

Local & Munl. (1898) Department.

INDEXED. *cr*

PRINTED.

G.O., No. 31m

DATED 6-1-98

DESPATCHED

[Despatch Abstract.]

Remuneration to a Munl. Councillor

Stating that Section 16 of the District Municipalities Act is obviously only intended to prohibit the payment from Municipal funds of — for services rendered by him as a Munl. Councillor and that it is not desirable that a Munl. Councillor should be engaged for remuneration by a Munl. Council as a pleader in a case to which the Council is a party.

Government {1898} of Madras.
LOCAL AND MUNICIPAL.

Proof for approval.

XL
14/1/98

Pass
strike off as usual

Recd.

Enclosures

Regd.

1898.

Spare copies

G.O., No. 31 M., 6th January 1898.

JANUARY.

Remuneration to a Municipal Councillor.

Stating that section 16 of the District Municipalities Act is obviously only intended to prohibit the payment from Municipal funds of — for services rendered by him as a municipal councillor and that it is not desirable that a municipal councillor should be engaged for remuneration by a municipal council as a pleader in a case to which the council is a party.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following paper:—

From BALU S. SHREENIVASSA, Esq., Chairman, Municipal Council, Palamcottah, to the Secretary to Government, Local and Municipal Department (through the Collector of Tinnevely), dated 21st September 1897, No. 391.

I have the honour to state that, with reference to the resolution of the council passed at the meeting of the 15th May 1897, Mr. S. R. Krishnasamy Aiyangar, District Court Pleader, Tinnevely, was engaged to conduct a case brought by Mr. R. Thomson, Barrister-at-Law, against certain servants of this municipality. The trial occupied two days, and for his remuneration he claims Rs. 50. As the said pleader happens to be a councillor of this municipality, I doubt whether the remuneration claimed by councillor Mr. Krishnasamy Aiyangar for services rendered by him as a pleader can be granted under section 16 (1) of Act IV of 1884, as amended by Act III of 1897. I have the honour to request therefore that you will be so good as to obtain the orders of Government on the subject.

Ref. on C. No. 1668.

Submitted.

2. The municipal councillor, who is a pleader by profession, defended certain municipal servants in a criminal prosecution brought against them.

3. I presume that the object of the legislature was to disallow any pay or remuneration to municipal councillors from the Municipal fund for services rendered by them as municipal councillors. I doubt whether the grant of remuneration to a pleader, who happens to be a councillor, for his services as a pleader must be refused under section 16 (1) of the Act IV of 1884, as amended by Act III of 1897, and recommend that, if possible, the payment of the fee in the present case be sanctioned.

(Signed) A. W. B. HIGGENS,
Collector.

28th September 1897.

ORDER—No. 31 M., dated 6th January 1898.

The Government agrees with the Collector in considering that section 16 of the District Municipalities Act is obviously only intended to prohibit the payment of remuneration to a municipal councillor from Municipal funds for services rendered by him as a municipal councillor.

2. As the engagement of the pleader in the present case amounts to a contract made by a municipal councillor with the municipal council, the permission of the Collector should have been obtained for it under section 260 of the Act.

3. The Government considers it is not desirable in future that a municipal councillor should be engaged for remuneration by the council as a pleader in a case to which the council is a party.

(True Extract.)

Ag. Secretary to Government.

To the Chairman, Municipal Council, Palamcottah,
" all other Chairmen of Municipal Councils.
" all Collectors.

Exd. C. M. Thambuswamy.

[Placed on E. T.]
verified from 70/18/98
8/1/98

Local & Munl. (1897) Department.

CURRENT No. 3400-M

From Babu S. Shreenivasa Esq.
Chairman,
Municipal Council
Palamcottah.

No. 291

Dated 21-9-97

Received 1-10-1897.

Registered

Enclosures

Spare copies.

The Government agrees with the collector in considering that section 16 of the District Municipalities Act, is obviously intended to prohibit the payment of remuneration to a municipal councillor from municipal funds, only for services rendered by him as a municipal councillor.

The question of making this intention of the legislature clear will however be considered quite clear when the act is amended at the next opportunity.

2. As the engagement of the pleader in the present case amounts to a contract made by a municipal councillor with the municipal council, the permission of the —

SUBJECT.

Requesting to obtain the orders of Government as to whether a municipal Council can claim remuneration from the municipal fund for services rendered by him as a pleader under section 16 (1) of Act IV of 1884, as amended by Act III of 1897.

Collector should have been obtained for it under section 260 of the Act.

3. The Govt. considers it is not desirable that a Municipal Councillor should be engaged for remuneration by the Council as a pleader in a case to which the Council is a party.

H.T.

17. 12. 97.

Note for H.M. If a valuer Councillor be allowed to appear for remuneration in legal business for the Council it is to be feared that his influential position would get him business on its behalf which would otherwise go to a perhaps more qualified valuer not on the Council; while the Council might not like to dispute his fees as might be their duty.

H.T.

To The Chairman, M.C. Palamcottah
All other Chairmen of Municipal Councils
Collector, S. 20/11/98

[Placed on E.T.]

vide Gazette of 1-2-98-

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No 391. Palamcottah M.C. Office.
21st September 1897

From Bal. S. Shreenivasa
Chairman
Municipal Council
Palamcottah

To The Secretary to Government
Local and Municipal Departments
Madras.
through the collector, Simmuelly.

Sir I have the honor to state that, with reference to the resolution of the Council passed at the meeting of the 15th May 1897, Mr S. B. Krishna-Samy aigangar, District Court pleader, Simmuelly, was engaged to conduct a case brought by Mr. B. Thomson Barrister-at-law against certain servants of this Municipality. The trial occupied two days and for his remuneration he claims Rs 50. As the said pleader happens to be a Councillor of this Municipality I doubt whether the remuneration claimed by Councillor Mr. Krishna-Samy aigangar for services rendered by him as a pleader can be

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Granted under Section 16 (1)
of Act IV of 1884 as amended
by Act III of 1897. I have the
honor to request therefore that
you will be so good as to obtain
the orders of Government on the
subject.

I have the honor to be
Your most Obedt Servt

Chairman

Approved for 16/12/97
28

Submitted.

2. The Municipal Councillor, who is
a pleader by profession, defended certain
municipal servants in a criminal
prosecution brought against them.

3. I presume that the object of the
legislature was to disallow ^{any} pay or
remuneration to Municipal Councillors
~~any~~ from the Municipal fund for
services rendered by them as Municipal
Councillors. I doubt whether the grant
of remuneration to a pleader, who happens
to be a Councillor, for his services as
a pleader must be refused under
Section 16 (1) of the Act IV of 1884, as
amended by Act III of 1897, and recommend
that, if possible, the payment of the fee
in the present case be sanctioned.

Tinnevely Collector's Office }
Dated 28 September 1897 } Collector