

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1971 *tn*

DATED 25th November 1895.

[Despatch Abstract.]

Petition.

Informing M.V. Sundaram Aiyar of Madura that his requests regarding the candidature of Mr. Fisher as councillor of the Madura Municipality are inadmissible.

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 25-11-95

No. 1971/M.

When given for copying.

[Despatch Abstract.]

P. K. K.

Informing M. V. Sundran
Aiyas. of Madras, that
his requests, regarding the
Candidature of Mr. Fisher
as Councillor of the Madras
Municipality are inadmissible.

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

BACK PAPER, No.

FURTHER PAPER, No.

OF 189

ENCLOSURES.

CURRENT No

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

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

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Local & Municipal Dept.

CURRENT No. 3598

The Chief Secretary to Government,
Local and Municipal Department,
Fort Saint George.

The humble petition of M. V. Sundramier, a
Candidate for the Municipal Councilorship
at the election for the 9th Ward, Madura
Municipality, to be held on the 2nd December 1895.

Most Respectfully sheweth:—

That a vacancy having occurred in the
Madura Municipal Council on the 1st November 1895 owing to
efflux of time of an elected Councilor for the 9th Ward, the
2nd December 1895 has been fixed for holding an election to
fill up the vacancy.

2. That the list of nominations published by the Chairman
under section 19 of the Election Rules contains the names of
ten candidates among whom Mr Fischer, the Chairman,
is No. 1 heading the list, and petitioner, No. 8.

3. That petitioner takes exception to the candidature of Mr. Fischer
for the reasons set forth below.

4. That in the rules framed by Government for the election of Coun-
-cillors in Municipalities certain functions are assigned to
the Chairman, (vide sections 17, 19 to 23, 29 and 31) and these functi-
-ons should be performed by him alone.

5. That the said functions may be summarised as under:—

- (1) Publishing the list of nominations of candidates.
- (2) Hearing objections to the above list and deciding on them.
- (3) Appointing a polling officer to conduct the election.
- (4) Certifying that the ballot box is empty before it is entrusted
to the polling officer.
- (5) Counting the votes and recording the result.
- (6) Supervising the casting of lots in case of equality of votes.
- (7) Disposing of references of the polling officer about the eligibility
of electors to vote.

6. That, for a due performance of these functions or duties, it
is absolutely necessary that the Chairman entrusted with them
should in no way be interested in the election and more so—
should not himself be a candidate therefor.

7. That, if a Chairman is a candidate and at the same time
discharges the above duties devolving on him as Chairman,
his impartiality will be affected and his rival

8. That in section 31 of the rules it is laid down that on receipt of the ballot box from the polling officer, the Chairman of the Municipal Council shall, in the presence of two Councillors, who shall be either nominated Councillors or ~~some~~ ^{other} members for some ward other than that in which the election has been held, open the ballot box and count the votes, checking the same by the register of electors and shall record the result under his signature witnessed by the signatures of the two Municipal Councillors present."

9. That the law is jealous, and the words underlined above are significant, and the object of enjoining the presence of two Councillors is evidently not to give room to any foul play or even the slightest suspicion in regard to it.

10. That while the Councillors themselves that are simply to be present at the counting of the votes should not belong to the Ward, for which the election is held, it a fortiori follows that the Chairman, who has a great deal to do in the election, should not have even the remotest interest in it.

11. That petitioner begs to point out that the rules are defective being yet in their primitive stage, and the wholesome provision contained in section 31 referred to above is not to be found in section 29 preceding, where it is more necessary and desirable; for, as the rule now stands, it might be possible for a Chairman, who is himself a candidate, to introduce into the ballot-box previous to his sealing it and sending the same to the polling officer a number of voting papers duly filled up in his favour; for, none but the disinterested Chairman is permitted to examine before-hand the ballot-box and in such matters his word of honor and the implied guarantee of his impartiality are alone relied on without question or demur.

12. That petitioner begs to state that he has been led to make the above observation not because he has any misgivings that the present Chairman is capable of such an act but because the point has struck him in the course of his analysis of the subject, and it is objectionable on principle to allow even the honestest of persons in the world to play the role of a Chairman and a candidate at the same time.

13. That, having thus shown that the Chairman, on whom rests the responsibility of taking the initiative in all matters concerning the election, should be quite apart and distinct from the candidates, petitioner proceeds to discuss another serious objection to Mr. Fischer's candidature. It will not be out of place here to but may the rules contemplate the existence of a Chairman, it is to take place decide on an election distinct from the candidates.

14. That, as the executive head of the Municipality, a Chairman commands much influence, and the inhabitants of a Municipality are generally under the necessity of dealing with it in their several concerns of life more frequently than with any other department or institution, or, in other words, they have to look to the Municipality in a thousand and one matters, such as building houses, constructing or repairing streets, &c. which are inseparably connected with their residence in the town, profession or calling and ownership of any property within Municipal limits. A mere promise of immediate sanction of their prayers or demands, total exemption of taxes in certain cases, slight reduction in others, provision of additional light in a few, connivance at encroachments and other violations of law in some, removal of latrines and dustbins in others, bestowal of appointments in a few, opening and metalling roads in some and letting water into private dwellings in others, and such other things too tedious to mention, may enable a Chairman to secure the largest number of votes at the election and thus leave his rivals far behind in the race. Such a result may also be achieved by the depopulation of a part or whole of the Municipal establishment for canvassing votes with all manner of threat or persuasion - not to speak of the influence brought to bear on the voters by a few interested Contractors and some ward Councillors. Here too, petitioner does not mean to insinuate that such subterfuges will be had recourse to by Mr. Fischer the Candidate-Chairman, but petitioner begs to submit that, in not a few instances, the electors would naturally not think themselves justified, if not qualified, to vote for any other candidate in preference to the Chairman holding for the time being sway over the Municipality, and at the helm of its administration. It will thus be seen that, if a Chairman be himself a rival in the field, it will be easier for him with all the influence and privilege at his command to defeat by his tactics all his competitors, whoever they may be, and whatever their number may be.

15. That, in view of the foregoing considerations, a Chairman that might be elected, though it may be with the unanimous consent of the voters of a ward cannot in effect be regarded as their representative since they may fail to exercise their full freedom of choice in the matter.

16. That petitioner believes that Mr. Fischer has been tempted to take this step by the rule made by one of the Government on the reference. In February 1890, at Ward and Chairman.

Government for orders as to whether he might stand as a candidate at an election for the 5th Ward, and the Government raised no objection to his candidature. As far as petitioner is informed, the only ground relied on by Mr. Appasami Naidu was that one's continuing as a councillor is not one of the disqualifications mentioned in Section 6 of the Election Rules. Further, the fact that Mr. Appasami Naidu was also the Chairman at the time had not been pressed to the attention of Government, for, if it had been, the Government would have disallowed his candidature having regard to the impropriety and impolicy of such a procedure. This view is strengthened by the fact that in the bill to amend the Municipal Act now under the consideration of the Legislative Council is inserted a provision requiring a councillor standing for election to resign his office in the first instance.

17. That, if a Chairman be allowed to stand as a candidate, it may be possible for him to continue as councillor without any break or interruption by the mere trick of successfully jumping from one ward to another, as vacancies occur, (which his uninterrupted lease of power in the Municipality will the more easily enable him to do) and take shelter under section 17(i) of the Act which states that "any Municipal councillor appointed to be Chairman shall be deemed to have vacated such office on his ceasing to be a Municipal councillor," and thus continue as Chairman over and above the term of his first appointment, rather for an indefinite length of time, as long as he chooses without looking up to Government for reappointment. In such a case, the Government will be deprived of its power to reappoint him, or to appoint his successor on the expiry of his original term, if he has not given satisfaction. Thus the principle of election itself will be defeated and the axe laid at the root of the Local Self-Government scheme.

18. That petitioner trusts that the Government, anxious as they are for the smooth and harmonious working of Local Bodies, will not tolerate the evasion or violation of law relating to them.

19. That petitioner begs to state that there seems to exist also a technical objection to Mr. Fischer's candidature, as, under clause 2, section 17 of the Act an outgoing Municipal councillor is alone eligible for reappointment and Mr. Fischer, having yet more than a month to serve out of his full term cannot be considered as an outgoing councillor within the meaning of the above section and then it is held that at this stage Mr. Fischer is not eligible for reappointment, petitioner is at a loss to conceive how he can be admitted as a candidate for election.

That it is prayed that the Government will be pleased to direct Mr. Fischer to resign his councillorship, which petitioner is inclined to think he has forfeited by his candidature and pass such orders as may be here to but may deem fit in the circumstances of the case. As Chairman it is to take place on the 2nd Proximo, and orders are solicited by wire if necessary.

Chief Secretary
21. NOV. 1895
GOVERNMENT OF MADRAS

File for
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21/11/95
page 22
Mintell

the Government
to elect

LOCAL AND MUNICIPAL DEPARTMENT.
Local & Municipal Dept.

CURRENT No. 3598M

From

M.V. Sundram Aiyar,
candidate for the
councillorship of the
Madura Municipality.C.S.
misc

Order No. 1977 min. 25.11.95

The petitioners
requests are inadmissible

12/11/95

12/11/95

12/11/95

Editor Sundram Aiyar's Landmark

E

No.

Dated 18-11-95

Received 22-11-95

Enclosures

SUBJECT.

Protesting against the candidature of
Mr. Fisher for the councillorship of
the Madura Municipality & praying that
Govt. may be pleased to direct him to
resign his councillorship & to pass
such orders as it deems fit.

To
The petitioners ✓
Dated 27/11/95

When given for copying _____
When copied _____
When examined _____
When signed _____

189.

READ AGAIN G.C., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT. A A A A A A A

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