

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1940/m

DATED 22nd November 1895.

[Despatch Abstract.]

Election Rules.

Informing the Collector of Kistna that the words
"any registered voter" occurring in No. 20 of the-----are not
restricted to any registered voter of the particular ward
in which the election is held.

BACK PAPERS.

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

FURTHER PAPERS.

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

[7]

INDEXED.

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.	
G.O., DATED	22-11-95
No.	1940 m.

When given for copying.

[Despatch Abstract.]

Election rules

Informing the Collector of
Distna, that the words
"any registered voter" occurring
in No 26 of the Election rules are
not restricted to any registered
voter of the particular ward
in which an election is held.

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

BACK PAPER, No.

OF 119

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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.-

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- B - Not to be copied.
- P - Copy abstract only.
- Q - Copy heading only.

Copied by *Lee*
Examined by

P.C. No. *1176*
Eng 85

OFFICE
OF THE

COLLECTOR & MAGISTRATE,
MASULIPATAM,
KISTNA DISTRICT.

25th September 1895

FROM,

J. N. Atkinson Esquire, 3105 M

Collector, Kistna District.

TO,

The *Chief* Secretary to Government,
Local and Municipal Department,

Fort St. George.

SIR,

I have the honor to forward herewith
Copy of ~~the~~ proceedings of the Chairman of
the Gundur Municipal Council dated *25th* August
1895 and to enquire whether the Chairman is
right in holding that the words "any registered
voter" occurring in rule 20 of the Municipal
Election Rules are restricted in meaning to
any registered voter of the particular ward
for which the election is being held.

2. An appeal from the Chairman's
decision was filed before me and on the
particular question as to the meaning of the
words "any registered voter" I should have
ruled that the Chairman was wrong: but

under circumstances explained in my letter
Reference on Current no $\frac{1176}{\text{English}}$ dated 14th
September 1895, I was unable to give any
decision, since the time for so doing
expired before I was in a position to
do so. I solicit the ruling of Government
on the point, for future guidance.

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

W. W. M. M. M. M.
Collector.

Cmpd.

W. W. M. M. M.

To,
THE *Chief* SECRETARY TO GOVERNMENT,
Local & Municipal DEPARTMENT.
FORT ST. GEORGE.

Dated 25th September } 1895
Despd: 174 OCT. 35
Recd:

Region C. No. 1176 395
Aug

Subject.

Requesting to be informed whether
~~Localities~~ the ruling of
Government as to the
meaning of the words "any
registered Voter" ^{occurring in} in rule 20
of the Municipal Election
rules, are restrictive in meaning
to any registered voter of the particular
ward in which the election is held.

C.S.
Inise

Order N° 1940 minus 22-11-95

The Collector's question
will be answered in the

neg a fine.

V.R.
16/11/95

26/4/95

22/11/95

To
The Chairman Mr. Gunter
Collector of Kistna
Dist. 26/10/55

with order

Vote and a candidate

(Sd) V.B. Havana Charles
Chairman

(True copy)

(Sd) V.B. Havana Charles
Chairman

(True copy)

Historia Coleccionale
basubipsum
25th Sep / 95

Chairman
Sir collector

nr
29/9

nr

that it is the look-out of the Voters who have full discretion either to reject or to return a candidate and I see no reason why I should interfere in such matters when elective franchise is once given to the Voters.

- 27 It is true that there is a foot-note under rule 3 which authorizes Companies to register the names of a Secretary, an agent or a partner to vote on their behalf but it is not in my opinion mandatory. This rule does not prohibit members of such Companies to vote but simply allows them to vote through their agent or for the sake of convenience. This foot-note is not however found under rule 5 and it has no concern at all with the question at issue.

I therefore hold that the objection raised by the objection can't invalidate Mr. Kanakaratnam's candidature. I must here add that Mr. Kanakaratnam was one of the candidates in the election that took place in June last for the 2nd ward in which Mr. Subbarow was both a

Councillorship for the 4th ward on the ground that they pay an income tax of Rs 203-2-0.

23. Mr. Subbarayudu's name also appears separately in the list of the ward No. 3 both as a voter and a person qualified for membership on the ground that he pays a house tax of Rs 34-0-0.

- 24 The above lists became final under rule 13 and they must be in force until the end of the current official year.

25. Mr. Subbarow objects that Mr. Kanakaratnam can't be a Councillor so long as Mr. Subbarayudu is on the Council. Mr. Subbarayudu became a Councillor 1893 as I said above on his own right and his presence in the Council on that ground alone can ^{not} debar Mr. Kanakaratnam in the absence of a positive rule of law.

26. Mr. Subbarayudu says that it is bad principle to allow members of the same family to be on the Council, but I think that

there is no positive rule of law to support his view.

19 It is true that I once disqualified Mr. Ch. Kanakaratnam but that was on a different ground altogether (Vide my proceedings dated the 9th March 1893).

20. When the list of Voters and persons eligible for a candidature were prepared in 1891, Mr. Kanakaratnam's name was not mentioned as a voter but Mr. Subbarayan an elder brother of Mr. Kanakaratnam was the only person that was shown in the list as voter No.

440. Mr. Kanakaratnam however stood as a candidate in the elections that took place in March 1893 and I held that he was not eligible simply because he was a member of Mr. Subbarayan's family.

21 Mr. Subbarayan then stood as a candidate on his own right and succeeded in getting a seat in the Council.

22 This year the Voters lists were revised at the end of March last and the names of Messrs. Subbarayan, Venkatasappaiah and Kanakaratnam were registered as voters and qualified persons for

15 As Mr. M. Subbarow is not a voter in the 1st ward in which election is to be held he has no locus.

stand to question the nomination of Mr. Ch. Kanakaratnam and his objection memo is therefore inadmissible.

16 As to the first point namely whether or not Mr. Kanakaratnam is eligible for candidature under Rule 5, I am disposed to think that Mr. Subbarow's objections do not for a moment stand.

17 Rule 6 showing the persons that are disqualified for election is exhaustive and Mr. Subbarow does not attribute to Mr. Kanakaratnam any disqualification enumerated there in.

18 Mr. Subbarow says that Mr. Kanakaratnam being a member of an undivided Hindu family consisting of 3 brothers of whom one is already on the Council, he is ineligible for a Councillorship. I have studied the rules carefully and I find that there

a Voter in the 1st ward in which Mr. Hanaka-
ratnam stands as a candidate for
Councillorship.

12 Ward election system having been
introduced in this Municipality lists
of Voters in each ward were separately
drawn up under No. 7 of the rules fram-
ed by the Government for the conduct of
election by wards (Vide page 1 to 42 of
the rules book)

13 Rule 20 provides that objections may be
put forward by any registered ^{voter} ~~person~~
writing. Here any registered Voter must
necessarily mean any registered Voter of
the particular ward for which the candi-
date stands. I don't for a ~~dash~~ moment
think that any Voter of any ward may
object to the nomination of a Candidate
for a ward in which he has no voice as
a Voter.

14 It is only in towns where elections are
conducted by the town as a whole any
Voter may object to the nomination of
any candidate. Such elections are
conducted on a different principle
altogether (Vide Rules for the conduct of
elections by the town as a whole: page 43).

(8) The Voters list for the 2nd Ward
prepared recently shows that Mr.
M. Subba Row is one of the Voters.

9 When he stood as a candidate
for elections that took place
in June last an objection was
taken by a Voter against his can-
didature on the ground of his
not residing in the town for at least
6 months immediately preceding
the publication of the list of
persons eligible for Councillorship.
The chairman-delegate disqualified
him and the collector of the
District upheld the same although
on different ground.

10 The above circumstances will
in my opinion debar him from
appearing as a candidate for Coun-
cillorship until the list is again
revised at the end of the year
but they can't disqualify him for
^{exercising} ~~exercising~~ the right of Voter as he
pays a house and land tax suffi-
cient to qualify him as a Voter.

11 Mr. M. Subba Row is not however
a

immediately preceding the preparation of lists (Vide Proceedings dated the 5th June 1895) and as the Collector of the District upheld the same although on different grounds (Vide Collector's Proceedings dated the 12th June 1895)

(b) That Mr. Subbia Row not being a Voter for the 1st ward in which the election will take place, he can't object to his candidature.

(c) And that he is fully qualified to stand as a candidate under rule 5.

(d) The chief points for determination are:-

(a) Whether or not Mr. Ch. Hanakaratnam is eligible for candidature under rule 5.

(b) Whether or not Mr. M. Subbia Row is competent to question the Validity of the candidature in question.

7 Before deciding the first point, I proceed to decide the 2nd point namely whether or not Mr. M. Subbia Row is competent to question the Validity of the candidature in question.

rolls.

4 Mr. M. Subbia Row objects to the Validity of the candidature of Mr. Ch. Hanakaratnam on the grounds inter alia that the said Hanakaratnam is not qualified under No. 5 of the election rules and that he, as a junior member of the undivided Hindu family consisting of 3 brothers namely Messrs Ch. Hanakaratnam, Subbarayudu, and Venkatasappaiah of whom Mr. Subbarayudu is already on the Council as an elected member, can't have a seat in the Council.

5 As Mr. Hanakaratnam the Candidate happened to be present at the office when I heard the objections, I called upon him to argue his case and he raised the following points amongst others at the time of hearing-

(a) That the objector is not a voter as the chairman delegate once disqualified him to be a Candidate on the ground that he was not a resident of the town for 6 months immediately

Copy of Proceedings of the Chairman
Quintus Municipality dated the 6th
August 1895.

Read nomination roll presented by
Mr. Muller and others nominating
Mr. R. Ry Ch. Thanakaratnam gar as
a candidate for a Councillor's seat
for the 1st ward.

Read also objection memo presented by
Mr. R. Ry Mr. Subba Row B. A. questioning
the validity of the candidature of the
said Thanakaratnam gar.

Order thereon

As my term of office as
Municipal Councillor will expire on the
9th instant the Council decided that
the 20th instant will be the day on
which election should take place.

2 Messrs Ch. Thanakaratnam, B. Thana-
karaju Puntulu B. A., H. Kotaliah, A.
Krishnappa, J. Apparow, Puntulu and
A. Ramappa Puntulu have been duly
nominated as candidates but Messrs

Apparow and Ramappa with-drew -
from the field on the very day on which
the lists were published.

3 There then remain four candidates on the
rolls.

When given for copying _____
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When examined _____
When signed _____

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

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