

Local & Munl. (1895) Department.

PRINTED.

G.O., No. 2147 L.

DATED 8th Nov 1895

[Despatch Abstract.]

Election.

Cancelling for the reason stated the notification published in the Fort St. George Gazette, dated 2nd July 1895, approving the ----- of Mr. Millar as member of the District Board, Madura, and ordering the publication in the Fort St. George and District Gazettes, of a notification announcing certain alteration proposed to be made in No. 6 of the rules for the ---- of members of District boards by taluk boards.

BACK PAPERS.

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

FURTHER PAPERS.

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

First copy

[1]

PRESS.

LOCAL AND MUNICIPAL DEPARTMENT.

G.O., DATED 8-11-95

No. 2147 L

INDEXED.

First copy sent to Press. 12/11/95

Returned for signature. 22/11/95

Despatched in print. 23/11/95

[Despatch Abstract.]

Election

Cancellation for the reason
 stated, the notification,
 published in the Govt. G.O.
 George Gazette, d. 2nd July
 1895, approving the — of
 Mr. Miller as member of the
 Dist Bd. Madura, and
 ordering its publication in the
 Govt. G.O. & Dist Gazette,
 of a notification announcing
 certain alterations, proposed to
 be made in No. 6 of the rules for
 the — of members of Dist Bds.
 by Taluk Bds.

READ AGAIN ORDER OF GOVERNMENT, DATED
18 / No.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER, &C., OF GOVERNMENT--A.

PAPERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL
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Letter only.
Order complete with Letter.

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BACK PAPER, No.

OF 18

FURTHER PAPER, No.

OF 18

First copy sent to Press.

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LOCAL AND MUNICIPAL DEPARTMENT.

NOTIFICATION.

In exercise of the power conferred by Section 20 of the Madras Local Boards Act, 1884, the Right Honourable the Governor in Council is pleased to appoint the undermentioned gentleman to be Vice-President of the
Board

Erratum

Notification no 399 published at page 113.
Part I.A of the Fort Saint George Gazette 82nd
July 1896 so far as it relates to the election
of Mr. A. P. Miller as a member of the Madras
District Board by the Sivaganga Taluk Board
is cancelled

CURRENT No.

of 189 .

GAZETTE—PART I-A.

First copy sent to Press.

No. 100

MADURA DISTRICT BOARD OFFICE,

28th August 1895.

Local & Municipal Dept.

CURRENT No. 2497

From

President, District Board,

Madura.

To

The Chief Secretary to Government,

Local and Municipal Department,

Madras.

Sir,

With reference to G.O. No. 1340 L. No. 31.7.95
regarding the election of M.R. Srinimuruga
Pillai Suargal as member of the District
Board to be invalid on the ground that
he did not obtain a majority of the votes
of the President and members present
at the meeting, I have the honour to bring
to notice a similar case - the election
of Mr. H. P. Millar - vide this office letter
No. 772 and page 113, Part I-A of the Fort
St. George Gazette, dated 2nd July 1895 -
for the orders of Government.

2. At the meeting of the Srinagar Saluk
Board at which Mr. Millar was elected,
the President and 7 members were present.
Mr. Millar obtained 4 votes, and his
opponent 2, the two candidates not voting.
According to the ruling above quoted
the successful candidate should have
obtained 5 votes, and the election is
invalid. In this connection, however,
I beg respectfully to ask for a re-
consideration of the question whether

successful candidate to obtain an absolute majority, and (ii) whether if so the majority must be a majority of those present or of those present and voting. I hold that in order to be elected a candidate must obtain more than half the votes of those present with the apt to produce a dead lock in cases where there are more than two candidates.

3. I venture to submit that the rules do not state that an absolute majority is required; and would suggest that the words "present at the meeting" are intended merely to prevent voting by proxy, and that the rule may be read to mean

- (i) that only the President and members present at the meeting can vote.
- (ii) that the election is to be decided by majority of votes (obtained by one candidate over another)
- (iii) that in case of equality of votes the President shall have a casting vote.

4. Granting that a quorum is obtained the rules do not appear to contemplate any difficulty that cannot be cured by the President's casting vote. In Mr. Miller's case the late ruling leads to this result that his election as it stands is invalid, but that if both the members who did not vote (one was Mr. Miller himself) had voted against him, he would have been duly elected as the President who voted for him had a casting vote.

I have the honor to be
Sir,
Your most obedt servant

W. Miller
President

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

From

The President,
District Board,

Local & Municipal Dept. Madras.

To CURRENT No. 2497L

The Chief Secy. to Govt.,

Local and Municipal
Department,
Madras.

Dated 28th } August 1895.
Received 30 AUG. 95

No. 100

Enclosures.

SUBJECT.

~~Submitting for order
a case similar to the one
referred to in G.O. 1340-L.D. 31-7-95
and suggesting certain
alterations in the Election
Rules.~~

Suggesting, with reference to G.O. 31-7-95
no. 140 L, that no 6 of the Election Rules for
the election of members of the District Board
should be interpreted as meaning that an election
should be decided by a majority of votes ob-
tained by one Candidate over another, and not
by an absolute majority of votes.

(with order)

Am
Misc

Order

The President's interpretation of
no 6 of the election rules cannot be
accepted.

2. As the election of Mr. Miller
referred to in para 2 of the President's
letter was not valid, the notification
approving this election, published in
the Fort Saint George Gazette dated
2nd July 1895 will now be cancelled,
and the President of the District Board
will be requested to arrange for a fresh
election.

VR
24/7/95

Note. The interpretation of the rule in question
made in G.O. 1320 L was based on the notice and
orders in G.O. 31-7-95. Dated 6th May 1895 no 816 L, and
7th July 1894 no 1253 L. This current had to be
kept back pending the return from copy of
G.O. dated 6th May 1895 no 816 L which
was put up for another current.

To,
The President, District Board, Madras
Gazette.
23-11-93.

[G.
25.
500-25-95.

C. No. 2497L

FOR ORDERS.

I don't see how we can alter
the plain meaning of the rule
with regard to past elections - if
they don't manage to make an
election rule no 11 must be
brought into use -
The rule may be altered for
the future.

MS
2/11/95

The whole matter turns on the meaning
of the ambiguous words in rule 6: "a
majority of the votes of the President's
members present at the meeting", the
paper was kept back pending a
search into the original orders framing
the rule to see if any light would be
thrown upon the question by them. It
appears, however, that the rule was origi-
nally drafted by Mr. Hemmick when on
special duty (please see para 29 of his
report put up) & that its meaning has
never been discussed until quite recently,
when in G.O. 1253 L it was held, apparently
for the first time, that the words meant
that an absolute majority of the votes
of the Pres. & members present should
be obtained before an election could
be considered valid.

It is submitted that the words do

that they may be held to mean simply that to be elected a candidate must obtain more votes than his competitors.

2. The clause following, (giving the President a casting vote) supports this interpretation, for it is impossible that there could ever be an equality of votes for two candidates, ^{that} the total ~~no~~ number of votes in each case ^{should at the same time be} one under an absolute majority. Eg. 18 members including the President are present: there are two candidates: an absolute majority is 10: the two candidates vote for themselves void count, & they are not likely to vote for their opponents. Therefore ^{there are} 16 members votes. If there is an equality it could be eight votes against eight. The President's vote is give one candidate nine, but that candidate is not elected nevertheless, as he requires 10 votes.

Or take the more favourable case of an odd number of members (say 13) being present. Eleven members vote, or, including the President, 12. Equality is five against five. The President in such a case has only one vote, and however he gives it the election will be invalid, as an absolute majority of 13 is required.

FOR ORDERS.

HON'BLE MEMBER.

[G.]
[25.]
500-2163-05.

DEPARTMENT.

C. No.

FOR ORDERS.

With three or more candidates the use of the casting vote is still more impossible.

3. But on other grounds also it is submitted that it is unlikely that an absolute majority was meant by the words in the rule. - In the corresponding rule for elections of Municipal Chairmen (No. 2 in G.O. 24.91. 7.3.88) the rule runs "No election ... will be recognized as valid unless the successful candidate obtains the votes of more than half the total number of members then on the Council". This is quite clear, & there seems no reason why if the rule under discussion meant an absolute majority it should not have said so less obscurely.

4. Moreover it is submitted that it is not nearly so necessary

that a District B^d. member elected by a Taluk Board should be the chosen one of the great majority of the Board as it is that a Municipal Chairman should possess the confidence of at least half his Councillors. In theory, no doubt, the D^t. B^d. member represents the range under the Taluk B^d. which elected him, but in practice he does very little for it, & it would not hamper his usefulness that he was elected by a vote or two ^{less than} ~~under~~ an absolute majority of the members present at his election. A Chairman on the other hand has to give directions practically orders to his Dist^t. Councillors, and if a majority ^{mean} of three thought he was the wrong man for Chairman matters would not work smoothly.

5. Finally it is submitted that it is important to make these elections of Dist^t. B^d. members as simple & easy as possible. Pres^{ts} of Dist^t. Boards ^{very often} usually require, (to avoid delay in filling up vacancies) that special meetings should be held for these elections. This necessitates that the Dist^t. officer should move his camp to the Headquarters or some other place for the purpose. He then

FOR ORDERS.

HON'BLE MEMBER.

[G.]
[25.]
500-21-4-95.

DEPARTMENT.

C. No.

FOR ORDERS.

has to get together at least half (R^o 4 of the Rules) of the members of his Board before an election can be held, & it is not always that this can be done. If the absolute majority is insisted on it w^d. probably in some cases take two or three meetings (the dates of each of which have to be fixed in consultation with the Pres^t. - Dist^t. B^d. Rule 3) before a valid election was obtained.

6. It does not seem likely that the relinquishment of the absolute majority interpretation will lead to unsuitable members being rushed through as Rule 4 requires that half the members of the Board must be present at the election.

7. H.M. has said in his note in G.O. ^{8/4/4} _{6.5.95} that candidates might

simplify matters by staying away from meetings, but it is submitted that until the meeting is held it is not known whether difficulty will arise or not.

8. It is suggested therefore that there appears to be no particular reason why an absolute majority should be insisted on, while to do so leads to difficulties.

9. Current No. 2497 L. may therefore be disposed of accordingly, & the paper in the linked file also.

Mr. [unclear] 10/95
I submit that the view expressed above is correct.

LD
31/11/95

Selection of District Board members by Taluk Boards.

FOR ORDERS.

2497 L

HON'BLE MEMBER.

du [unclear] No 2147 L
8-11-95

[5]
500-27-5-95.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated

189 , No.

Current No. 2497 L of 1895, dated 28th August/95 from the Pres. D. Bd. Madras.

Current No. of 189 , dated from the

Order.

No. 2147 L. D. Bd. 8-11-95

The President's interpretation of No 6 of the election rules cannot be accepted.

2. As the election of Mr. Millar, referred to in para 2 of the President's letter, was not valid, the notification approving this election, published in the Fort Saint George Gazette dated 2nd July 1895, will now be cancelled and the President of the District Board will be requested to arrange for a fresh election.

3. The Government, however, considers that rule 6 may be modified so as to validate ^{for the future} all elections in which a candidate obtains ^{a majority of votes (not necessarily more votes than his competitors)} an absolute majority, and the following notification will, accordingly, be published in the Fort Saint

x Gazette 2/11/95

and District Gazette:—

Notification.

Under Section 145 of the Madras Local Boards Act V of 1884, the Right Hon'ble the Governor in Council directs the publication of the following amendment to No 6 of the rules framed under Section 144 (i) of the said act for the election of members of District Boards by Taluk Boards and sanctioned in G.O. No 196 L, Local and Municipal dated 28th January 1887 and subsequently modified in G.O. No 2250 L Local and Municipal dated 3rd November 1894. Any objection or suggestion which may be made in respect of this amendment by any person or persons interested, will be considered on or after the 1st February next:—

For the first sentence of rule 6, substitute the following:—

"The Candidate who obtains the largest number of votes shall be deemed to have been elected, the President having a second or casting vote in every case of an equality of votes"

(From Orders)

Election of District Board Members. Madura

2497 L

(From orders)

To the President District Board Madura
To all ^{the} Presidents of District Boards
Gazetted 26/11

455

No. 2147 L., 8TH NOVEMBER 1895.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following paper:—

From J. TWIGG, Esq., President, District Board, Madura, to the Chief Secretary to Government, dated 28th August 1895, No. 100.

With reference to G.O., Mis. No. 1340 L., dated 31st July 1895, ruling the election of M.R.Ry. Sinimuruga Pillai Avargal as member of the district board to be invalid on the ground that he did not obtain a majority of the votes of the President and members present at the meeting, I have the honour to bring to notice a similar case, the election of Mr. A. P. Millar (*vide* this office letter No. 72, dated 13th June 1895, and page 113, Part I-A, of the *Fort St. George Gazette*, dated 2nd July 1895), for the orders of Government.

2. At the meeting of the Sivaganga Taluk Board at which Mr. Millar was elected, the President and seven members were present. Mr. Millar obtained four votes, and his opponent two, the two candidates not voting. According to the ruling above quoted, the successful candidate should have obtained five votes, and the election is invalid. In this connection, however, I beg respectfully to ask for a reconsideration of the question (i) whether section 6 of the Election rules requires a successful candidate to obtain an absolute majority, and (ii) whether, if so, the majority must be a majority of those present, or of those present *and* voting. To hold that in order to be elected a candidate must obtain more than half the votes of those present will be apt to produce a dead lock in cases where there are more than two candidates.

3. I venture to submit that the rule does not state that an absolute majority is required; and would suggest that the words "present at the meeting" are intended merely to prevent voting by proxy, and that the rule may be read to mean—

- (i) that only the President and members present at the meeting can vote;
- (ii) that the election is to be decided by majority of votes (obtained by one candidate over another);
- (iii) that in case of equality of votes the President shall have a casting vote.

4. Granting that a quorum is obtained, the rules do not appear to contemplate any difficulty that cannot be cured by the President's casting vote. In Mr. Millar's case the late ruling leads to this result that his election as it stands is invalid, but that if both the members who did not vote (one was Mr. Millar himself) had voted against him, he would have been duly elected as the President who voted for him had a casting vote.

ORDER—No. 2147 L., dated 8th November 1895.

The President's interpretation of No. 6 of the Election rules cannot be accepted.

2. As the election of Mr. Millar, referred to in paragraph 2 of the President's letter, was not valid, the notification approving it, published in the *Fort St. George Gazette*, dated 2nd July 1895, will now be cancelled and the President of the District Board will be requested to arrange for a fresh election.

No. 2147 L., 8TH NOVEMBER 1895.

3. The Government, however, considers that rule 6 may be modified so as to validate for the future all elections in which a candidate obtains a majority of votes (not necessarily an absolute majority), and the following notification will, accordingly, be published in the Fort St. George and District Gazettes:—

NOTIFICATION.

Under section 145 of the Madras Local Boards Act, V of 1884, the Right Honourable the Governor in Council directs the publication of the following amendment to No. 6 of the rules framed under section 144 (i) of the said Act for the election of members of district boards by taluk boards, and sanctioned in G.O. No. 196 L., dated 28th January 1887, and subsequently modified in G.O. No. 2250 L., dated 3rd November 1894. Any objection or suggestion which may be made in respect of this amendment by any person or persons interested will be considered on or after the 1st February next.

For the first sentence of rule 6, substitute the following:—

"The candidate who obtains the largest number of votes shall be deemed to have been elected, the President having a second or casting vote in every case of an equality of votes."

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the President, District Board, Madura.
,, all other Presidents of District Boards.

Govt. of {1895} Madras.
LOCAL AND MUNICIPAL.

Issued

Recd.

Encl.

G.O. No. 2147 L., 8th Nov. 1895.

NOVEMBER.

Election.

Cancelling, for the reason stated, the notification published in the *Fort St. George Gazette*, dated 2nd July 1895, approving the — of Mr. Millar as member of the District Board, Madura, and ordering the publication in the *Fort St. George* and *District Gazettes* of a notification announcing certain alteration proposed to be made in No. 6 of the rules for the — of members of district boards by taluk boards.

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O. No.
189

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DUITS.

PAPERS NOT FILED UP BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

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