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

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1823 M

DATED 2nd November 1895.

[**Despatch Abstract.**]

Municipal Council.

Agreeing with the Collector of Tanjore with remark on the question regarding the absolute majority of votes to be secured by the successful candidate in the election of chairman.

votes excluding his own i.e. 12. The principle laid down in Government Order No. 1966 M. dated 13th December 1894, was not intended to override Rule 2. It is clear from para 2. of the Government Order, that Rule 2 was directly before Government, when the Government Order was passed. The necessary number of votes in the case put is therefore 13.

I have &c

(Signed) E. C. Rawson
Ag. Collector.

(True Copy)

For Ag: Collector.
26 10 95

R/ D.R./

1 / 2246 M of 95

Extract from the Proceedings of the Municipal Council Negapatam at a Meeting held at 7.30 A.M. on Friday the 18th October 1895

Present.

V. Chinnamaracayar Maliniar Sahib Bahadur
Chairman delegate

2. J. Hardaker Esquire
3. Revd. J. J. Luis
4. Revd. E. Webster M.A.
5. S. Chinnathambymaracayar Sahib Bahadur
6. M.R.Ry. A. R. A. Gurusamy Pillay avergal
7. " P. S. Krishnasamy Naidu garu.
8. " C. R. Kunjithapatham Iyer avergal
9. M. Othman lebbai Maracayar Sahib Bahadur
10. M.R.Ry. P. Ratnasabapathy Pillay avergal
11. " P. Soobramania Iyer avergal
12. M. Vappakandoomaracayar Sahib Bahadur

× × × ×

9. Read Memorandum by M.R.Ry. P. Ratnasabapathy Pillay avergal proposing that the Council resolve

to

to Submit a reference to Government for definite rulings on certain points regarding the absolute Majority of votes to be secured by a successful candidate in the election of Chairman.

Resolved that a reference be made to Government with Copy of the Memorandum, through the Head Assistant Collector and the Collector of Tanjore, for favour of definite rulings on the point.

(True Extract)

G. Innamare Cays

Chairman delegate

2/3246 M of 95

Memorandum.

1. Under rule 2 of the Municipal Chairman's election rules "the successful candidate has to obtain the votes of more than half the total number of members then on the Council." Under the Supplemental rule ~~to~~ rule 4 sanctioned in G. O No. 1966 M dated 13th December 94, 'no vote given by any candidate in favor of himself shall be counted'.

2. In para 2 of the above G. O. it is said: "The Government, however considers that the principle that the chairman elected should possess the confidence of a majority of the other members of the council should be maintained."

3. Supposing there are 24 members and one candidate, how is the absolute majority to be calculated? When we speak of a majority of votes, it can only be

be a majority of the voting body. It cannot be of the voting body plus some one who is not entitled to vote. This view is in accordance with the above quoted observation of Government "that the chairman elected should possess the confidence of a majority of the other members of the Council". In the above case the voting strength is only 23, and an absolute majority of 23 is 12. There may be a dozen candidates, and, as there is nothing to prevent one candidate from voting for another, in the case of each candidate there are 23 members entitled to vote and to be successful he must secure 12 votes.

4. The Collector has held that in-as-much-as the wording of rule 2 was not altered when the supplemental Rule 4 was passed, the majority for the successful candidate must be calculated upon the full strength including him. With great deference, I venture to think that

that both the rules should be read together and given effect to. Further the Collector's attention does not appear to have been drawn to the observation of Government quoted in para 2 supra. As the question is one of great importance and may arise in this municipality at the ensuing election, I am of opinion that the Collector should be respectfully requested to reconsider the matter and obtain from Government a ruling upon the point.

5. I therefore beg to propose that the Council resolve to submit a reference to Government upon the point through the Divisional officer and the Collector, with its opinion and a copy of this memorandum.

Negapatam }
12. 10. 95 }

(Signed) P. Ratnasabapathy Pillay.
M.C. Councillor
Negapatam

(True copy)

Sinnamari Ayr
Chairman delegate

3
3246 M of 95

C

OFFICE OF THE MUNICIPAL COUNCIL.

Negapatam, 21st October 1895.

Local & Municipal Dept.
803
CURRENT No. 3246 M 5th

From

The Chairman, Municipal Council,
Negapatam.

To

The Honorable The Chief Secretary
to the Government of Fort Saint George,
Madras,
(Local and Municipal Department.)

Through the Head Assistant Collector and the Collector of Tanjore.

SIR,

I have the honor to forward herewith an Extract from the Proceedings of the Council dated 18th October 1895, together with a copy of the Memorandum therein referred to; and to request that Government will be pleased to pass a definite ruling on the question raised by Councillor M.R.Ry. P. Ratnasabapathy Pillay Averga

2. The question now laid before Government is whether, with reference to the observations of Government in para 2 of G.O No 1966 dated 13th December 1894, the absolute majority required by No 2 of the rules for the election of Chairman should not be, calculated on the existing strength of the Council minus the Candidate

candidate who under the Supplement to rule 4 sanctioned in the G.O quoted above, is precluded from voting for himself. This view though apparent from para 2 of the Government order quoted above is not clear from rule 2 as it stands. It cannot possibly be that the majority should be calculated among the voting body plus somebody else - the candidate who has no vote so far as his candidature is concerned.

3. As the last adjourned meeting of the Council for electing its chairman will be held on the 4th November next and as the decision of Government on this point will materially help the Council in determining the results of the ballot at the ensuing election, I request that Government will be pleased to give expression to their opinion at their earliest convenience and communicate the same, if necessary, by wire before the said date.

I

I have the honor to be
Sir
Your most obedient Servant
Jinnamadi Ayr
Chairman delegate.

Current No. 803 ML. of 1895.

From

The Chairman,
Municipal Council,
Negapatam.

To

The Honorable The Chief Secretary
to Government, Fort St. George,
Madras.
Local and Municipal Department.

No. 533

Dated. 21st } October 1895
Despd. 22d }
Received. }

Reference.

22 OCT 95

SUBJECT.

Submitting a reference to government on certain points in regard to the absolute majority of votes to be secured by the successful candidate in the election of Chairman

Endtion

Current No. 4709 ML of 1895

Forwarded

2. It seems quite clear that Government in G.O. No 1966 M. dated 13th December 1892 did not intend to alter Rule 2 in any way. Rule 2 is most definite.

E Ch

24 OCT. 95

22 10

DESPATCHED.
22 OCT. 95

Urgent

[illegible] under [illegible] 26.10

Put up.

Rs
25/10

Endt. on Cur: No $\frac{803}{Mt.}$ of 1895

No: 3

Submitted to Government for favour of very early orders, by wire if necessary, as the election is fixed for the 4th November. For myself, I do not see how the difficulty arises, as I have already told the Council in my Reference Cur No $\frac{694}{Mt.}$ of 1895 a copy of which is enclosed. It is clear, I think, that Govt. had no intention of over-riding Rule 2 when G.O dated 17th Dec: 1894 No 1966 M (Local & Munl.) was passed.

The present reference is based apparently on the idea that the vote of a candidate is excluded altogether, but this is not so. It is only excluded when it is cast in favour of himself.

It is impossible to suppose that Government in passing the G.O referred to above, intended to reduce the requisite majority. ~~The object~~ The intention was evidently to make the test a severer one instead of an easier one.

E. C. Lawson
Ag. Collector

Tanjore Collector's Office
Tanjore.
25th Oct: 95.

Rs 26/10/ Desp: 26th

Local & Municipal Dept.
CURRENT No. 3246 M

1966 L 17-12-94
214 L 7-3-88
596 L 1-4-95

From

The Ag Collector of
Tanjore

To

The Chief Secretary to Govt.
Local & Munl. Dept.
Madras

Dated 25th
Desp: 26th
Recd.
} October 1895

Endt on Cur: No 803/2nd of/95

En: 3

CHIEF SECRETARY
27 OCT. 1895
GOVERNMENT OF MADRAS

Submitting with remarks a reference of the Chair-M.C. Negapatam to Govt. on certain points in regard to the absolute majority of votes to be secured by the Successful Candidate in the Election of Chairman.

C.N. 3246 m

u/mise **Order** No. 1823 mis. 2-11-95

The Government agrees with the Collector.

2. The Chairman's letter should have been marked "urgent" on the docket as required in G.O. No. 596 L dt 1st April 1895.

V.A.
2/11/95

Note

The order will be communicated to the Chairman by wire as soon as it is passed.

V. W.

To

The Chairman M.C. Negapatam,
thro' the Collector of Tanjore

BACK PAPER, NO. of 189

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 DESPATCH IN ORIGINAL (not paged).

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

Copied by 4/11
Examined by

24-5-13

INDEXED.

Miscellaneous.

Local and Municipal Dept.

G.O., dated 2-11-95
No. 1823/M

When given for copying.

[Despatch Abstract.]

Mnl: Council

Agreeing with the Collector of Tanjore, with remark, on the Question regarding the absolute majority of votes to be secured by the successful Candidate in the Election of Chairman.