

E.&.P.H.

(194₈) Department.

SERIES.

G.O. NO. Ms.382 Edn.

Dated

27th February 1948.

27.2.1948

closed
88

O for R.S.

1-306
for 2nd copy in
ASTM

6

[Despatch Abstract.]

University - Madras - Senate - Election - Detention - Not disqualified from voting - Papers recorded.

Back Papers.

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

Further Papers.

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

Th. & Co., Ltd., Madras - 12-47-10,000 Bks.



*please reply whether
defence can vote (Ministry
Committee) 120
for the Senate Membership*

See p. 16

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

C. Class }
Prefix }

16 FEB 1948

No.

Recd. from

H. M.

By

By

Office Stamp.

16 FEB 48

Handed in at (Office of Origin)

Date Hour Minute

Service Instructions

Words

06428

Recd. here at

H.

M.

To

X HK MANGALORE KBL 16-14 CHANDRAMOULI

MINISTER MADRAS

REFERENCE TRUNK CALL LAST DATE NINETEENTH

IMMEDIATELY ACTION REQUESTED = DOCTOR MALLA

N.B. The name of the sender, if telegraphed, should be written after, but separated from, the text.

SUPERINTENDENT.

Tellegomand
P.C. Dad
S.O.
19.2.68

Exercise
membership —
franchise by a defense.

From Dr. Mallaya Telegram of 16-2-48.

Minutes of H.C. (L.A.) of 16-2-48.

" Secy L.A.

Please reply whether a defense can
vote (Municipal Councillor) for the Senate
membership.

H. C. [Chendramani]
16-2-48 "

E & P.H. Dept. may be requested
to inform H.C. (L.A.) as the position with reference
to his minutes immediately and send a
reply by telegram so as to reach the party
before 19-2-48.

Secy
16-2-48
E. & P.H.



E. & P.H. (G.3)

Please see the telegram above. It presumably refers
to the election of ~~fixing~~ to the Senate of the Madras University
by the Municipal Councils in South Kanara District. The
Municipal Councils in the district are eligible to send one
representative

Portmunkes New
125 of the
Madras University
Calendar, Vol I
— do —

1945-46

Representative to the Senate. The election is conducted by the Collector of the District or any Gazetted officer not below the rank of a Deputy Collector empowered by the Collector in this behalf. The voting papers with its enclosures will be sent by the Registrar to each elector through post. The papers will be sent to the address of the elector entered in the electoral roll and each elector who has received a voting paper is entitled to vote, and no disqualification on any detenu has been imposed by the Laws of the University.

It is however understood that a person who is detained under the Provisions of the ~~Act~~ Madras Maintenance of Public Order Act is not eligible to vote in any public election. Public (General) may put up papers if any on this subject and ~~say~~ whether ~~this~~ ~~that~~ ~~they~~ would affect the election to the Senate also by the Municipal Councils.

Public and Legal may see.

M. Yamardana Mallaya has been detained in the Central Jail, Bellary w.r.t. The detention orders issued by the D.M. South Kanara under the Madras Maintenance of Public Order Act, 1947. His detention was ordered by the D.M. on the grounds of public safety. He cannot therefore vote in any public elections.

The file may be passed on to Legal.

A above :- Attention is invited to para 9 of the VIth Schedule to the Govt. of India Act. If "detention" means "undergoing a sentence of imprisonment" with reference to this section, then Sri Mallaya cannot vote in any election to any legislature in India. The file may be passed on to Legal.

Item 4 of the
Staff n.p. 248
of the Board.

P253 - do -

It is presumed that the
detenu is a detenu under
this Act.

Specimen

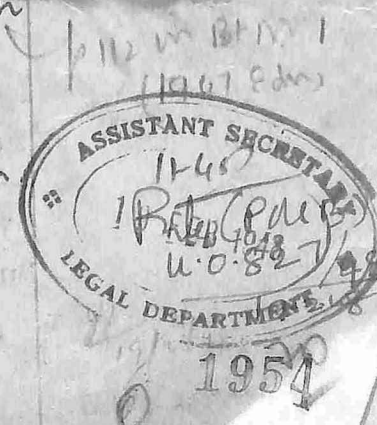
EX-14 (43)

DOM-119 (983/8-1)

17.2.48



Two Sub (Els)



1954

LEGAL DEPARTMENT.

Paragraph 9 of Part I of the Sixth Schedule to the Government of India Act which refers to election of members to the Legislature from the territorial constituency has no application to this case. The election here is to the Senate of the Madras University. Under section 14 (a) Class III (6) of Madras University Act, 1923, one member for each district has to be elected by the municipal councillors of the municipalities in the district from among themselves. The councillor in question is now under detention, and presumably he has not been convicted by any Criminal Court. If so, he will not incur the disqualification mentioned in section 50 (1) (a) of the District Municipalities Act. The question however arises whether the disqualification mentioned in section 50 (1) (h) will apply to him. On this point the Secretary of State gave a ruling in 1945 that persons detained in connection with the Civil Disobedience Movement of 1942 should be deemed to have resided in a house in the constituency within the meaning of paragraph 1 of Part II of the Sixth Schedule to the Government of India Act. The point may be verified by Public. If, on verification, it is found to be correct, the member in question cannot be said to be disqualified, and he will be eligible to stand as a candidate at the elections to the Senate of the University. The file may be sent to E. & P.H. through Public.

A

Legal memo 1954/487



Public
1145/487

19/2/48

19 Feb 48
Public (Els)
ETPH
Public (Els) Dept

A above is correct - See Public (Els) Memo No. 1368/45-1 D 7.12.45.
19/2/48
ETPH.

A draft telegram is kept below

hr
19.2.48

S a.c.

H.M. (200)

H.M. (L.A.)

See orders placed
over the phone to issue
the telegram.

I directed this to
the last set was in 1947
(Please see telegram 4.
p. 1 ch.).

hr
see for information.

hr
20/2/48

hr
20/2

H.M. (L.A.)
H.M. (H.M.)
H.M. (C.C.)
H.M. (L.A.)
20/2

hr
20.2.48

E+PH(513)

Please see the orders in circulation
above. The papers may now be
Order/Hs. 382 dated- 27/2/48
Recorded.

hr
26/2/48
26.2.48

hr
26.2.48

Abstract:-
University - Mad-
ras - Senate -
Election -
Defence - not
disqualified
from voting -
Papers recorded.
26/2