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Government of Madras

LOCAL SELF-GOVERNMENT DEPARTMENT
(Local and Municipal)

G.O. No. 4259, L. & M., 22nd October 1928

Rules—Appointment and punishment of municipal servants—Amendment of rules regarding the constitution of the appeal committee, etc.—Revised and confirmed.

READ—the following papers :—

I

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

II

File of criticisms and suggestions.

Order—No. 4259, L. & M., dated 22nd October 1928.

In G.O. No. 2068, L. & M., dated 9th May 1928, the Government published for general information and criticism the draft of certain amendments to the rules relating to the appointment and punishment of municipal servants which they proposed to make, so as to ensure that appeals might be dealt with by a tribunal wholly independent of the authority which passed the original orders of punishment, and disposed of promptly.

2. The Chittoor Municipal Council has suggested that if the Vice-Chairman is a member of the appeal committee he should not take part in the disposal of appeals against any orders passed by him when performing the functions of Chairman. The Government accept the suggestion and consider that for the same reason a councillor who is a member of the committee should not vote in the disposal of appeals against orders passed by him as Chairman-delegate.

3. Other criticisms and suggestions received have been considered, but the Government see no reason to accept any of them. The Government have, however, on further scrutiny decided to make certain verbal amendments in the rules and to omit explanation (a) to rule 8 regarding reduction of a municipal servant from one permanent appointment to another on lower pay as unnecessary.

4. The amendments as thus finally revised are confirmed, and, as stated in paragraph 2 of G.O. No. 2068, L. & M., dated 9th May 1928, the rules as amended will now be issued in a consolidated form, and will come into force from 1st November 1928.

5. The appended notification will be published in the *Fort St. George Gazette*.

6. Collectors are requested to arrange for the republication of the notification in the District Gazettes in English and in the vernacular language of the district concerned.

7. The Senior Translator to Government is requested to furnish the Superintendent, Government Press, with translations of the notification in Tamil, Telugu, Malayalam and Kanarese.

(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 Collectors.
" the Law (Drafting) Department.
" the Senior Translator to Government.
" the Surgeon-General.
" the Director of Public Health.
" the Director of Public Instruction.
" the Inspector of Municipal Councils and Local Boards.
" the Sanitary Engineer.
" 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

APPENDIX.

NOTIFICATION.

In exercise of the powers conferred by sections 75 and 303 of the Madras District Municipalities Act, 1920, and in supersession of the rules published with the notification of the Local Government in the Local and Municipal Department, No. 226 in Part I-A of the *Fort St. George Gazette*, dated 21st March 1922, as subsequently amended, the Governor acting with Ministers is pleased to make, with effect from 1st November 1928, the following revised rules relating to the appointment and punishment of municipal servants:

Rules regarding the appointment and punishment of municipal servants.

Appointments.

1. The chairman shall consult the District Medical Officer before appointing or transferring to a particular post on the schedule of municipal establishment any Government medical officer whose services have been placed at the disposal of the municipal council under section 77 of the District Municipalities Act.

2. The chairman shall consult—

(1) The Surgeon-General before appointing to an allopathic institution under municipal control any medical officer who is not a Government servant;

(2) The Deputy Inspector of Schools or the Sub-Assistant Inspectress of Girls' Schools, as the case may be, before appointing to an elementary school for boys or girls respectively a teacher who does not possess the prescribed training or qualifications;

(3) The District Educational Officer or the Inspectress of Girls' Schools, as the case may be, before appointing to a secondary school a teacher not possessing the qualifications prescribed in rule 13 of the Madras Educational Rules;

(4) The Sanitary Engineer before appointing Public Works, Water Works or Drainage officers on posts carrying a maximum salary of Rs. 50 and upwards;

(5) The District Health Officer, or where there is no such officer, the District Medical Officer, before appointing as vaccinator a person not possessing the prescribed qualifications.

The object of consultation in clauses (2) to (5) is to enable the officer, consulted to suggest if possible, for the consideration of the chairman the names of persons possessing the prescribed qualifications and suitable for appointment.

3. The power of the Local Government to place at the disposal of a municipal council the services of any Government Medical Officer under section 77 of the Madras District Municipalities Act, 1920, shall be exercised by the Surgeon-General. Any officer so placed shall be deemed to have been employed by such municipal council and shall on arrival report himself to the District Medical Officer who shall post him to the institution or duty ordered by the chairman, municipal council.

NOTE.—The order of the chairman, municipal council, should whenever possible be obtained by the District Medical Officer before the arrival of the medical officer.

Punishments.

4. Where the services of Government servants who are not members of an all India or Provincial Service are lent to municipal councils, the chairman shall have power to punish them with fine, reduction or suspension:

Provided that, in all cases of reduction and in cases where a suspension is not one pending inquiry into the conduct of the servant concerned but is imposed as a substantive punishment, the previous consent of the head of the Government office or department concerned shall be obtained.

Provided further that suspensions pending inquiry shall not exceed one month without the concurrence of the head of the Government office or department concerned.

Procedure before inflicting punishments.

5. In the case of all officers and servants holding posts included in the schedule of municipal establishment and drawing a salary of not less than Rs. 20 per mensem an inquiry in judicial form shall precede every order imposing any substantive punishment other than fine. The charge or charges against the officers or servant shall be reduced to writing and communicated to him. The evidence against him shall be brought on record and explained to him and he shall be allowed reasonable time and opportunity to rebut the evidence adduced against him and to furnish in writing such explanation as he may have to offer. The order passed after such enquiry shall contain a statement of the charges, the explanation of the officer or servant, an examination of the evidence for and against him and the finding on each charge.

Appeals.

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.

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.

8. (1) 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 other members of the council. The chairman of the municipal council shall have the right of attending meetings of the committee to support his orders if he so desires, but shall not be allowed to vote in the disposal of appeals.

Explanation.

(a) The termination of a municipal employee's service by the issue of a month's notice except upon the ground that the appointment has been abolished is a dismissal within the meaning of this rule.

(b) In the case of an employee on probation under a municipal council the termination of his or her services before, on or after the termination of the period of probation does not amount to a punishment against which an appeal would lie.

(2) 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.

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

The council shall when electing the 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 becoming the chairman of the municipality or otherwise a fresh election shall be held by the council and a member elected at such an election shall be entitled to hold office only up to the 14th November following.

(c) If the member who was elected chairman of the Standing Committee vacates his membership during the course of the year, a fresh chairman shall be elected by the council as soon as may be after a new member has been elected.

10. (1) No decision of the Standing Committee shall be valid unless at least two members of such committee are present and take part in the decision.

(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) A vice-chairman or municipal councillor who is a member of a Standing Committee dealing with appeals against punishment shall not be entitled to vote in the disposal of an appeal by such committee against an order passed by him either as chairman or chairman-delegate. If such an appeal is heard at a meeting of the appeal committee where only himself and one other member are present the case shall be remitted to the third member for disposal.

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

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. Notice of such meeting shall be given to the appellant and to the chairman of the municipal council at least three clear days before the date of such meeting.

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 elect a fresh 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 on Sundays and holidays until it is completed unless the committee finds, for reasons to be recorded in writing, that an adjournment of the hearing beyond the following day is necessary.

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

NOTES CONNECTED WITH G.O. No. 4259, L. & M., DATED
22ND OCTOBER 1928.

[SUBJECT :— Confirmation of rules regarding appointment and punishment of municipal servants published under G.O. No. 2068, L. & M., dated 9th May 1928.]

The notification regarding certain amendments proposed in the rules relating to the appointment and punishment of municipal servants was published in the *Fort St. George Gazette*, dated 15th May 1928. The six weeks' time allowed for the receipt of objections has already expired. Four municipal councils namely Coimbatore, Tadpatri, Rajahmundry and Chittoor have passed resolutions approving of the draft amendments. The Vellore Municipal Council is not in favour of the amendments; the Kumbakonam Municipal Council has approved of the chairman's letter to Government in which he has made certain suggestions. Three *chairmen* of municipal councils namely those of Adoni, Cannanore and Hindupur have objected in their *individual* capacity mainly to the amendment to rule 8 which seeks to exclude the chairmen from the Appeal Committee. The suggestions received by Government are examined in the sectional notes below.

2. The question has to be considered as to when the new rules should be brought into force. Under proposed rule 9 (a) the members of the Standing

Yes. Otherwise legal complications may arise as to the powers of existing committees to function.

N.R.—24-7-28.
C.W.E.C.—25-7-28.

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. It would therefore appear proper to give effect to the rules from 1st November 1928 only.

This should be kept ready for issue along with the order confirming the amendments.
N.R.—24-7-28.

3. The consolidation of the rules referred to in paragraph 2 of the Government Order will be taken up after the rules are confirmed.

4. Orders are solicited on the sectional notes below and paragraph 2 above.

S.P.—21/23-7-28.

M.P.S.J.—24-7-28.

N. RAMAYYA SASTRIYAR—24-7-28.

Put up in Madras.

If the rules are not to be brought into force until November why should this file be submitted to me when the Ootacamund office has closed?

C. W. E. COTTON—25-7-28.

The file is resubmitted for orders.

2. A clean copy of the rules revised up to date embodying the amendments proposed is put up.

M.P.S.J.—16-8-28.

N.R.—17-8-28.

A draft order is submitted below for approval. It may issue with the concurrence of Law (Drafting).

S.S.—19-9-28.

N.R.—19-9-28.

C.W.E.C.—20-9-28.

SECTIONAL NOTES.

Rule 8.

DRAFT AMENDMENT.

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.

1. *Chairman, Municipal Council, Adoni.*—The amendment to exclude the chairman from the Appeal Committee will lower the prestige of the chairman and the regard for him among the municipal employees. The present constitution of the Committee is quite satisfactory and no change is called for. The chairman cannot adequately discharge his functions under the Act unless he is included in the Committee.

2. *Chairman, Municipal Council, Cannanore.*—The proposed amendment is a retrograde step. The Committee is to sit in judgment over the chairman. When municipal servants can count upon the votes of any two of the three members, departmental discipline suffers.

3. *Chairman, Municipal Council, and Municipal Council, Kumbakonam.*—The proposal to exclude the chairman from the Committee will not be conducive to sound and efficient administration.

4. *Chairman, Municipal Council, Hindupur.*—The present rule is clear and adequate and needs no amendments. The proposed amendment sets at nought the responsibilities of the chairman and enables the municipal servant to defy the chairman.

Office-note.

The object of the amendment is that decisions on appeals should be given by a

Yes. The question has been discussed on pages 2 to 4 of notes to G.O. 2068, L. & M., 9th May 1928—vide in particular portion 'K' on those pages.

N.R.—24-7-28.

N.R.—24-7-28.

S.P.—21-7-28.

M.P.S.J.—24-7-28.

I sympathise with the objectors, but the policy apparently has been decided and should be given a trial. What about a chairman asking when the appeal being heard is against an order of his predecessor or a vice-chairman in charge.

C. W. E. COTTON—21-8-28.

With reference to the Secretary's query on the previous page it is submitted that the proposed rule 8 (a) provides for the election to the Standing Committee of three members other than the chairman. In no case will the chairman be entitled to vote at a meeting of the Committee; but he will have the right of attending meetings to support his orders, if he so desires.

Quite so.

C.W.E.C.—20-9-28.

S.P.—10-9-28.

M.P.S.J.—11-9-28.

2. There ought to be no objection to permit the chairman to vote where the

It is not a question of personnel of chairmanship that is involved but of the principle of allowing the original authority, i.e., the chairman, irrespective of change of incumbent—to take part in the decision of the appeal.

N.R.—19-9-28.

provision in the rules for such exceptional cases.

S.S.—15-9-28.

The above may be the Assistant Secretary's view but it is not mine. There is no need however for any additional rule, for the chairman will be also, under the rule as drafted, to vote when the order appealed against is not his own.

C.W.E.C.—20-9-28.

The principle of the objection to the original authority taking part in the decision of an appeal holds good irrespective of the change in the personnel of that authority.

So a new chairman cannot vote, in the decision of an appeal against the orders of his predecessor, whether it be the chairman or a vice-chairman in charge.

N. RAMAYYA SASTRIYAR—19-9-28

Rule 8.

SUGGESTIONS.

(1) *Chairman, Municipal Council, Cannanore.*—The number of members on the Committee should be five including the chairman.

(2) *Chairman, Municipal Council, and Municipal Council, Kumbakonam.*—The Committee shall consist of three members besides the chairman of the municipal council who shall be the chairman of the Committee; but he shall have no right to vote except in case when the meeting is attended only by two members other than himself and they are divided in opinion.

or

(3) The Committee shall consist of five members including the chairman. The appeal shall be decided in accordance with the opinions of such members or of the majority.

Office-note.

Please see the note on page 2 ante. The proposal to include the chairman of the municipal council in the Appeal Committee cannot be accepted, no matter whether he is to be given a vote or not.

N.R.—24-7-28.

2. There is also no necessity to increase the strength of the Committee to five, either with or without the chairman. The question whether the Committee should consist of five members in the case of big municipalities was considered when the draft rules in G.O. No. 1901, L. & M., dated 28th August 1923, were published (vide notes on pages 230—234 of the Government Order). It has been decided

The smaller the committee the better, for the prompt disposal of appeals.

N.R.—24-7-28.

page 66 of G.O. No. 94, L. & M., dated 8th January 1924.

S.P.—21/23-7-28. M.S.P.J.—24-7-28.

N.R.—24-7-28.

C. W. E. COTTON—21-8-28.

LAW (DRAFTING) DEPARTMENT.

The rule as now revised by Local Self-Government Department differs from the one as amended in the preliminary notification in that while the chairman was previously sought to be excluded altogether from membership of the Committee he is now made a member thereof.

That the intention was to exclude the chairman altogether from membership of the Committee will be clear from a perusal of the note of the Secretary, Local Self-Government Department, and the Hon'ble M-1, at page 4 of the notes to G.O. No. 2068, L. & M., dated 9th May 1928. The amendment to the rule suggested by this Department at page 10 of the said notes was designed to give full effect to this intention.

The reason for the present change seems to be the view, that the chairman is a member of the Appeal Committee by virtue of section 14 (b) of the Act.

This does not appear to be the correct view for the Appeal Committee is not a Committee of the council to which section 14 (b) of the Act applies for the following reasons:—

Section 23 seems to be the only provision authorizing the council to appoint committees. It says that from its members standing committees may be appointed with delegated power to dispose of matters which are reserved by the Act for the decision of the council. The power to hear appeals against orders of the chairman punishing municipal officers or servants does not appear to be a power reserved for the decision of the council to dispose of which it can elect a standing committee under section 23. On the other hand, prescription of methods of control over orders of punishment is expressly reserved by section 75 to the Governor-in-Council. The Appeal Committee is not therefore a Committee which the council may elect under section 23. The council has no power to determine the number of its members or regulate its proceedings, nor has it the power to appoint non-councillors to the Committee as it has in the case of special committees under section 24.

The Appeal Committee is a statutory body created by the rules as one of the methods of carrying out the purposes of section 75. It is open to the Local Government to appoint a person who is not a councillor as member of the Committee, and in fact, the councillor and the District Board President were members till 1922.

To take the view that the chairman is a member by virtue of section 14 (b) but can be restrained from voting by a rule will lead to difficulties. When the Act confers a right of membership on a person, it is not open to a rule to restrict or take away the powers or privileges of such a member. If the chairman is, by virtue of section 14 (b) a member of the Committee, he will be entitled to all the privileges of membership including the right to vote. Any rule prohibiting his taking part in the voting will be *ultra vires*.

Again, if the chairman is to be deemed to be a member, will he count for the quorum, under rule 10 (1). If he is to count, as he is not to vote, is it the intention that in a meeting attended by the chairman and one other member only the opinion of that other member should prevail?

For these reasons, it is suggested that the amendment originally suggested by this department may stand. Provision may, however, be made for the case of a member becoming the chairman of the council before the year ends.

The explanation should be inserted after clause (1) and before clause (2).

In explanation (b) the word "during" may be omitted. To be on the safe side, the word "after" may have to be added as the word "on" may be construed after the termination.

In the same explanation, for the words "from which any right of appeal arises" the words "against which an appeal would lie" may perhaps be substituted.

C. V. KRISHNASWAMI AYYAR—1-10-28.
G. S. BOZMAN—2-10-28.

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

Rule 8 as appended to the draft order does not state anything about the chairman's right to be a member of the Appeal Committee. There is therefore no need to make any alteration of the rule in this regard.

Vide below.

N.R.—8-10-28.

2. The suggestions of Law (Drafting) in regard to the explanations may be
Yes. N.R.—8-10-28. | accepted. The word 'expiry' may be substituted for the word 'termination' in the fourth line on page 8 of the draft.
No need. N.R.—8-10-28.

S.S.—7-10-28.

It is satisfactory to be assured that section 14 (b) has no application and that there is no need therefore to allow the chairman to be a member while depriving him a vote when appeals are prepared against his orders.

C.W.E.C.—9-10-28.

Perhaps (Law Drafting) considers that the phrase "a standing committee of three councillors excluding the chairman" is capable of conveying the implication that the chairman will also be a member but without the right to vote.

To avoid this implication, the words "excluding the chairman who if he attends the committee shall" in rule 8 (1) may be replaced by the following:—

"The chairman shall have the right of attending meetings and if he so desires."

N. RAMAYYA SASTRIYAR—8-10-28.

The exact form of the draft may safely be left to the Law (Drafting) Department.

C. W. E. COTTON—9-10-28.

Rule 8.

SUGGESTIONS.

Chairman, Municipal Council, Hindupur.—The standing committee may consist of three members who are not councillors.

Office-note.

N.R.—24-7-28. | The suggestion need not be accepted.
Quite so. N.R.—24-7-28. | The idea of the Government is that the Committee should be a Committee of the council.

S.P.—21/23-7-28. M.P.S.J.—24-7-28. N.R.—24-7-28.
C.W.E.C.—21-8-28.

Rule 8.

SUGGESTION.

Chairman, Municipal Council, Hindupur.—The rule may be so amended so that the appeal may lie to the municipal council.

Office-note.

Please see the note by the Inspector of Municipal Councils on page 22 of G.O. No. 499, L. & M., dated 14th March 1922 and the notes on page 60 of G.O. No. 94, L. & M., dated 8th January 1924, and also Assistant Secretary's note on page 7 of notes to G.O. No. 2068, L. & M., dated 9th May 1928. The appellate authority should be a small body and not a large unwieldy and deliberative body like the municipal council. The suggestion need not be considered.

S.P.—21/23-7-28. M.P.S.J.—24-7-28.

The suggestion is in effect to abolish the Appeal Committees. It cannot be accepted.

N.R.—24-7-28.
C.W.E.C.—21-8-28.

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

9 (a) The (three) members of the standing committee (to be elected by the municipal council) shall be elected *by the municipal council in the month of November* in each year and shall serve on the committee for a period of one year commencing from the 15th (November) of that month.

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) *held* by the council and (such) a member *elected at such an election* shall be entitled to hold office only up to the 14th November following.

(c) If the member who vacated his seat was also the chairman of the standing committee, a chairman shall be (held) *elected* by the council as soon as may be after a new member has been elected.

LAW (DRAFTING) DEPARTMENT.

Rule 9.—The words “three to be elected by the municipal council” may be omitted, as the chairman cannot be considered to be a member in the view stated above. The other amendments indicated on the draft in *italics* may be made. I presume section 39 is to apply if no election is held in November.

C. V. KRISHNASWAMI AYYAR—1-10-28.

G. S. BOZMAN—2-10-28.

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

The alterations suggested by Law (Drafting) may be accepted. They are only verbal.

2. Section 39 can be applied if the council fails to perform its duty.

S.S.—7-10-28.

N. RAMAYYA SASTRIYAR—8-10-28.

C. W. E. COTTON—9-10-28.

Rule 10.

3. For rule 10 of the said rules the following rules 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.”

Chittoor Municipal Council.—“If the vice-chairman is a member of the standing committee he shall not take part in any appeal made against any order passed by him as chairman.”

Office-note.

It does not appear necessary to embody the above suggestion in the rules.

N.R.—24-7-28. | ‘Chairman’ in the rules should be

chairman’ or the ‘chairman-delegate’ to whom the chairman can delegate his powers under section 18 (2) of the District Municipalities Act.

S.P.—24-7-28. M.P.S.J.—24-7-28.

The point is that the vice-chairman may be a member of the committee. The committee has to hear an appeal against an order passed by the vice-chairman exercising the powers of chairman in the latter's absence. The vice-chairman may no longer be chairman when the appeal is heard but he is interested in it and should not as a matter of principle be allowed to vote. Why should not the chairman if not interested be allowed a vote on such occasions?

C.W.E.C.—2-8-28.

The chairman is *not* a member of the standing committee and he will have the

This is wrong—vide margin on page 3 ante.

N.R.—19-9-28.

C.W.E.C.—21-8-28.

S.P.—10-9-28. M.P.S.J.—11-9-28.

2. As observed by the Secretary it will be against the principles under which the rules have now been proposed to be revised to allow the vice-chairman, or a councillor, who has acted as chairman to vote on appeals against his orders as chairman. It may however be noted that the members of the committee will be elected annually and will hold office for a year. If the vice-chairman or chairman-delegate is prohibited from taking part in the proceedings referred to above the appeal can be heard by only two members of the Committee. There will then be greater chances of difference of opinion between the two members and as a consequence the original order of punishment will prevail—vide rule 10 (3) of the proposed rules. It is therefore for consideration whether the vice-chairman or chairman-delegate should be prohibited from taking part in the proceedings. If however it is thought that such

N.R.—19-9-28. | prohibition is necessary the amendment to the draft rules proposed by the

Secretary may stand.

S.S.—15-9-28.

N.R.—19-9-28.

LAW (DRAFTING) DEPARTMENT.

Rule 10 (1).—This may run thus:—

“No decision of the Standing Committee shall be valid unless at least two members of such committee are present and take part in the decision.”

C. V. KRISHNASWAMI AYYAR—1-10-28.

G. S. BOZMAN—2-10-28.

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

Rule 10 (4).—A vice-chairman or municipal councillor who is a member of a Standing Committee shall not be entitled to vote in the disposal of an appeal by such committee against an order passed by him as chairman or chairman-delegate respectively.

LAW (DRAFTING) DEPARTMENT.

Rule 10 (4).—If, the vice-chairman or member who acted as chairman-delegate is not to vote at a meeting of the committee, suppose the appeal is heard at a meeting consisting of only himself and another member and the order is one passed by him while acting as chairman, is the appeal to be determined according to the vote of the other member only? It would perhaps be better to provide that in such a case the papers may be sent to the third member for disposal. The italics shown in the draft may be made.

C.V.K.—1-10-28.

G.S.B.—2-10-28.