

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

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 17202.

DATED 19 Sept 1895

[Despatch Abstract.]

District Board.

Directing the President, District Board, Malabar, with
remark, to hold a fresh election to fill up a vacancy in the
District Board.

BACK PAPER, No.

OF 119

READ AGAIN ORDER OF GOVERNMENT, DATED
189 No MISCELLANEOUS.

FURTHER PAPER, No.

OF 189

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DETACH
IN ORIGINAL (not paged).

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Copied by

Examined by

Proceedings of the Tellicherry Taluk Board, at
a special meeting held at Tellicherry on Wednesday
the 14th August 1895

Present

A. F. Turkey Esq

President

1. M.R. K. Ramaswami Iyer a/c
vice President

2. C. Gobalan Nayar a/c Sadayya

3. Revd J. L. Wiseman

4. M.R. P. Luni Kuthi Kidava a/c

5. V. C. Aravo Sahib Sahadur

6. M.R. V. K. Lumbanba Nambiar a/c

Read notice n^o. R.C. 2106 dated 7th August 95
from the President District Board requesting to
convene a meeting for electing a District Board
member from among the members of this Taluk
Board vice M.R. C. H. Kumbi Chandra Nambiar
a/c whose term expired on 31st May 1895.

Proposed by M.R. Gobalan Nair a/c
by M^r. V. C. Aravo Sahib Sahadur
That M^r. J. B. Burnett
be

be elected, be member of District Board.

Carried. new Com. 6 members voting
besides the President.

Mr. A. F. Pinney
President

(Inclot)

Mr. K. Ramaswami Iyer
Vice President
Tellicherry T. Board

(Inclot)

T. Radhakrishnan
For President

28

2450495

Malabar District Board Office
Ref No. 2205
17/11/95
Calicut 20th August 1895

Local & Municipal Dept.

CURRENT No. 2450X

From,

H. Moberly Esq

President District Board
Malabar

To,

The Chief Secretary to Government
Local and Municipal Dept
Madras

Sir,

At a special meeting of the ^{Tellicherry} District Board held on 14th instant to elect a member for the District Board in place of Mr. R. C. Munkhi Chaudh Nambiar Esq. Six gentlemen beside the President attended. One of the 6 gentlemen was Mr. R. C. Jopalan Nayar Esq., till lately Tahsildar of Kuzumbanad, but now a Deputy Collector for registration purposes. Section 23(2) of Act V of 1884 (Madras) says 'any person holding a salaried office under Government who is a member of a local board shall, on being transferred from the local area over which

which such Board has authority, be deemed to have vacated his office of member of such Board. Mr. C. Gobalan Nayar a/c took charge of the office of Deputy Collector on 26th ultimo, so that, as I read the act, he was not a member of the Taluk Board on 14th instant.

2. It will be seen from the accompanying extract from the Proceedings of the Taluk Board that Mr. C. Gobalan Nayar a/c proposed that Mr. J. B. Burnett should be elected, as a member of the District Board and that the proposal was carried unanimously.

3. Thus even if Mr. C. Gobalan Nayar a/c was not a member of the Taluk Board on 14th inst, Mr. J. B. Burnett was elected by 5 out of 9 members on the Taluk Board, and so, obtained a majority of votes. But as Mr. Burnett was proposed by a gentleman, who was not a member of the Board, I doubt if the election can be held to

to be valid.

4. I solicit orders.

I have the honor to be,
Sir,
your most obedt servant.

Prithvi Narayan
For District

John

cc.

752 4th 95
802 4th 95
674 4th 95

[G.]
[24.]
690-8395

DEPARTMENT.

Papers to be read in proceedings:—

in G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No:

of 189 , dated

from

Current No. 2450-L

of 1895, dated

from

ORDER. 19-9-95. No 1720 Lins

As MRRy C. Gopala Nayark is
was not a member of the Board
when he proposed that Mr. J. B. Burnett
should be elected as a member of
the District Board the election appears
to be invalid under No. 5 of the
rules in G.O. dated 28th Jan. 1887
No. 196-L.

2. A fresh election should
accordingly be held.

19-9-95 JR (from orders)
17/9/95

To The President, Dist. Board, Malabar. R90-

Dated 23/9/95

752 4th 95
802 4th 95
674 4th 95
CURRENT No. 2450L

From

The President
Dist Board
malabar

To,

The Chief Secretary to
Govt Madras

Dated 20-8-95

sd/- 23.8.95

Recd 26 AUG 95

Ref m.c. no 2205
19/9/95

End /

Subject

Reporting on the election of
Mr. J. B. Burnett as a member
of the District Board in place of
MRRy C. Murali Chandra nayark
and stating that for reasons
stated the election is not valid
and soliciting orders in the matter.

(with order)

H.M.
m.c.

Order

Under Sec. 162 of the Local Boards
Act, M. R. C. Gopalan nayark's proposal
to elect Mr. J. B. Burnett as a member of
the District Board cannot be considered
invalid. The usual notification will
therefore be published in the Fort St. George Gazette.

19-9-95

For orders

Sec. 162. Does not seem to apply.
The question is not whether the proceedings
of the board are invalid or not because one of
the members of it was not a member, but
whether the proposal of this gentleman by a
person who was not a member is a sufficient
proposal under No. 5 of the rules in G.O. 196-L.
It is submitted that in strictness it is not,
though it seems superfluous (on any other
ground) to order a fresh election in this case.
19-9-95

No doubt in R.R. C. Gopal Mis was
not a member of the Bd when
he proposed Mr. Burnett and
thereby speaking the nomination
was invalid. But as it is common
to the President, District Board, Malabar
Gazette.

Imprisoned
it is
3/8/95

on this account to go to all
many limbs of holding a
fresh election. The result of
which is to be seen in 11/8/95

Examined by

Section to
Malabar

District Board

CS (from order)

17207

Office note this case

Wey
PR. 22

Wey
PR. 22

Write on this

Examined by

Wey 4/11/93

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189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

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