3/12/95

11-5-04.

14.3.21

12 3/94/34

10-5-94

PR

[L. & M.
9,000-8-8-96.]

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 148 M

DATED 1st February 1895

[Despatch Abstract.]

Municipal Council.

Ordering, with remarks, that the election of certain gentlemen as members of the Cannanore---be notified.

243

BACK PAPERS.

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

FURTHER PAPERS.

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

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[7]

INDEXED.

Miscellaneous.

Local and Municipal Dept.

G.O., dated 1-2-95

No. 148 M

When given for copying.

[Despatch Abstract.]

Municipal Council

Ordering, with remarks, that the election of certain gentlemen as members of the Cannanore — be notified.

Copied & signed 4/2

G.O.	No.	Department

Cal. 275/Ancl of 84

Statement shewing the Result of an Election held in the Cannanore Municipality on the 18th October 1874.

Name of Municipality	Name of Ward if any	Date of Election	No. of Registered Voters	No. of Voters who exercised the privilege	Name of Candidate	Number of Votes	Names of Candidates duly elected	Remarks
	2	3	4	5	6	7	8	9
	A	18th October 1874	233 (Inclusive of persons who have left the Stn. and those dead)	114	M.R.Ry. Thyil Chirikandan Avergal	77	M.R.Ry. Thyil Chirikandan Avgl.	Elected
					" Kotiath Cheyee "	92	" Kotiath Cheyee "	Elected
					" Thyil Krishnan "	37		Withdrawn
					" Thyil Ramoony "			
					" Choora Kunjappa Vydier			
						17		

G.O.	No.	Department

Municipal Office
Cannanore 18th October 1874

Sudlege
Chairman

BACK PAPERS

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

Cat. 275 / Encl of 94

From,

The Chairman
Municipal Council
Cannanore

To

The Chief Secretary to
Government,
Madras.

Dated 19th October 94

H. MOBERLY.
24 OCT. 94

Encl 1

Subject

Reporting on the election of Candidates for the 2 vacant memberships in the A ward of the municipality.

Forwarded

2
213
23-10-94

R 11094

No. 388

C.O. 3686
R.94

Municipal Office
Cannanore 19 October 1894
Dis 20

From
The Chairman
Municipal Council
Cannanore.

To
The Chief Secretary
to Government
Madras

Through
Sub Collector
of Malabar

Sir,

I have the honor to Report for the information of Government that an election was held yesterday from 10 A.M to 4 P.M under the Rules in A. Ward to fill 2 Vacant Seats for that ward. The usual Notices were, issued with the Sanction of the Council at a Meeting fixing the day, time and the place to hold the election for the ward.

2. There were 5 Candidates nominated for election against the 2 Vacancies. The usual Nomination and Valid Nomi-nation lists were published no objections were Received
Me. All the Candidates Nominated were Hindus an two time expired Members wer also Hindus, who were Nomi

213 m

Gazette

LOCAL AND MUNICIPAL DEPARTMENT.

NOTIFICATION.

UNDER Section 10 of the Madras District Municipalities Act, 1884, the under-mentioned gentlemen have been duly elected Municipal Councillors of the Municipality of Cannanore :—

Mkky Thyil Chirikantan avargal
" Kotieth ~~Ko~~ choyi avargal -

READ AGAIN ORDER OF GOVERNMENT, DATED
189 , No. , MISCELLANEOUS.

BACK PAPER, No. of 189 1

FURTHER PAPER, No. of 189

ENCLOSURES.

CURRENT NO.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

ES NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL (not paged).

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

Copied by

Examined by

[7] **INDEXED.**

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 1-2-95

No. 148 M

When given for copying.

[Despatch Abstract.]

Municipal Council

Ordering, with remarks, that the election of certain gentlemen as members of the Cannanore ——— be notified.

Copied & exd 2/2

No 1

L. B.

Malabar Sub Collector's office
Camp: Cannanore. 16th December 94.

From.

J. K. Batten Esq
Ag Sub Collector of Malabar.

To

The Collector of Malabar
Calicut

Sir,

With referance to your endorsement dated 5th December 94, on the petition of M.R.R. C.-K. Kunhappa Vydiar avl, 2nd grade pleader, questioning the validity of the election of Municipal Councillors T. Chirukandan and K. Choyi, I have the honor to report as follows.

2. The first allegation is that petitioner who was a Candidate at the election was only credited with 17 votes while he must have obtained at least 24 votes as he obtained declarations from 24 persons, saying that they had voted for him. On examining the voting papers, I found only 17 votes recorded in petitioner's favour. Of the 24 persons who are said to have voted for petitioner, 10 as a matter of fact, have not done so, while 3 votes were without his knowledge recorded in his favour (24 – 10 + 3 = 17).

Of the 10 voters said to have voted for petitioner but whose votes were actually recorded for others, I examined (in the presence of petitioner and of Messrs Chirukandan and Choyi) seven. Of these, two say that they voted for petitioner. Another first said he voted for Mr Choyi, but corrected himself and said he voted for petitioner. The other four deny having voted for petitioner. One of them says the Arakal Rajah's people afterwards ~~[illegible]~~ sent for him and made him sign some statement. Another says he was sent for to Arakkal and signed the "declarations" under the belief that it had something to do with a fishing contract, and another says he signed the declaration not knowing what it was except that it was about some municipal affair. All the voters examined are illiterate. It is evident that the 24 affidavits or declarations were obtained under pressure or fraud. Under the circumstances, the evidence of the three men who say ~~that~~ they voted for Petitioner is worthless. Petitioner, it should be noted, is a cousin of Chowa Kunhi Kannan the Arakkal Rajah's Karistan, and the Rajah's adversaries naturally wanted to have him elected rather than Messrs Choyi and Chirukandan who belong to the party of progress. I consider it would be impossible to discover exactly under what circumstances the 24 signatures were obtained or whether the Adhigari was to blame in the matter. I consider the first charge to be absolutely unfounded.

3. The next objection is that the polling was held at the Municipal office instead of in a specially erected booth. This has been done at all previous elections of the ward, in some of which, petitioner himself was a Candidate. Petitioner never before raised any objection to the practice. The place of polling was duly chosen at a meeting. Petitioner also objects that Councillors Mamookoya Haji and others of the party favouring Messrs Chirukandan and Choyi were seated in the front room. This is a fact. They were present as voters and being Councillors, were given seats. But petitioner and his friend Mr Krishnan 2nd grade pleader the other unsuccessful Candidate,

were present, and no intimidation could have taken place. It would perhaps be better in future to hold elections in some place where there is no sitting accommodation immediately outside the polling office.

4. The next objection is that the polling officer Mr Bachi Kutti had an assistant who was one of the Municipal Clerks. This is a fact. It was done as Mr Bachi Kutti was not personally acquainted with all the voters, and the Clerk was there to identify them. This has frequently been done at previous elections, and neither petitioner nor any one else has objected. Petitioner says Mr Bachi Kutti is not a suitable polling officer, but he has filled the post 5 or 6 times before without objection.

5 Petitioner also states that this clerk Kelan influenced votes. He admits that he has no personal knowledge of this, but that he obtained his information from Mr Krishnan the other unsuccessful Candidate who, he says, drafted his petition. I asked him to bring Mr Krishnan but he told me that Mr Krishnan who had much Court work would not come unless myself sent him an order. As Mr Krishnan has not objected to the election, I saw no reason to take him away from his work against his will. If he was willing to support petitioner's allegation, he would have come forward at petitioner's request. At petitioner's request I examined voter Kunhi Elaya a member of the Arakkal Rajah's family. He states that, while he was inside the polling room in order to vote, he heard Clerk Kelan ask a woman to vote for Mr Chirukandan. I cannot believe this evidence. The witness is well known to be a supporter of the petitioner and is a former Councillor. It is incredible that fraud to benefit the other side should have been committed openly in his presence.

6. It is also alleged that the voting papers were not put in the ballot box. Petitioner himself says that, on one occasion that he had to go into the voting room, the voting papers ~~were~~ were lying on the table. This allegation

is supported by the above Kunhi Elaya and also by one Pokker Muppantagath Mammad, one of the discredited witnesses alluded to in para 2. The polling officer emphatically states that the papers were at once put into the box. I believe this allegation to be quite unfounded.

7. It is also objected that the votes of certain women were obtained by the polling officer going outside to the bandy. As this was done in one case at least at petitioner's own request, he is hardly the person to raise this objection.

8. Before me Petitioner made some further allegations which I consider to be perfectly frivolous. For instance, the other unsuccessful Candidate asked the Chairman why there was such a crowd in the front room. The Chairman then in order to hurry up the voting said "get in signatures quickly" and the petitioner says that he added "we will see about the other things afterwards." Petitioner construes this to have meant that the signatures were to be obtained and the names of the Candidates scored out after the voters had left. Again, a man who was in arrears of municipal tax came to vote and the Chairman twitted him about his exercising his right to vote although he did not pay his taxes. This the petitioner chooses to interpret into a threat of the Chairman to prevent the man voting for petitioner.

9. I consider the objections to the election to be frivolous and vexatious. I think petitioner is a puppet in the hands of the Advisers of the Arakkal Rajah who object to the election of Messrs Choukandan and Choyi.

10. I enclose the statements taken from petitioner, the polling officer, and the witness examined. I also enclose a petition from the petitioner asking for the copies of the statements

taken from himself and the witnesses. I can see no objection to the granting of a copy of his own statement, but the statements of the witnesses should not be communicated to Petitioner as I think it likely that improper use might be made ~~use~~ of them. The voting papers are returned in a separate cover.

I have &c.

Sd. J. K. Batten

Ag Sub Collector

(True Copy)

for Collector

Ex.

CC.

1/213 M of 95

Ref on Cr. 22/M of 1895

Malabar Collector's Office

Calicut 14th January 1895.

Local & Municipal Dept.
CURRENT No. 213 M

From

H. Moberly Esq

Ag Collector of Malabar

To

The Hon'ble E. Gibson,

Ag Chief Secretary to Govt

Madras.

Sir,

Under rule 37 of the rules for the conduct of elections by wards, I have the honor to submit copy of Mr Batten's letter No. B. dated 17th December 1894.

2 On the 31st October last, I received a petition from C. K. Thunhappa Vydiar and questioning the validity of an election held at Cannanore on the 18th idem on the ground that fraud and intimidation was practised. Petitioner filed a number of unstamped affidavits to prove that he had received 24 votes, whilst he had been only credited with 17. Mr Batten's enquiry shows clearly that petitioner was rightly credited with only 17 votes.

3. Mr Batten's enquiry further shows that no fraud or intimidation was

is supported by the above Kunhi Elaya and also by one Pokker Muppantagath Mammad, one of the discredited witnesses alluded to in para 2. The polling officer emphatically states that the papers were at once put into the box. I believe this allegation to be quite unfounded.

7. It is also objected that the votes of certain women were obtained by the polling officer going outside to the bandy. As this was done in one case at least at petitioner's own request, he is hardly the person to raise this objection.

8. Before me Petitioner made some further allegations which I consider to be perfectly frivolous. For instance, the other unsuccessful candidate asked the C[illegible]man why there was such a crowd in [illegible]e front room. The Chairman then in order to hurry up the voting said "get in signatures quickly" and the petitioner says that he added "we will see about the other things afterwards." Petitioner construes this to have meant that the signatures were to be obtained and the names of the candidates scored out after the voters had left. Again, a man who was in arrears of municipal tax came to vote and the Chairman twitted him about his exercising his right to vote although he did not pay his taxes. This the petitioner chooses to interpret into a threat of the Chairman to prevent the man voting for petitioner.

9. I consider the objections to the election to be frivolous and vexatious. I think petitioner is a puppet in the hands of the Advisers of the Arakkal Rajah who object to the election of Messrs Chowkandan and Choyi.

10. I enclose the statements taken from petitioner, the polling officer, and the witness examined. I also enclose a petition from the petitioner asking for the copies of the statements.

practised. Rule 36 lays down that the validity of an election may be questioned only on three grounds. In the present Case none of these grounds holds good, So I recommend that Messrs Chinnkandan and K. Chagi be held to have been duly elected.

4 As regards Mr Battan's remarks in para 3 of his letter about the polling booth, the Chairman's attention will be ~~drawn~~ invited to rule 23.

5 Referring to para 10 of Mr Battan's letter I can see no reason why petitioner should not be granted Copies of all statements taken at the Enquiry. The statements are not Confidential.

6. I request ~~that~~ the enclosures may be returned when no longer required to enable me to grant Copies to petitioner, and to have enquiry made into the Adhigari's Conduct in

attesting unstamped affidavits.

I have the honor to be,
Sir,
Your most obedient Servant

Dy. Collector.

lw

BB

Local & Municipal Dep.

CURRENT No.

1782 ... 21-11-94
859 ... 30-4-94
1876 ... 8-12-90
69 ... 22-1-95

From,

The Collector
of Malabar

To
The Chief Secretary
to Govt
Madras.

Dt. 14 — 1 — 95

Despd.

Recd

CHIEF SECRETARIAT GOVERNMENT OF MADRAS

En / /

Subject

Reporting upon the petition of C. K. Kunhappa Vydiar and questioning the validity of the election of messrs Chirukandan & K. Choyi as Mpl. Councillors and recommending that for reasons stated their election may be confirmed & published.

C.S. / Misc. Order

1-2-95 No. 148 Mun.

The Government agrees with the Collector in considering that there are no valid grounds for annulling the election. The petition of objection will accordingly be rejected, and the names of the successful Candidates will be published in the Fort Saint George Gazette.

2. The Collector ~~is~~ will be requested to remind the Chairman of the necessity of following exactly the procedure in conducting elections which is laid down in the rules in G.O. dated 8th Dec 90. No. 1876 M and he will call the attention of the Subcolr. to his neglect to the orders as to the use of Mr. when referring to in official correspondence to Native Gentlemen

V.R.
25/1/95

28/1/95

30/1/95

To.

The Collector of Malabar with 16 Enclosures.

Gazetted 5/2

1

When given for copying
When copied
When examined
When signed
189 .

Read again G.O., No. DATED
189 ,

Current No.

Enclosures to C. No.

Order of Government .. .. .. A A A A A A A

Letter of Government.

Statement with ditto.

Papers not filed up, being meant for despatch in original.

N.B.—
A = Copy in full.
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