal, Non-official Additional Member of the Madras Legislative Council.
Dated—the 10th September 1918.
No.—1921-1.

In reply to your letter of the 30th ultimo, I am directed to forward a copy of the Madras City Municipal Bill printed in half-margin and containing references to the corresponding sections of the Madras Act and the Acts of other provinces where necessary.

Demi-official—from M.R.Ry. Rai Sahib V. T. KRISHNAMA ACHARIYAR Avargal, Under Secretary to Government, Local and Municipal (Legislative) Department.

To—
- the Hon'ble Mr. S. SRINIVASA AYYANGAR.
- the Hon'ble Khan Bahadur MUHAMMAD AZIZ-UD-DIN HUSSAIN SAHIB Bahadur, Khan Bahadur, C.I.E., I.S.O.
- the Hon'ble Mr. T. RANGA ACHARIYAR.
- the Hon'ble YAQUB HASAN SAHIB Bahadur.
- the Hon'ble Mr. J. H. THONGER.
- the Hon'ble Mr. T. RICHMOND.
- the Hon'ble Diwan Bahadur A. SUBBARAYALU REDDIYAR Avargal.
- the Hon'ble Sir GORDON FRASER, *Kt.*

Dated—the 10th September 1918.
No.—1921–2.

I am directed to forward for your use at the Select Committee on the Madras City Municipal Bill, 1918, a copy of the Bill printed in half-margin and containing references to the corresponding sections of the existing Act.

Demi-official—from the Hon'ble Diwan Bahadur P. RAJAGOPALA ACHARIYAR Avargal, C.I.E., Member of Council.
To—the Hon'ble Mr. H. G. STOKES, C.I.E., I.C.S., Acting Secretary to Government, Local and Municipal (Legislative) Department.
Dated—the 9th December 1918.

You are no doubt aware that the Select Committee on the City Municipal Bill will meet at 11 a.m. on Saturday next. It would be well to send a circular round to all members reminding them of the fact. Also please see that proof copies of the Bill, with all amendments made up to date embodied therein, are issued to members so as to reach them before Thursday evening. It will be convenient if they have the copies with them for at least a whole day so that they may come prepared for their work on Saturday morning.

Demi-official—from the Hon'ble Mr. H. G. STOKES, C.I.E., I.C.S., Acting Secretary to Government, Local and Municipal (Legislative) Department.

To—
- the Hon'ble Khan Bahadur MUHAMMAD AZIZ-UD-DIN HUSSAIN SAHIB Bahadur, C.I.E., I.S.O.
- the Hon'ble Mr. S. SRINIVASA AYYANGAR.
- the Hon'ble Mr. R. A. GRAHAM, I.C.S.
- the Hon'ble Mr. T. RANGA ACHARIYAR.
- the Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR Avargal.
- the Hon'ble YAQUB HASAN SAHIB Bahadur.
- the Hon'ble Mr. J. H. THONGER.
- the Hon'ble Mr. T. RICHMOND.
- the Hon'ble Diwan Bahadur A. SUBBARAYALU REDDIYAR Avargal.
- the Hon'ble Sir GORDON FRASER, *Kt.*
- J. C. MOLONY, Esq., I.C.S.

Dated—the 10th December 1918.
No.—2719–1, Legislative.

I am directed to remind you that the next meeting of the Select Committee on the Madras City Municipal Bill will be at 11 a.m. on Saturday the 14th instant. Your attendance is specially requested.

2. I am to enclose a proof copy of the Bill as amended up to date by the Select Committee.

Select Committee's report on the Madras City Municipal Bill with amended Bill furnished to the Honourable Members of the Legislative Council under No. 47 of the rules for the conduct of business at meetings of the Council of the Governor of Fort St. George for making Laws and Regulations.

T.S.R.—18–1–19.
C.S.—18–1–19.

L. A. CAMMIADE—18–1–19.

Letter—from the Hon'ble YAQUB HASAN SAHIB Bahadur, Additional Member of the Madras Legislative Council.
To—the Hon'ble Mr. H. G. STOKES, C.I.E., I.C.S., Acting Secretary to Government, Local and Municipal (Legislative) Department.
Dated—Madras, the 11th January 1919.

I beg to hand you herein enclosed a copy of 15 amendments which I wish to move in the Madras City Municipal Bill at the next sitting of the Legislative Council.

ENCLOSURE

The Madras City Municipal Bill.

The amendments to be moved by the Hon'ble Mr. Yaqub Hasan—

1. *Substitute* the following for clause (*a*) of section 5 (1) :—
(*a*) Thirty elected by thirty divisions of the City and six elected by six Muslim Divisions.

2. If the amendment No. 1 is not carried I move the following :—
In section 5 (1) after clause (*a*) *insert* the following as clause (*b*) :—
(*b*) Six elected Muslim divisional councillors.

3. If the amendment No. 2 is not carried I move that the following be substituted for clause (*e*) of section 5 (1) :—
(*e*) Six elected by Muslim community and three elected or appointed by such other classes of persons, associations or corporate bodies as the Governor in Council may by notification direct.

4. In section 5 (1), clause (*c*), *substitute* the word 'two' for the word "three".

5. In section 5 (1), clause (*d*), *substitute* the word 'three' for the word 'two'.

6 If any of the above amendments are carried *alter* the word 'fifty' in section 5 (1) accordingly.

7. In section 13 *substitute* 'Rs. 2,000' for 'Rs. 2,500.'

8. In section 45 after the words 'Divisional Councillors' *insert* the words 'and Muslim Councillors' and after the words 'thirty divisions' *insert* the words 'and six Muslim divisions.'

9. In section 46 *omit* the word 'divisional' and *insert* the words 'and Muslim division' after the words 'each division.'

10. In section 47 *insert* the following after the words 'each division', "and Muslim division, provided that the names of Mussalmans qualified to vote shall alone be entered in the lists for the Muslim divisions and they shall be omitted from the lists for the other divisions."

11. *Substitute* the following for section 49 :—
49. No person shall be included in the electoral roll as qualified to vote at the election for a division unless he has in the year preceding that in which the electoral roll is published—
(*a*) paid a property tax on a property situated in such division, or
(*b*) paid profession tax on a profession exercised by him in such division, or
(*c*) been duly authorized to vote by a company which has paid the tax as a company or by an association, the principal office of which company or association is situated in such division, or
(*d*) occupied a house in such division for not less than six months in such preceding year of an annual value of not less than sixty rupees.

12. If the amendment No. 11 is not carried out I move the following :—
In section 49 (1) the following words be deleted : "has resided in such division for one hundred and twenty days in the aggregate" and the words 'and either.'

13. *Omit* clause (i) of section 53 (1).

14. In section 90 *substitute* 'two hundred and fifty' for 'five hundred.'

15. *Omit* clause (*a*) of section 118.

A formal letter of acknowledgment is submitted.

2. It is submitted that the notice of amendments may be entered in the agenda paper for the February meeting of the Legislative Council at which it is proposed to present the report of the Select Committee to the Council.

3. A copy of the amendments may be sent to the Local and Municipal Department and the Hon'ble the Advocate-General. The Local and Municipal Department will no doubt inform the Honourable Member in charge of the Bill of the amendments proposed to be moved by the Additional Member. (For a precedent vide page 10 of notes to G.O. Nos. 48–49, dated 29th June 1917.)

T.S.R.—16–1–19.
C.S.—16–1–19.

L. A. CAMMIADE—16–1–19.
H. G. STOKES—17–1–19.

Letter—from the Hon'ble Mr. H. G. STOKES, C.I.E., I.C.S., Acting Secretary to Government, Local and Municipal (Legislative) Department.
To—the Hon'ble YAQUB HASAN SAHIB Bahadur, Additional Member of the Madras Legislative Council.
Dated—the 17th January 1919.
No.—78–1.

I am directed to acknowledge the receipt of the amendments to the Madras City Municipal Bill, forwarded with your letter of the 11th instant, which will receive due attention.

Letter—from the Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR Avargal, Non-official Additional Member of the Madras Legislative Council.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—Madras, the 18th January 1919.

I enclose a copy of the amendments to the Madras City Municipal Bill, 1918, which I propose to move at the meeting of the Legislative Council to be held on the 5th February 1919 and succeeding days.

ENCLOSURE

Amendments to be moved at the meeting of the Legislative Council to be held on the 5th February 1919 *and succeeding days.*

Madras City Municipal Bill, 1918:—

(1) *Clause* 18.—*Omit* the words 'in writing' in line 1.
(2) *Clause* 51.—*Omit* clause (*b*) and make consequential alterations by omitting the lettering of clause (*a*), and the word 'and' at its end.
(3) *Clause* 56, *sub-clause* (1).—For the figure '61' *read* '55'.
(4) *Clause* 80, *sub-clause* (1).—For the word 'they' in the second line *read* 'it'.
(5) *Clause* 106, *sub-clause* (1).—*Omit* the words 'in writing' in the sixth line.
(6) *Clause* 106, *sub-clause* (2).—*Omit* the word 'written' in the third line.
(7) *Clause* 202, *sub-clause* (4) (*a*).—For the figure '94' *read* 194.
(8) *Clause* 237.—*Omit* the word 'written' in the third line.
(9) *Clause* 238.—*Omit* the word 'written' in the fourth line.
(10) *Clause* 239, *sub-clause* (1).—*Omit* the word 'written' in the fourth line.
(11) *Clause* 240, *sub-clause* (2).—Before the words 'not prepared' in the second line *insert* the word 'is'.
(12) *Clause* 250.—*Omit* the word 'written' in the fourth line.
(13) *Clause* 251, *sub-clause* (1).—*Omit* the word 'written' in the fourth line.
(14) *Clause* 369.—For the first line of this clause *read* 'all orders made, notices issued and permissions granted.'
(15) *Schedule II, rule* 9 (1).—For the word 'their' in the first line *read* 'its'.
(16) *Schedule IV, rule* 18, *clause* (*a*).—For the figure '19' *read* '17'.
(17) *Schedule IV, rule* 23.—*Omit* the words 'in writing' in the first line.
(18) *Schedule IV, rule* 28, *clause* (*e*).—*Omit* the words 'in writing' in the first and fourth lines.

Submitted that the notice of the Additional Member is in time and the amendments may be entered in the agenda paper for the ensuing meeting at which it is proposed to present the report of the Select Committee to the Council.

2. Copies of the amendments may be sent to the Local and Municipal Department and the Hon'ble the Advocate-General. That department will no doubt inform the Honourable Member in charge of the Bill of the amendments given notice of by the Additional Member.

3. A draft letter of acknowledgment is submitted.

T.S.R.—20-1-19.
C.S.—20-1-19.

L. A. CAMMIADE—20-1-19.
H. G. STOKES—20-1-19.

Letter—from the Hon'ble Mr. H. G. STOKES, C.I.E., I.C.S., Acting Secretary to Government, Local and Municipal (Legislative) Department.
To—the Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR Avargal, Non-official Additional Member of the Madras Legislative Council.
Dated—Madras, the 21st January 1919.
No.—109-1.

I am directed to acknowledge the receipt of your letter of the 18th instant, forwarding certain amendments to the Madras City Municipal Bill and to state that it will receive due attention.

The report of the Select Committee on the Madras City Municipal Bill and the Bill as revised by the Committee were published in the *Fort St. George Gazette* of the 14th instant in English and vernaculars. Copies of the report and the Bill have also been furnished to the Honourable Members of the Legislative Council under rule 47 of the Business rules.

2. A notice of the motion which the Hon'ble Diwan Bahadur P. Rajagopala Achariyar (Member in charge of the Bill) has to make in presenting the Select Committee's report to the Council at the meeting to be held on the 5th February 1919 is put up. It may be submitted to the Honourable Member for signature.

3. For a precedent, please see page 8 of notes to G.O. Nos. 48-49, Local and Municipal (Legislative), dated 27th June 1917.

C.S.—20-1-19.

L. A. CAMMIADE—20-1-19.
H. G. STOKES—21-1-19.
P. R[AJAGOPALA ACHARIYAR]—22-1-19.

Letter—from the Hon'ble Diwan Bahadur P. RAJAGOPALA ACHARIYAR Avargal, C.I.E., Member of Council.
To—the Secretary to the Madras Legislative Council.
Dated—the 22nd January 1919.

Under rule 23 of the rules for the conduct of business at meetings of the Madras Legislative Council, I hereby give you notice that, at the meeting of the Council to be held on the 5th February 1919, I shall, under Rule 47, present to the Council the report of the Select Committee on the Madras City Municipal Bill, 1918, and move that the Bill and report be taken into consideration at once.

Letter—from the Hon'ble Rao Bahadur T. RANGA ACHARIYAR Avargal, Non-official Additional Member of the Madras Legislative Council.
To—the Hon'ble Mr. H. G. STOKES, C.I.E., I.C.S., Acting Secretary to Government, Local and Municipal (Legislative) Department.
Dated—Madras, the 20th January 1919.

I have the honour to enclose a copy of the amendments which I intend moving when the City Municipal Bill comes up for discussion.

Amendments to the City Municipal Bill, 1918.

Section 7.—*Add* a proviso as follows:—

"Provided that before making such appointment the Governor in Council shall call upon the Council to nominate not less than three persons for the purpose."

Section 13.—*Substitute* the figure '2,000' for '2,500' and *add* the following proviso:—

"Provided also that with the approval of the Council the monthly salary of the Commissioner who has held the appointment for a period of not less than three years may be raised by the Governor in Council to a sum not exceeding Rs. 2,500 per mensem."

Section 18.—*Omit* this section and renumber the succeeding sections up to 134 accordingly.

Section 42, *line* 8.—*Omit* the words 'or the Commissioner.'

Section 49, *clause* (1).—After the words 'unless' in the second line *add* as clause (*a*)—

"has paid in the year preceding that in which the electoral roll is published a tax mentioned in clause (*a*) of section 98 in respect of property in that division or"

omitting all the words from 'has' to 'either.'

Alter clause (*a*) to clause (*b*) and *insert* the words—

"has resided in such division for 120 days in the aggregate in such preceding year"

at the commencement of the clause and omit '(*a*)' after the words 'in clause' and also add at the end—

"or has graduated in the University of Madras, or".

Alter the existing clause (*b*) as clause (*c*), substituting the word 'division' for the word 'city' and altering the figure '60' to '120'.

Explanation 2—*Second line.*—*Alter* clause '(*b*)' to clause '(*c*)'.

Sub-section 2.—*Alter* clause '(*a*)' to clause '(*b*)'.

Section 49 thus amended will run as follows:—

49. (1) No person shall be included in the electoral roll as qualified to vote at the election for a division, unless he—

(*a*) has paid in the year preceding that in which the electoral roll is published a tax mentioned in clause (*a*) of section 98 in respect of property in that division or

(*b*) has resided in such division for 120 days in the aggregate in such preceding year and has paid in such preceding year any tax mentioned in clause (*b*) or (*c*) of section 98 or has graduated in the University of Madras or

(*c*) has for not less than six months in such preceding year occupied a house in the division of an annual value of not less than one hundred and twenty rupees.

Explanation 1.—A person shall be deemed to have made the payment required by clause (*a*) if he has paid the tax as sole mortgagee, tenant, guardian or executor, or as sole administrator or trustee, not being the Administrator-General or Official Trustee.

Explanation 2.—No person shall be deemed to occupy a house within the meaning of clause (*c*) unless he is paying or is liable to pay to the owner the rent thereof: nor shall more than one person be deemed to occupy the same house.

Explanation 3.—For the purposes of this sub-section no person shall be deemed to reside in more than one division.

(2) Any company or association which for the year preceding that in which the electoral roll ispublished has paid the tax mentioned in clause (*b*) of sub-section (1), shall be entitled to one vote in the division in which the principal office of such company or association is situated, such vote being given by the secretary of the company or association or some other person duly authorized in that behalf."

Section 63—*explanation—Line* 2.—*Substitute* the word 'regulations' for the word 'rules' and *omit* the words 'Governor in'.

Section 83.—*Alter* the full stop into a comma at the end of the section and *add* the following clause:—

"unless at the time of entering into the contract the parties had sufficient cause to believe that such limits would be exceeded."

Section 85.—In clause (*b*) of the proviso *insert* the words 'the Revenue Officer' after the words 'the Health Officer' and *substitute* the words 'twelve hundred' for the words 'fifteen hundred'.

Omit all the words after the word 'Rupees' and *substitute* the following words:—

"Provided that in the case of any of these officers who have held the appointment for not less than five years the monthly salary may be raised by the Council to a sum not exceeding Rupees fifteen hundred."

Section 90.—*Insert* the following as clause (*b*):—

"By the Standing Committee, if the maximum monthly salary of the officer exceeds Rs. 250 but does not exceed Rs. 500."

Alter the existing clause (*b*) to (*c*).

Section 91, *clause* 2.—After the words 'the Council' *insert* 'or the Standing Committee as the case may be' and *substitute* the word 'either' for the word 'that' before the word 'authority'.

And in the proviso after the word 'Council' *insert* the words 'or the Standing Committee as the case may be.'

Section 91, *clause* (3).—After the words 'at the instance of' *insert* the words 'the President.'

Section 98.—*Insert* as clause (*h*) after clause (*g*) the words:—

"a duty not exceeding half a per cent on the value of all goods brought within the city by sea"

and *alter* clause (*h*) into (*i*).

Section 99, *clause* (2).—After the words 'section 102' *add* the following words 'and subject to a maximum of twenty per cent in all.'

Add as proviso to clause (3):—

"Provided that in cases where the property is wholly occupied by the owner the valuation so determined shall not be subject to revision within seven years of such determination."

Section 104.—*Add* the following as proviso to the section:—

"Provided that where the assessed premises, or roads, or bridges in the occupation of a tramway or telephone company the property tax, if any, shall be paid in the manner provided above, by such company."

Section 134.—After section 134 which will be 133 after renumbering, *insert* the heading 'Duty on goods' and add the following as section 134:—

"The Governor in Council may make rules not inconsistent with the Act for regulating the collection of the duty mentioned in clause (*h*) of section 98, and pay them to the Corporation after deducting the expenses incurred, if any, by the Government or by the Madras Port Trust in the collection thereof."

Section 169, *line* 2.—*Omit* 'at his discretion.'

Section 169, *explanation clause* (*b*).—*Insert* the word 'churches' after the word 'temples.'

Section 215.—After the word 'roads' in line 5 and before the word 'giving' *insert* the words:—

'of such width and dimensions as the Standing Committee may be general or special order prescribe.'

Section 260, *clause* (1), *line* 4.—After the word 'owner' and before 'to' *insert* the words 'person having control.'

Section 394, *clause* (2).—*Add* the words 'fine or' before 'costs.'

Section 400.—*Omit* the whole section; or if that is not carried, *substitute* the words 'one year' in clause (2) for 'three years' and add also a proviso:—

"That no such suit shall be instituted unless it is recommended by a resolution of the Council passed at a special meeting called for the purpose and supported by the votes of not less than thirty-three councillors."

A draft letter of acknowledgment is submitted for approval.

2. There seems to be no objection to the notice being entered in the agenda paper for the meeting of 5th February, when the Bill is to come up for discussion.

3. A copy of the amendments may be sent to the Local and Municipal Department and the Hon'ble the Advocate-General. The Local and Municipal Department will no doubt inform the Honourable Member in charge of the Bill of the amendments proposed to be moved by the Additional Member.

T.S.R.—22-1-19.
C.S.—22-1-19.

L. A. CAMMIADE—22-1-19.
H. G. STOKES—22-1-19.

Letter—from the Hon'ble Mr. H. G. STOKES, C.I.E., I.C.S., Acting Secretary to Government, Local and Municipal (Legislative) Department.
To—the Hon'ble Rao Bahadur T. RANGA ACHARIYAR Avargal, Non-official Additional Member of the Madras Legislative Council.
Dated—the 23rd January 1919.
No.—139.

I am directed to acknowledge the receipt of your letter of the 20th instant, forwarding certain amendments to the Madras City Municipal Bill, and to state that it will receive due attention.

Letter—from the Hon'ble Mr. A. S. KRISHNA RAO PANTULU, Non-official Additional Member of the Madras Legislative Council.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—the 22nd January 1919.

I have the honour to give notice that I wish to propose the amendments specified in the list annexed hereto, when the Madras City Municipal Bill, 1918, and the report of the Select Committee thereon, are taken into consideration.

ENCLOSURE

Madras City Municipal Bill, 1918—*list of amendments.*

Clause 5 (1).—(*a*) *Substitute* 'thirty-two' for 'thirty.'

(*e*) *Substitute* 'five' for 'seven.'

Clause 8 (2).—*Substitute* 'thirty' for 'thirty-three.'

Clause 45—*Substiute* 'thirty-two' for 'thirty.'

Clause 49 (1).—*Add* the following after the words sixty rupees 'occurring in sub-clause (*b*):—

or (*c*) he is a graduate of some University in His Majesty's dominions."

Clause 51.—*Omit* the following words:—

"and such person is of the male sex"

Clause 96, (1) proviso.—*Substitute* 'fifty' rupees for 'one-hundred rupees,' and omit the following words at the end of the proviso 'for a period of more than three months.'

Clause 98.—*Add* the following at the end of the clause :—

"and (i) a terminal tax on railway passengers."

Clause 99 (2).—At the end of 99 (2) *add* the following proviso :—

"provided that the consolidated rate shall not exceed 20 per centum of the said annual value and shall not be less than 15 per centum of such value except in virtue of local exemptions granted under proviso (*a*) to section 102."

Clause 137.—After clause 137 *add* the following as clause 137 (*a*) :—

(1) The terminal tax on railway passengers shall be levied on the tickets of all passengers travelling by rail from any place more than 15 miles from the boundary of the city to any railway station in the city.

(2) The rates at which the tax should be levied on each class of ticket shall be determined by the Council, provided always that they shall not exceed the maxima laid down in part IV (*a*) of schedule 4.

(3) The tax shall be collected as a surcharge on fares by the administration of the railway, by which the passengers are carried.

(4) The Governor in Council may make rules not inconsistent with this Act, regulating the collection of the tax, the payment thereof to the Corporation and the deduction of any expenses incurred by railway administrations to the collection thereof.

Schedule IV, part 4.—After schedule IV, part 4, *add* the following as part IV (*a*) :—

The terminal tax on railway passengers shall be levied on their tickets at rates not exceeding those shown in the following table :—

For first-class tickets, single	2 annas.
For second or intermediate class, single	1 anna.
For third-class tickets, single	6 pies.

The notice given by the Additional Member is in time and may be entered in the agenda paper for the next meeting.

2. A copy of the amendments may be forwarded to the Local and Municipal Department and the Hon'ble the Advocate-General. The Local and Municipal Department will no doubt inform the Honourable Member in charge of the Bill of the amendments given notice of by the Additional Member.

3. A draft letter of acknowledgment is submitted for approval.

T.S.R.—24–1–19.

C.S.—24–1–19.

L. A. CAMMIADE—27–1–19.

Letter—from L. A. CAMMIADE, Esq., Under Secretary to Government, Local and Municipal (Legislative) Department.
To—the Hon'ble A. S. KRISHNA RAO PANTULU, Non-official Additional Member of the Madras Legislative Council.
Dated—the 27th January 1919.
No.—160–1.

I am directed to acknowledge the receipt of your letter of the 22nd instant, forwarding certain amendments to the Madras City Municipal Bill, and to state that it will receive due attention.

Letter—from the Hon'ble Rao Bahadur T. RANGA ACHARIYAR Avargal, Non-official Additional Member of the Madras Legislative Council.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—the 23rd January 1919.

I have the honour to send you herewith copy of further amendments to the City Municipal Bill, 1918, which I intend moving when the Bill comes up for discussion.

ENCLOSURE

Amendments.

Section 100—*Proviso.*—*Add* as clause (*b*) the following :—

"In fixing the annual value of the premises under this section there shall be deducted from the amount of the annual rent a sum equal to ten per cent of the said annual rent and the said reduction shall be in lieu of all allowances for repairs or on any other account whatever."

Renumber existing clause (*b*) as clause (*c*).

Section 98.—*Add* as clause (*j*) to section 98 :—

"A contribution from the Local Government as compensation for tax on places used for sale of spirituous and intoxicating liquors."

Section 137.—*Number* existing clause as sub-section (1).

Add as clause (2) the following :—

"The Governor in Council may make rules for fixing the amount of contribution payable to the Corporation under clause (*j*) of section 98."

A draft letter of acknowledgment is submitted for approval.

2. It is submitted that the notice of amendments may be entered in the agenda paper for the February meeting of the Legislative Council at which it is proposed to take the Bill into consideration.

3. A copy of the amendments may be sent to the Honourable the Advocate-General and to the Local and Municipal Department who will no doubt inform the Honourable Member in charge of the Bill of the amendments given notice of by the Additional Member.

T.S.R.—24–1–19.

C.S.—24–1–19.

L. A. CAMMIADE—27–1–19.

Letter—from L. A. CAMMIADE, Esq., Under Secretary to Government, Local and Municipal (Legislative) Department.
To—the Hon'ble Rao Bahadur T. RANGA ACHARIYAR Avargal, Non-official Additional Member of the Madras Legislative Council.
Dated—the 27th January 1919.
No.—173–1.

I am directed to acknowledge the receipt of your letter of 23rd instant, forwarding certain amendments to the Madras City Municipal Bill, and to state that it will receive due attention.

Letter—from the Hon'ble Mr. J. H. THONGER, Non-official Additional Member of the Madras Legislative Council.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—the 21st January 1919.

I beg to advise you that I intend proposing at the forthcoming meeting of the Legislative Council the following amendments :—

(1) That section 52, sub-section (1), clause (*b*), sub-clause (3), which reads as follows :—
"interested in a subsisting contract made with, or any work being done for, the Corporation except as a shareholder (other than a director) in an incorporated company"

be deleted.

(2) *Omit* the proviso at the end of section 52, sub-section (1).

(3) *Omit* section 53, sub-section (1), clause (*d*).

(4) In section 52, sub-section (1), clause (*b*), sub-clause (4), *insert* before 'Presidency' the word 'stipendiary.'

If amendment No. 4 is lost I intend proposing an alternative amendment as follows :—

That at the end of section 52, sub-section (1), the following new proviso be added :—
"provided that an Honorary Magistrate may offer himself for election, but on appointment or election as councillor shall forthwith resign his position as Honorary Magistrate, failing which his appointment or election as councillor shall be void."

Letter—from the Hon'ble Rao Bahadur T. RANGA ACHARIYAR Avargal, Non-official Additional Member of the Madras Legislative Council.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—the 24th January 1919.

I have the honour to send herewith a copy of further amendments to the City Municipal Bill, which I intend moving when the Bill comes up for consideration.

ENCLOSURE

Amendments.

Section 188, *line* 2.—After the word 'cattle-stand' *add* the words "choultry, theatre, railway station, dock, wharf, or other place of public resort."

The notices of amendments given by the two Additional Members are in time and may be entered in the agenda paper for the next meeting. Copies of the amendments may be sent to the Honourable the Advocate-General and the Local and Municipal Department who will no doubt inform the Honourable Member in charge of the Bill of the amendments proposed to be moved.

2. Draft letters of acknowledgment are submitted.

T.S.R.—27-1-19.

C.S.—27-1-19.

L. A. CAMMIADE—27-1-19.

Letter—from L. A. CAMMIADE, Esq., Under Secretary to Government, Local and Municipal (Legislative) Department.
To—{the Hon'ble Mr. J. H. THONGER, / the Hon'ble Rao Bahadur T. RANGA ACHARIYAR Avargal', Non-official Additional Member of the Madras Legislative Council.
Dated—the 28th January 1919.
No.—178-1.

I am directed to acknowledge the receipt of your letter of the {21st instant / 24th instant'} forwarding {certain amendments / an amendment} to the Madras City Municipal Bill, and to state that it will receive due attention.

Letter—from the Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR, Non-official Additional Member of the Madras Legislative Council.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—Negapatam, the 25th January 1919.

I have the honour to give notice of my intention to move the following amendments to the Madras City Municipal Act, 1918, when it comes up for discussion at the meeting of the Legislative Council to be held on 5th February 1919, which kindly arrange to include in the agenda and acknowledge receipt :—

(1) In section 5, clause (*a*), the following be added :—
"Of which four seats shall be set apart for Muhammadans to be filled by Muhammadan voters only."

(2) In section 5, clause 1 (*e*), the following be added :—
"Of which four seats will be given to Muhammadans by appointment by the Governor in Council."

Letter—from the Hon'ble Mr. K. RAMA AYYANGAR, Non-official Additional Member, Madras Legislative Council.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—Madura, the 27th January 1919.
No.—R.C. 10.

I propose to move the following amendments in the Madras City Municipal Bill as amended by the Select Committee and request you to place these before the Council at its meeting, dated 5th February 1919 :—

1. In clause 2, section 10, after the words 'the proceedings of the Council' *insert* 'except those pending disposal with the standing Committee or the President.'

2. In clause 23, sub-clause (1), *add* at the end after the words 'or the committee', 'except by way of revision on requisition provided hereunder.'

3. In clause 26, sub-clause (2), *add* at the end 'subject to a revision by the Council on a requisition by at least ten commissioners of the council.'

4. *Delete* sub-clause (*b*) of clause 2 of section 44

5. In section 78, clause (1), *substitute* 'Rs. 2,500' for the words 'Rs. 10,000'.

6. In section 79, clause (1), *substitute* 'Rs. 10,000' for 'Rs. 50,000'.

7. (*a*) In section 80, clause (2), sub-clause (*c*), *substitute* 'Rs. 2,500' and '10,000' for the words 'Rs. 10,000' and 'Rs. 50,000', respectively.

(*b*) In clause (*c*) of the sub-clause *substitute* the words 'Rs. 2,500' for 'Rs. 10,000'.

8. In section 83 after the words 'when work' *insert* 'duly sanctioned.'

9. In clause 3 of section 91 *add* at the end 'or on the requisition of not less than ten commissioners.'

10. In clause 3 of section 99 *add* at the end 'subject to an appeal to the standing committee whose decision shall be final.'

11. In section 117, clause (1), *add* the word 'used' after the words 'has been kept.'

12. In section 129, clause (1), *add* the words 'charcoal and coal' after the word 'firewood' and at the end of first proviso, clause (1), 'and in the case of coal and charcoal Rs. 2 per ton.'

13. In section 147 after the words 'any one of such persons' *add* the words 'who is in the possession of the debenture or security.'

14. In section 153 *add* at the end of clause (1) the words 'necessary for such payment.'

15. In section 170, clause (1), *add* a proviso, 'provided that the Council may on a representation by ten of its commissioners revise any decision of the commissioner in the matter.'

16. (*a*) In section 172, clause (1), sub-clause (*a*), *add* the words 'for a continuous period of two months.'

(*b*) *Delete* sub-clause '(*b*)' of the same clause.

(*c*) In sub-clause '(*c*)' *insert* the words 'for two weeks' after the words 'occupier continues.'

(*d*) *Delete* sub-clause '(*f*)' of the same clause.

17. In section 366, clause (2), *add* at the end 'subject to a revision by the Council on a requisition signed by ten commissioners that any particular decision be considered at its meeting.'

The notices of amendments given by the Additional Members are in time and may be entered in the agenda paper for the next meeting. Copies of the amendments may be sent to the Honourable the Advocate-General and the Local and Municipal Department who will inform the Honourable Member in charge of the Bill of the amendments given notice of.

2. Draft letters of acknowledgment are submitted.

T.S.R.—28-1-19.

C.S.—28-1-19.

L. A. CAMMIADE—29-1-19.

Letter—from L. A. CAMMIADE, Esq., Under Secretary to Government, Local and Municipal (Legislative) Department.
To—{the Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR / the Hon'ble Mr. K. RAMA AYYANGAR}, Non-official Additional Member of the Madras Legislative Council.
Dated—the 29th January 1919.
No.—{222-1 / 222-2}.

I am directed to acknowledge the receipt of your letter of the {25th instant / 27th instant} forwarding certain amendments to the Madras City Municipal Bill, and to state that it will receive due attention.

Letter—from the Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR, Additional Member of the Madras Legislative Council.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—Negapatam, the 26th January 1919.

I have the honour to give notice of my intention to move the following amendments to the Madras City Municipal Bill, 1918, when it comes up for consideration at the meeting of the Legislative Council to be held on 5th February 1919 which kindly arrange to include in the agenda and acknowledge receipt.

(1) In section 52, clause (1) (iv), after the word 'Magistrate' add "This does not apply to an Honorary Presidency Magistrate".

Letter—from the Hon'ble Rev. G. PITTENDRIGH, Non-official Additional Member of the Madras Legislative Council.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—Madras, the 25th January 1919.

I have the honour to state that I desire to move the following amendments to the Madras City Municipal Bill, 1918 :—

Clause 101 (*b*).—*Add* the words after 'hospitals' 'dispensaries and buildings used for educational purposes'.

Schedule IV, Part II-8.—In clause VI *alter* '30' and '15' into '15' and '10' respectively, in clause VII, '12' and '8' into '6' and '4', and in clause VIII '5' and '4' into '3' and '2'.

The notices of amendments given by the Additional Members are in time and may be entered in the agenda paper for the next meeting. Copies of the amendments may be sent to the Honourable the Advocate-General and the Local and Municipal Department who will no doubt inform the Honourable Member in charge of the Bill of the amendments proposed to be moved.

2. Draft letters of acknowledgment are submitted for approval.

T.S.R.—28-1-19.
C.S.—28-1-19.

L. A. CAMMIADE—29-1-19.

Letter—from L. A. CAMMIADE, Esq., Under Secretary to Government, Local and Municipal (Legislative) Department.
To—{the Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR / the Hon'ble Rev. G. PITTENDRIGH}, Non-official Additional Member of the Madras Legislative Council.
Dated—the 29th January 1919.
No.—196-1 / 196-2.

I am directed to acknowledge the receipt of your letter of the {26th instant / 25th instant}, forwarding {an amendment / certain amendments} to the Madras City Municipal Bill, and to state that it will receive due attention.

Under clause (1) of rule 8 of the instructions to local Governments regarding legislation in local Councils, the amendments made in a Bill after introduction should be reported to the Government of India.

As under clause (2) of the same rule the local Government should refer to the Government of India such of the amendments as the former cannot accept without reference to the latter, the question whether a reference to India was necessary in regard to the imposition of the tax on timber and firewood which was introduced in the Bill by the Select Committee was separately considered, and it has been decided that no reference to India is necessary.

I thought this had gone long ago.
H.G.S.—29-1-19.

A draft letter to the Government of India is submitted for approval.

C.S.—28-1-19.

L.A.C.—29-1-19.
H. G. STOKES—29-1-19.
P. R[AJAGOPALA ACHARIYAR]—29-1-19.

[Letter No. 263-1, Legislative, dated 30th January 1919.]

Letter—from the Hon'ble Sir FRANCIS SPRING, K.C.I.E., Chairman, Madras Port Trust.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—Madras, the 27th January 1919.
No.—G. 2030.

Under Madras Legislative Council business rule 47 (page 94 of the rules), I write to give you notice that I intend to propose an amendment of the Madras City Corporation Bill.

2. The Hon'ble Diwan Bahadur P. Rajagopala Achariyar and Mr. A. Y. G. Campbell, Secretary to Government are aware of the circumstances under which I am unable, as yet, to send you a copy of the proposed amendment, as is necessary under rule 48; namely, that the best form of the draft amendment and its place in the Bill are under consideration by the Hon'ble the Advocate-General at the request of Government and I have not as yet received a copy of it, as advised on.

The amendment referred to by the Additional Member is understood to be under consideration in the Revenue (Special) Department and by the Advocate-General.

2. Under Council rule 48 notices of substantial amendments to a Bill should be given six clear days before the meeting, i.e., in the present case not later than the 29th instant. The Hon'ble Sir Francis Spring's purpose in writing this letter appears to be that the amendment to be moved should be given notice of in time.

3. It is not known whether it is intended to allow the Hon'ble Sir Francis Spring to move the amendment that may be decided upon or whether the Honourable Member in charge of the Bill or the Advocate-General or any other official member will propose the amendment in the Legislative Council on behalf of Government. In either case six clear days' notice is necessary.

4. It is submitted that the file may be sent u.o. to the Revenue (Special) Department for necessary action. That department may also be requested to communicate, as urgently as possible, to the member who is to move the amendment a copy of the amendment that may be decided upon, so that the notice required by the rules may be given by the member.

Yes.
H.G.S.—28-1-19.

C.V.R.—28-1-19.
C.S.—28-1-19.

If the proposed amendments cannot be sent in by 6 p.m. to-morrow they may, with the permission of the President, be submitted later, if the circumstances would justify an exception to the ordinary rule. Please see rule 48 read with rule 23.

L. A. CAMMIADE—28-1-19.
H. G. STOKES—28-1-19.

REVENUE (SPECIAL) DEPARTMENT.

Please see demi-official No. 110-2, Marine, dated 28th January 1919, with which a copy of the Advocate-General's letter No. 16 of the same date containing two alternative amendments to the Madras City Municipal Bill was sent to Sir Francis Spring *yesterday*. He has been instructed to send his intimation to move the amendments so as to reach the Secretary to the Council *to-day*. No further action seems necessary on the file.

2. The file may be returned to Legislative.

S.D.S.—29-1-19.

S. WADSWORTH—29-1-19.

LOCAL AND MUNICIPAL (LEGISLATIVE) DEPARTMENT.

Letter—from the Hon'ble Sir FRANCIS SPRING, K.C.I.E., Chairman, Madras Port Trust.
To—the Secretary to the Madras Legislative Council.
Dated—Madras, the 29th January 1919.
No.—G. 2047.

In continuation of my letter No. G. 2030, dated 27th January 1919, I hereby give you notice, under Legislative Council business rule 47, that I intend to propose an amendment of the Madras City Municipal Bill No. 6, 1918.

2. The amendment which I prefer to propose is—

That the following proviso be added at the end of clause 98 of the Bill:—

"provided that the taxes leviable under this Act from the Trustees of the Port of Madras shall not in any year exceed in the aggregate four per centum of the gross earnings made by the Port Trust in that year."

3. The following has suggested itself as an alternative amendment, and though I do not prefer it I think it right to mention it in case Government should see fit to accept it in preference to that given in paragraph 2—namely, that to the proviso to clause 102 of the Bill there be added—

"(*d*) In the case of lands and buildings vested in the Trustees of the Port of Madras the property tax leviable in any year shall not exceed four per centum of the gross earnings made by the Port Trust in that year."

4. My reasons for preferring the former draft amendment is that although there may not be any present likelihood of a tax on carriages, firewood and so on, the property of the Port Trust, yet it seems best that as the amendment is merely a limiting amendment intended by me, on behalf of the Port Trustees, to prescribe an upper limit of *all* taxation leviable under the Act, it should come under clause 98, instead of under clause 102 which provides for the 'property tax' only.

5. I may add that at yesterday's meeting of the Madras Chamber of Commerce, and at a special emergent meeting of the Madras Trades Association, the principle underlying the proposed amendment, viz., that an upper limit should be fixed, was approved in both cases. But while the Chamber adopted a 4 per cent the association adopted a 5 per cent limit.

From the Hon'ble Sir Francis Spring, K.C.I.E., *dated 29th January* 1919.

The notice of amendments given by the Additional Member is in time. He has given also an alternative amendment which may also be entered in the agenda paper for the next meeting. Copies of the amendments may be sent to the Honourable the Advocate-General and the Local and Municipal Department who will inform the Honourable Member in charge of the Bill of the amendments given notice of.

2. A draft letter of acknowledgment is submitted.

T.S.R.—29-1-19.

C.S.—30-1-19.

L. A. CAMMIADE—30-1-19.

Letter—from L. A. CAMMIADE, Esq., Under Secretary to Government, Local and Municipal (Legislative) Department.
To—the Hon'ble Sir FRANCIS SPRING, K.C.I.E., Chairman, Madras Port Trust.
Dated—the 30th January 1919.
No.—240-1.

I am directed to acknowledge the receipt of your letter of the 29th instant, forwarding an amendment to the Madras City Municipal Bill, and to state that it will receive due attention.

Letter—from the Hon'ble Rao Bahadur T. RANGA ACHARIYAR Avargal, Non-official Additional Member of the Madras Legislative Council.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—the 28th January 1919.

I have the honour to send herewith copy of further amendments to the City Municipal Bill, 1918, which I intend moving when the Bill comes up for consideration.

ENCLOSURE

Amendments to the City Municipal Bill, 1918.

Section 205 (1), clause (*d*).—*Insert* at the commencement, the words 'with the special sanction of the Standing Committee.'

Schedule IV, Part V, clause 13.—*Add* the following proviso:—

"Provided that in cases where the half-yearly instalment of a tax does not exceed rupees fifteen, it shall be always open to the Commissioner to exempt the applicant before admitting the application, from the prepayment of the tax as required in clause (*b*)."

Letter—from the Hon'ble Sir GORDON FRASER, *Kt.*
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—Madras, the 29th January 1919.

Madras City Municipal Bill.

I have the honour to advise you that I intend moving the following amendments to the above Bill at the forthcoming meeting of the Legislative Council:—

No. 1. *Section* 52, *sub-section* (1) (*b*) (iii) to *read* as follows: "Interested in a subsisting contract made with, or any work being done for, the Corporation except as a shareholder (other than a Director) in an incorporated company, unless such interest is declared at the time of nomination, election, or appointment, and such councillor shall not speak or vote on any question relating to any contract or work in which he is so interested."

No. 2. *Section* 53, *sub-section* (1) (*d*) to *read* as follows: "Subject to the proviso to section 52, sub-section (1), acquires any interest in any contract made with or work being done or to be done for the Corporation except as a shareholder (other than a Director) in an incorporated company, unless such interest is declared at the time of acquisition, and such councillor shall not speak or vote on any question relating to any contract or work in which he is so interested."

No. 3. *Schedule* (*VI*).—*Omit* the following: "Packing, pressing, cleansing, preparing or manufacturing by any process whatever pottery, candles, cement, dyes, leather, soap, sugar, sugarcandy, cloths, flour, silk, paper" and *add* to the list shown under the heading of storing "packing, pressing, cleansing, preparing or manufacturing by any process whatever pottery, candles, cement, dyes, leather, soap, sugar, sugarcandy, cloths, flour, silk, paper".

No. 4. *Schedule* (*VI*).—*Add* the following proviso: "provided that no licence shall be necessary for storage only of the above commodities in limited quantities as fixed by the Commissioner from time to time."

Letter—from the Hon'ble Mr. A. S. KRISHNA RAO PANTULU, Non-official Additional Member of the Madras Legislative Council.
To—the Secretary to the Madras Legislative Council.
Dated—Nellore, the 28th January 1919.

I have the honour to give notice that, when the Madras City Municipal Bill, 1918, and the report of the Select Committee thereon are taken into consideration, I wish to propose the amendments specified in the list annexed hereto, in addition to those of which notice has been already given.

ENCLOSURE

List of amendments to the Madras City Municipal Bill, 1918.

Clause 69 (*b*).—*Substitute* 'fifteen' for 'seven'.

Clause 88.—*Substitute* 'thirty' for 'thirty-three'.

Clause 117 (1).—*Omit* the proviso.

Clause 167 (1).—*Substitute* 'Standing Committee' for 'Commissioner'.

Clause 172 (1) (*b*).—*Substitute* 'fifteen' for 'thirty'.

Clause 211, *line* 1.—*Substitute* 'Standing Committee' for 'Commissioner' and *substitute* 'it' for 'he'.

Line 3.—*Omit* the words 'with the sanction of the Standing Committee'.

Clause 358.—Omit.

Schedule (*ii*)—*Rule* 7 (2).—*Substitute* 'twelve' for 'fifteen' and 'fifteen' for 'twenty'.

Schedule (*v*), *Rule* 5, *sub-rule* (*c*).—Omit.

The notices of amendments given by the Additional Members are in time and may be entered in the agenda paper for the next meeting. Copies of the amendments may be sent to the Hon'ble the Advocate-General and the Local and Municipal Department who will inform the Honourable Member in charge of the Bill of the amendments proposed to be moved by the several Additional Members.

2. Draft letters of acknowledgment are submitted for approval.

T.S.R.—29-1-19.

C.S.—29-1-19.

L. A. CAMMIADE—29-1-19.

Letter—from L. A. CAMMIADE, Esq., Under Secretary to Government, Local and Municipal (Legislative) Department.
To—{the Hon'ble Rao Bahadur T. RANGA ACHARIYAR Avargal / the Hon'ble Sir GORDON FRASER, *Kt.* / the Hon'ble Mr. A. S. KRISHNA RAO PANTULU}, Non-official Additional Member of the Madras Legislative Council.
Dated—the 30th January 1919.
250-1
No.—250-4.
250-1

I am directed to acknowledge the receipt of your letter of the {28th instant / 29th instant / 28th instant}, forwarding certain amendments to the Madras City Municipal Bill, and to state that it will receive due attention.

Letter—from the Hon'ble Sir GORDON FRASER, *Kt.*, Non-official Additional Member of the Madras Legislative Council.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—the 29th January 1919.

Madras City Municipal Bill.

I have the honour to advise you that I intend moving the following amendments to the above Bill at the forthcoming meeting of the Legislative Council:—

No. 1. *Schedule IV, part* 5, *rule* 13 (*a*) (*i*).—*Substitute* 'thirty days' for 'fifteen days' in first and fourth lines.

No. 2. *Schedule IV, part* 5, *rule* 13 (*a*) (*ii*).—*Substitute* 'ten days' in lieu of 'seven days.'

No. 3. *Schedule IV, part* 5, *rule* 13 (*b*).—After sub-clause (*b*) and before 'explanation' *add* the following proviso:—

"Provided that the Commissioner may at his discretion admit any application without prepayment of the tax, and shall do so when the amount of the tax does not exceed Rs. 5."

No. 4. *Schedule IV, part* 5, *rule* 15 (*a*) (*ii*).—*Substitute* 'twenty days' in lieu of 'fourteen days.'

No. 5. *Schedule II, rule* 7, *sub-section* (2).—*Substitute* 'twelve' and 'fifteen' in lieu of 'fifteen' and 'twenty' respectively.

No. 6. *Section* 413 (*b*).—*Delete* the last eight lines of this sub-section commencing with 'and for ascertainment by lot' to 'constitution of the Council under this Act' and *substitute* a new sub-clause (*c*) as follows:—

"The first term of office of the newly elected and appointed councillors under this Act shall, notwithstanding anything in section 55, terminate on the first day of the month of November following the completion of two complete years of office, and thereafter a new Council shall be appointed and elected as provided for in section 55."

No. 7. *Section* 413 (*c*).—*Substitute* (*d*) for (*c*).

Letter—from the Hon'ble Mr. K. RAMA AYYANGAR, Non-official Additional Member, Madras Legislative Council.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—Madura, the 28th January 1919.
No—R.C. 10.

In continuation of my letter R.C. No. 10, dated 27th January 1919, requesting you to place certain amendments to the City Municipal Bill before the Council at the meeting to be held on the 5th February, I beg to request you to place the following amendments also before the meeting:—

In Section 333, clause (1), sub-clause (*c*), *insert* as (proviso I) after the words 'removed to the said hospital or place' the following: "provided that he shall not so remove if the person suffering or any one in charge of him agrees to segregate the person in the manner required by or subject to the conditions imposed by the commissioner or any by-law of the municipality."

2. In section 338, clause (1), *insert* the words 'known to him as such' between the words 'dangerous disease' and the words 'shall enter.'

3. *Delete* section 360.

4. In section 367 *add* the words 'or revision' after the words 'an appeal' and after the words 'shall appeal.'

5. *Delete* section 403.

Letter—from the Hon'ble Diwan Bahadur M. RAMACHANDRA RAO PANTULU, Non-official Additional Member of the Madras Legislative Council.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—Ellore, the 28th January 1919.

I am enclosing herewith the amendments which I intend moving when the Madras City Municipal Bill is taken up for consideration.

ENCLOSURE.

I. *Add* the following to clause 98:—

(i) tax on railway passengers arriving in or departing from the city.

II. *Add* the following as clause 138 and renumber all the subsequent clauses:—

The terminal tax.

(1) The terminal tax on railway passengers shall be levied on all passengers arriving in and departing from any railway station in the city by rail provided that the Governor in Council may, by notification in the *Fort St. George Gazette*, exempt passengers so arriving from and departing to stations within a radius of not exceeding 25 miles from the city.

(2) The rates at which the tax shall be levied on each class of ticket shall, subject to the sanction of the Governor in Council, be determined by the Council, provided always that they shall not exceed the rates laid down in part IV-A of schedule I.

(3) The tax shall be collected by the railway administration in such manner as may be decided by the Governor in Council.

(4) The Governor in Council may make rules for regulating the collection of the tax and the payment thereof to the Corporation and for determining the charges for the collection of the tax, if any, to which the railway administration may be entitled.

Schedule IV, part IV.—After schedule IV, part IV, *add* the following as part IV-A:—

The terminal tax on railway passengers shall be levied on their tickets at rates not exceeding those shown in the following table:—

For first-class tickets	Single	2 annas
For second or intermediate class	"	1 anna
For third-class tickets	"	6 pies

III. Clause 230.—*Omit* (2) (*a*) and *substitute* the following:—

"that land on which it is proposed to construct buildings and the site surrounding them should be raised to a level to be fixed by the Council."

Add the following to (3) (*d*):—

"and the purposes for which the building is proposed to be used."

IV. Clause 246.—*Omit* the clause.

V. Clause 273.—*Add* the words 'to the extent of one-half' between 'contribute' and 'towards'.

VI. Clause 299.—*Add* the following at the end of clause 299: 'or where the milk is stored

VII. Clause 330.—*Omit* the explanation.

Draft letters of acknowledgment are submitted.

2. The notices of amendments may be entered in the agenda paper for the next meeting. Copies of the amendments may be sent to the Honourable the Advocate-General and the Local and Municipal Department who will inform the Honourable Member in charge of the Bill of the amendments given notice of by the Additional Members.

T.S.R.—30-1-19.
C.S.—30-1-19.

L. A. CAMMIADE—30-1-19.

Letter—from L. A. CAMMIADE, Esq., Under Secretary to Government, Local and Municipal (Legislative) Department.
To—the Hon'ble Sir GORDON FRASER, *Kt.*; the Hon'ble Mr. K. RAMA AYYANGAR.; the Hon'ble Diwan Bahadur M. RAMACHANDRA RAO PANTULU Garu.
Dated—30th January 1919.
No.—260.

I am directed to acknowledge the receipt of your letter of the 29th instant, 28th instant, 28th instant, forwarding certain amendments to the Madras City Municipal Bill, and to state that it will receive due attention.

Letter—from the Hon'ble Mr. S. SRINIVASA AYYANGAR, Advocate-General, Madras.
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—the 3rd February 1919.

I intend to move the following amendments to the Madras City Municipal Bill:—

In clauses 237, 238, 239 (1), 250, 251, *omit* the words 'by written order'.

In clause 299 (2) *omit* all the words occurring after the words 'by the Commissioner'.

The amendments given notice of appear to be merely verbal. If, however, all or any of them are considered to be substantial, in which case six clear days' notice is required by rule 48, it is submitted that His Excellency's permission may be obtained (under the proviso to rule 23) to their being moved in the Legislative Council.

Yes: they should be put up to me for taking orders in Council tomorrow.
H.G.S.—3-2-19.

A copy of the amendments may be sent u.o. to the Local and Municipal Department who will no doubt inform the Honourable Member.

A draft letter of acknowledgment is submitted.

Copies of the amendments will be placed on the Legislative Council table.

C.V.R.—3-2-19.
C.S.—3-2-19.

H. G. STOKES—3-2-19.
P[ENTLAND]—4-2-19.

Letter—from the Hon'ble Mr. H. G. STOKES, C.I.E., I.C.S. Acting Secretary to Government, Local and Municipal (Legislative) Department.
To—the Hon'ble Mr. S. SRINIVASA AYYANGAR, Advocate-General, Madras.
Dated—the 3rd February 1919.
No.—346-2.

I am directed to acknowledge the receipt of the amendments to the City Municipal Bill forwarded with your letter of the 3rd instant.

Letter—from the Hon'ble Mr. P. SIVA RAO, Non-official Additional Member of the Madras Legislative Council
To—the Secretary to Government, Local and Municipal (Legislative) Department.
Dated—the 28th January 1919.
No.—272.

I have the honour to propose the following amendments to the Madras City Municipal Bill, 1918 (Bill No. 6 of 1918), at the ensuing meeting of the Legislative Council to be held on the 5th February 1919:—

I In place of clause 49, the following may be substituted:—

"No person shall be included in the electoral roll as qualified to vote at the election for a division—

(i) unless he has paid in such preceding year any tax mentioned in clause (*a*) of section 98 or

(ii) unless he has resided in such division for one hundred and twenty days in the aggregate in the year preceding that in which the electoral roll is published and either—

(*a*) he has paid in such preceding year any tax mentioned in clause (*b*) or (*c*) of section 98 or

(*b*) has not less than six months in such preceding year occupied a house in the city of an annual value of not less than sixty rupees or

(*c*) is a graduate of some University in His Majesty's Dominions or

(*d*) is a pensioned officer of the Indian Army or

(*e*) is a holder of any title or decoration conferred by Government."

II. In clause 51, sub-clause 4, 'and such person is of the male sex' may be omitted.

Please see rules 23 and 48 of the business rules regarding notice of motions to be made by Additional Members. The present notices of the Hon'ble Mr. P. Siva Rao, with regard to the two Bills to be considered at the ensuing meeting, must have reached the Secretary to the Council on the 29th instant. They were received only to-day and thus are a day too late.

2. Submitted that the amendments may therefore be excluded from the agenda paper.

T.S.R.—30-1-19.
C.S.—30-1-19.

L. A. CAMMIADE—30-1-19.
H.G.S.—30-1-19.
P[ENTLAND]—31-1-19.

A draft letter is submitted.

T.S.R.—1-2-19.
C.S.—1-2-19.

L. A. CAMMIADE—1-2-19.
H. G. STOKES—1-2-19.

Letter—from the Hon'ble Mr. H. G. STOKES, C.I.E., I.C.S., Acting Secretary to Government, Local and Municipal (Legislative) Department.
To—the Hon'ble Mr. P. SIVA RAO, Non-official Additional Member of the Madras Legislative Council.
Dated—Madras, the 1st February 1919.
No.—273-1.

I am directed to inform you that the amendments to the Madras City Municipal Bill forwarded with your letter, dated 28th January 1919, will be excluded from the agenda paper as they were not received before the time fixed under rules 23 and 48 of the business rules.

Letter—from the Hon'ble Mr. P. SIVA RAO, Non-official Additional Member of the Madras Legislative Council.
To—His Excellency the President [through the Secretary to Government, Local and Municipal (Legislative) Department].
Dated—Council Hall, the 5th February 1919.

My amendments to the Madras City Municipal Bill have been disallowed on the ground that they were not received before the time fixed under rules 23 and 48 of the business rules.

I posted my letter containing these amendments on the 28th of January from Bellary and in the usual course of things, it should have reached the Local and Municipal Department on the 29th January. In that case, there would have been six clear days' notice provided for under rule 23 of the business rules.

My letter seems to have reached Madras only on the 30th probably on account of some delay in the transmission by post.

As the delay in the receipt of my letter seems to have been caused in the transmission by post and as there is no likelihood of the amendments being considered before the 8th of this month, I request your Excellency will be good enough to include my amendments in the agenda. Under rule 23, the President has got a discretion to allow motions which are not strictly in time.

The amendments to the City Municipal Bill, given notice of by the Hon'ble Mr. P. Siva Rao and excluded from the agenda paper of the Council as being out of time, have now been admitted by His Excellency the President on a representation made by the Additional Member. A copy of these amendments may be sent to the department concerned (Local and Municipal) and to the Honourable the Advocate-General.

2. Printed copies of the amendments will be placed before the Council for reference during the discussion of the Bills.

C.V.R.—5-2-19.
C.S.—5-2-19.

L.A.C.—5-2-19.

Letter—from the Hon'ble Mr. H. G. STOKES, C.I.E., I.C.S., Acting Secretary to Government, Local and Municipal (Legislative) Department.
To—the Hon'ble Mr. P. SIVA RAO, Non-official Additional Member of the Madras Legislative Council.
Dated—the 5th February 1919.
No.—332-1.

With reference to the representation contained in your letter of to-day I am directed to inform you that your amendments to the Madras City Municipal Bill have now been admitted by His Excellency the President under the proviso to rule 23 of the business rules.

Letter—from the Hon'ble Diwan Bahadur P. RAJAGOPALA ACHARIYAR Avargal, C.I.E., Member of Council.
To—the Secretary to the Madras Legislative Council.
Dated—Fort St. George, the 5th February 1919.

I intend moving the amendments specified in the annexure when the City Municipal Bill as amended by the Select Committee is taken into consideration by the Legislative Council. I have the honour to request that His Excellency the President's permission under the proviso to rule 23 may be obtained so as to enable me to move the amendments in Council.

ENCLOSURE

Amendments to the City Municipal Bill.

1. *Clause* 5.—In sub-clause (1) (*e*) of clause 5 for the word 'seven' the word 'three' shall be substituted; and the words 'or classes of persons' shall be omitted; and the word 'or' shall be inserted before the words 'corporate bodies.'

In sub-clause (1) (*f*) of clause 5 for the word 'five' the word 'nine' shall be substituted.

Letter—from the Hon'ble Mr. S. SRINIVASA AYYANGAR, Advocate-General, Madras.
To—the Secretary to the Madras Legislative Council.
Dated—the 4th February 1919.

In addition to the amendments of which I have already given notice I intend moving the annexed nine amendments to the Madras City Municipal Bill at the meeting of the Legislative Council on the 5th instant. I request that His Excellency the President's permission under the proviso to rule 23 may be obtained, so as to enable me to move the amendments in Council.

ENCLOSURE

Amendments to the City Municipal Bill.

1. In clause 20 (1) *add* at the end: "may by such regulations provide for a conference of two or more standing committees or for the appointment out of such committees of a joint committee for any purpose in respect of which they may be jointly interested. Such conference or joint committee shall have all the powers of the standing committees concerned."

2. In 98 (*f*) *omit* the words 'and firewood.'

In the heading to clause 129, *omit* the words 'and firewood.'
In 129 (1) *omit* the following words 'and firewood'; 'in the case of timber'; 'in the case of firewood six annas per ton'; 'or firewood.'
In 129 (2) and (3) *omit* the words 'or firewood.'
In Schedule IV, part V, rule 12, *omit* the words 'and firewood.'
In Schedule VII, line 15, *omit* the words 'or firewood.'

3. *Clause* 100, *sub-clause* (2).—After the words 'from year to year' *add* the following:—

"less a deduction of 10 per cent of such annual rent and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever."

4. In clause 101, *omit* 'and' at the end of sub-clause (*c*) and *insert* 'and' at the end of sub-clause (*d*); and *add* a new sub-clause as follows: "(*e*) Any building or land the annual value whereof is less than eighteen rupees and the owner whereof has no other building or land assessed to the property tax."

5. In clause 358 *omit* 'or acts as councillor when disqualified under section 53.'

6. In the proviso to clause 412 between 'may' and 'be held' *insert* "notwithstanding anything in sub-clause (5) of clause (*b*) of sub-section (1) to section 52."

7. In clause 413 (*a*) *add* at the end after the word 'and' the words "until they so come into office the President, the commissioners, and the standing committee appointed or elected under the Madras City Municipal Act, 1904, shall have all the powers and be subject to all the duties respectively of the Commissioner, the Councillors, and the standing committees under this Act."

In clause 413 (*b*) *omit* the whole of the clause following the words 'on the first day of November' firstly occurring and *substitute* the following figures and words:—

"1920 and of ten more such seats to be vacated on the first day of November 1921 and the councillors elected for the twenty seats so ascertained or the Councillors elected in their places in casual vacancies shall hold office until the first day of November 1920 or the first day of November 1921 as the case may be, and the remaining ten divisional councillors shall continue in office until the first day of November 1922 and".

8. In Schedule II, rule 15, for the first sixteen words shall be substituted the following:—

"In any case in which two or more standing committees have passed conflicting decisions, and such conflict has not been adjusted or otherwise dealt with by a conference of such committees or a joint committee as provided in sub-section (1) to section 20, the commissioner shall".

9. In Schedule IV, part III, between 'every' and 'Motorbus' *insert* 'tramcar.'

A copy of the amendments to the Madras City Municipal Bill given notice of by the Honourable Member (Local and Municipal) and the Advocate-General, which have been admitted by His Excellency the President under the proviso to business rule 23, may be communicated u.o. to the Local and Municipal Department.

C.V.R.—7-2-19.
C.S.—7-2-19.

L. A. CAMMIADE—7-2-19.

Notice of motion to be given by the Honourable Member (Local and Municipal) in respect of the City Municipal Bill to be considered at the meeting of 11th March 1919.

Whether any amendment is necessary to sub-clause (*d*) of clause 101 of the City Municipal Bill is under consideration in the Local and Municipal Department. If it be decided to bring in an amendment, the amendment has first to be considered by the Council before a motion for the passing of the Bill into law can be made. But under rule 52 no amendment can be moved at the next meeting without the permission of His Excellency the President; so, after the question whether any amendment is necessary is settled by the Local and Municipal Department, the permission of the President may be obtained to any amendment that may be considered necessary.

As however the preliminary agenda paper has to issue on the 27th instant, it is submitted that a motion that the Bill as amended in Council be passed into law may be entered in the preliminary agenda paper, and that any amendment that may be necessary may be entered in the final agenda paper, before the motion for passing the Bill. [It is desirable that the Bill should appear in the preliminary agenda.]

A draft notice of motion to be signed by the Honourable Member (Local and Municipal) is submitted. It may be forwarded to him for favour of signature.

C.V.R.—25-2-19.
C.S.—25-2-19.

L. A. CAMMIADE—25-2-19.

The question whether any and if so, what amendments will be required in the Bill cannot be settled until the Advocate-General can be consulted. He has gone off to Cocanada and will not return before Friday the 28th February. It is only possible, therefore, now to include in the preliminary agenda paper the general motion that the Bill be passed as amended in Council.

H. G. STOKES—25-2-19.

P. R[AJAGOPALA ACHARIYAR]—25-2-19.

Letter—from the Hon'ble Diwan Bahadur P. RAJAGOPALA ACHARIYAR Avargal, C.I.E., Member of Council.
To—the Secretary to the Madras Legislative Council.
Dated—the 25th February 1919.

Under rule 23 of the rules for the conduct of business at meetings of the Madras Legislative Council I hereby give you notice that at the meeting of the Council to be held on the 11th March 1919, I shall move that the Madras City Municipal Bill as amended in Council be passed into law.

Letter—from the Hon'ble Diwan Bahadur P. RAJAGOPALA ACHARIYAR Avargal, C.I.E., Member of Council.
To—the Secretary to the Madras Legislative Council.
Dated—the 7th March 1919.

I hereby give you notice that at the meeting of the Legislative Council to be held on the 11th instant, I intend to move the annexed amendment under rule 52 of the Council rules, before moving that the Madras City Municipal Bill be passed into law. I have therefore the honour to request that His Excellency the President's permission be obtained thereto.

Amendment.

For the first eighteen words of sub-clause (*d*) of clause 101 of the Bill, as amended by the Select Committee, *substitute* the words 'the bed of the Cooum, the bed of the Adyar, the Buckingham Canal'.

Submitted to His Excellency the Governor for formal orders admitting the amendment.

The amendment will be included in the agenda.

H.G.S.—7-3-19.

P[ENTLAND]—8-3-19.

Letter—from the Hon'ble Mr. S. SRINIVASA AYYANGAR, Advocate-General, Madras.
To—the Secretary to the Madras Legislative Council.
Dated—the 11th March 1919.

I hereby give you notice that at the present meeting of the Legislative Council I intend to move the annexed amendments to the Madras City Municipal Bill, 1918, under rule 52 of the Council rules. I have therefore the honour to request that His Excellency the President's permission be obtained thereto.

(1) For clause 72 *substitute* the following :—

"72 (1) notwithstanding anything contained in this Act, all buildings and lands belonging to the Government in that part of the military zone of Fort St. George which is known as the Esplanade, as described in Schedule III, shall be subject to the control of the Officer Commanding the Station at Madras.

(2) Permission to dig holes or pits, to alter the ground level or to accumulate material within the Esplanade or to construct or reconstruct a building on the Esplanade shall not be given or be deemed to have been given unless and until the sanction of the Governor in Council and of the Governor-General in Council has been obtained;

Provided that the erection of temporary huts or structures for stated limited periods, for the accommodation of circuses, theatres and other shows, may be permitted by the Officer Commanding the Station at Madras on the recommendation of the Commissioner of Police and with the sanction of the commissioner;

Provided also that no permission under sub-section (2) shall be necessary in respect of execution by the Corporation of such lawful works as are required for the maintenance of roads, drains, water pipes, electric cables and wires.

(3) Such sanction shall not be applied for unless the plan of the buildings and the site plan of the land or the latter alone as the case may be have been approved by the Commissioner and the Officer Commanding the Station at Madras.

(4) If any such act or operation as is referred to in sub-section (2) of this section is commenced, carried on or completed without the sanction of the Governor in Council and the Governor-General in Council or the Officer Commanding the Station at Madras as the case may be, the Commissioner shall, if so requested by the Officer Commanding the Station at Madras, and within 14 days after receiving such requisition, by notice direct the person doing or controlling the act or operation to fill up such hole or pit, to remove such alteration of ground level or such accumulation of material, and to demolish anything constructed or reconstructed within a period to be specified in such notice, or shall cause the same to be done at the expense of such person.

(5) No person shall be entitled to compensation on account of anything done or caused to be done under sub-section (4).

(6) Any person who fails to obey the direction of the commissioner under sub-section (4), shall be liable on conviction to the penalty provided in section 362 in respect of a building other than a well or hut."

(2) In clause 118 (*f*) omit the words 'in paragraph 1 (*b*) of the regulations for the Indian Defence Force' and *substitute* the words 'as defined in the regulations made from time to time under the Indian Defence Force Act, 1917'.

Submitted for orders as to admission.

H. G. STOKES—11-3-19.
P[ENTLAND]—11-3-19.

[Letter No. 23-R., Legislative, dated 25th March 1919.]

The City Municipal Act has received the assent of His Excellency the Governor.

A draft letter to the Government of India forwarding the Act for the assent of the Governor-General is submitted.

C.V.R.—27-3-19.
C.S—27-3-19.

L. A. CAMMIADE—28-3-19.
H.G.S.—28-3-19.

[G.O. Nos. 41-42, Local and Municipal (Legislative), dated 9th April 1919.]