R

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

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 768 M

DATED 4th May 1895.

[Despatch Abstract.]

Municipal Council.

Cancelling the election in ward C of the Cannanore Municipality,and ordering,with remarks,that the name of the successful candidate in ward D be published in the Fort Saint George Gazette.

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 4-5-95.

No. 768 M

When given for copying.

[Despatch Abstract.]

Muml. Council.

Cancelling the election in ward C of the Cannanore municipality, and ordering, with remarks, that the name of the successful candidate in ward D be published in the Fort St. George Gazette.

Read again Order of Government, dated
189 , No. , Miscellaneous.

Back Paper, No. of 189

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

Examined by

NOTIFICATION.

Under Section 10 of the Madras District Municipalities Act, 1884, the undermentioned gentlem~~e~~an ha~~ve~~s been duly elected Municipal Councillor~~s~~ of the Municipality of Cannanore :—

M. R. Ry: P. Mamoonkoya Hajee Avergal.

9/5/95

C. No. 1301.M.

Fort St. George Gazette

Part. I. A

4

Statement shewing the ~~election~~ result of two elections held in the Cannanore Municipality on the 10th January 1895.

Name of Municipality	Name of ward if any.	Date of election	Number of registered Voters.	Number of Voters who exercised the privilege.	Name of Candidate	Number of Votes obtained by each	Name of Candidates duly elected	Remark
1	2	3	4	5	6	7	8	9
Cannanore Municipality	C.	10th January 1895	130	49	M.R.Ry. Charia Kozhpurath Kunjappa Vydier avergal.	0		
	C				" Narapurath Pakeema Hajy "	13		
	C				" Vallikandy Abdool Abdool Kader	36	M.R.Ry. Vallikandy Abdool Kader avergal	Elected
	D		380	73	" Vallikandy Abdool Kader "	2		
	D				" Upiote Raman "	1		Withdrawn
	D				" Pommainchy Mamoo Koyajy "	36	D: Pommainchy Mamoo Koyajy "	Elected
	D				" Soopiaragath Assen Cooty "	31		
	D				" Kunnelagath Eramoollan Cooty "	2		
						72		

Municipal Office
Cannanore 15th January 1895

Chairman

C: No 1301.M.

No.

Municipal Office
Cannanore 12th January 1895

From
The Chairman
Cannanore Municipality

To
The Chief Secretary
to Government
Madras

Through
Sub Collector of Malabar

Sir,

I have the honor to report for the information of Government that 2 elections were held on the 10th Instant, one in each of the Wards C and D in the Old Town of Cannanore within Municipal limits.

2 The election was held in private buildings which served as booths duly sanctioned by the Council at a Meeting held on the 10th December 1894 under No. 16 of the election Rules, but the booth in C: Ward was objected to when it was too late to make any change on the ground of its being the private property of one of the Candidates M.R.Ry. C. Pakeema Hajy Avergal a time expired Municipal Councillor, and that it was likely to lead to a breach of the peace. Finding that no change can be effected without the sanction of the

Council at a Meeting and as
there was only 5 days for the
day of election which would not
admit of sufficient time being
given for a notification under the
rules I addressed the Magistrate
and the Police to make such
arrangements as would appear
necessary to prevent any dis-
turbance complained of and it is
gratifying to observe no report
was received of any disturbance
of order at both the booths where
elections were held on the same
day and hours. The fact of this
frivolous complaint having been
brought forward was to show that
the Candidate above referred to
may take the advantage of
influencing the voters to his
interest in securing a large
number of votes in his favor,
but on the contrary the
votes in his favor were so very
small that he lost the success
he may have gained, as it is
supposed, if the Arakal
Rajah through the agency of
his relatives and Servants did
not interfere

3 The Number of Candidates
nominated for each of the wards
was 6 for C and 6 for D but the
total Number was only 10 as
2 Candidates were nominated
for both the wards. On the
publication of the list of
nominations 3 Candidates were
found not qualified under the
rules to be eligible for election
and were accordingly removed
from the list. The total Number
was thus reduced to 8 Candidates
the name of one of those
Candidates nominated for the 2.
wards having been removed as
not being qualified for election
under the rules and the usual
list of valid nominations were
published 3 days before the
day of the election

4. The Candidates returned
in the valid lists for C. Ward
were 2 Moplahs (of which
one was P. Pakeema Haji a
time expired Councillor) and
one Hindu a Tiew. For the D.
Ward there was also one Hindu
a Tiew and 4 Moplahs (of

which

C/No 1301.m.

which one was P. Manno Koya Hajy another time expired Councillor) The Hindu Candidate in the latter ward withdrew his name by an application presented to me after the polling has been commenced I have however removed his name from the list of Candidates in recording the results of the election.

5 The polling was carried on at the booths in private buildings known as Karthanda Pandiga Shala in C. ward and Chakara Pandiga Shala in D. ward without any expense to the Municipality. These two buildings have often been used as polling Offices as they formed almost a centre in each of the wards under reference and are better known to the public than any other new or isolated building in the Old Town among the Moplah community. The persons appointed polling

Officers

Mahy. K. Ramooney Menon Avl.
do. P. Coony Nokes. do.

Officers at the 2 booths as shewn in the margin were Municipal Councillors one of whom is a Nominated Councillor the other is C. Ward Member appointed Polling Officer for D. Ward.

6. M.R.Ry. P. Pakeema Hajy Avergal a Candidate for C. ward put in a petition informing me that intimidation was used by the Rajah and his Karyasthans during the polling and that the Candidate elected does not appear to have been qualified as a Candidate for the election under the rules as he appears not to have been a resident in the Town under the election rules. I referred the 1st part of this petition to the Polling Officer for remarks and he states "I cannot say "if there was any intimidation "practiced by the Rajah and his "Karyasthans at the election "time. My booth was on an "upstair and people gathered "down below. There was no doubt "a regular hubub going on "downstairs. At the beginning "petitioner got 10 or 12 votes.

"At that time the Rajah's
"people had not come to
"the spot. Then came one
"Koya Elaya, who is the son of
"the late Rajah and his
"followers. Since his arrival, the
"table was turned against
"the petitioner one by one all
"the votes went for Abdool Kader
"being the Rajah's nominee.
"I recollect the difficulty
"which one of the voters
"experienced before me. He was
"wavering for 3 or 4 minutes,
"apparently soliciting my
"advice. I was of course neutral
"The man at last voted for
"Abdool Kader stating that
"his single vote would not help
"the petitioner. In another
"instance a voter who voted for
"the petitioner was afraid to
"shew the result even to the
"peons who were near me.
"Illiterate voters seemed to
"have been so very well tutored
"that the last name in the
"ballot paper was to be
"retained, that they refused
"to sign at the proper place
"but the bottom of the paper"

From the polling officers remarks it would appear that the votes for the C. ward candidate having fallen on the arrival at the booth of the late Rajah's son is due to intimidation of a personal bias and animosity. The question as to the candidate elected for C. ward being a non-resident will be duly enquired into and the result ~~could~~ communicated if ~~any~~ necessary.

There were 510 registered voters for both the wards of which 130 were for C. ward and 380 for D. ward. The marginally noted figures shew the number of registered voters of three different creeds who exercised the privilege of voting at their respective booths. Taking into consideration the number of voters registered for each ward under reference the privilege exercised by a small number does not seem to speak well for the system of franchise, the Government has been pleased to allow to the rate payers to elect their representatives under the Local Self Government Policy. Out of the 73 voters

	C	D
Hindus	5	19
Moplas	44	52
Native Xtians	"	2
	49	73

who presented themselves in the D. Ward one man never voted for any Candidate but scored out the whole five names in the ballot paper without assigning any reason for so doing. This accounts for the difference in the Number of votes for that ward.

8. The ballot boxes were received at the Municipal Office from the Polling Officers and the Votes were Counted & Certified to by the Marginally noted Councillors and the result arrived at is shewn in the accompanying Statement. One of the Candidates as already referred to having withdrawn his name within the Course of Polling, it is however shewn in the Statement under reference with a remark in the last Column. The failed Candidate in C ward has already put in his objection I hear against the election before the Collector and it will be a matter for the Collector to enquire but according to the result of the Poll I am forwarding under the Rules

C. ward

Capt. G. A. Wolman
Nominated Councillor

Mr. K. Krishnan Avergal
Elected Councillor for B. Ward.

D Ward

Mr. L. Koyooma Raja Avergal
Elected Councillor for C ward

do M. Abdool Kader Avergal
Elected Councillor for C ward

the

the Names of the Candidates duly elected for the orders of Government.

I have the honor to be
Your Most Obt. Servant.

Chairman

Malabar Sub Collector's Office
No. 254/R-Dis
Tellicherry 18th February 1895

To

The Collector of Malabar
Calicut.

Sir,

In returning herewith the petition of S. Assan Kutti Hadjee of Cannanore received with your Endorsement No. 416/R95 I have the honor to state that I had the contending parties before me, on the 16th inst at Cannanore and held an enquiry into the allegations contained in the petition.

2. The sum and substance of Hassan Kutti Hadjee's complaint is that at the Election on the 10th January last, 12 persons whose names did not appear in the sanctioned list of voters for the D ward were permitted to record their votes in favor of his opponent Mamu Koya Hadjee which resulted in the latter's return as Councillor.

3. I find that the petitioner has all along been under a misapprehension. His whole case rests on the accuracy of the list A submitted by him with his petition. I referred to the register of '93 of voters kept in the municipal office and I found that petitioners A list was incomplete it being a copy of only the first 169 names.

The

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The

The register contains 380 names. Petitioner says that he got a man to bring the copy and it is evident that that man through ignorance copied the names from the register without consulting the municipal office clerk, because a break occurs after 169 names and the remainder are contained on another page.

4. On scrutinizing the ballot papers it was found that 8 persons not mentioned in Petitioner's A list voted for him and one of these persons was petitioner himself. It is thus clear that the objection was made without due care and attention as Petitioner must have known he voted for himself though his own name was not in his A list and therefore that his A list was not a correct copy of the municipal register.

5. The B list produced by Petitioner is the revised list for the current year and was not in force at the time of the election and was not the one used on that occasion.

6. The petitioner was convinced of his mistake at the enquiry. I therefore find that the election of Mamu Koya Hadjee is a valid one.

7. The ballot papers are returned.

I have etc.
Sd/. A. F. Pinhey
Ag Sub Collector

(True copy)

T. Varadarao
For Collector

Calicut
6-4-95

It has since been ascertained that the B list is not the new revised list or any other known list vide Chairman's report on the further petition ~~st~~ enclosed.
The revised list for the current year was not used because under the rules it did not come into force till after the date of the election.
It was completed on 28th November '94 and under rules 7 & 8 did not come into operation till 28th January 95 whereas the election was held on the 10th idem.

2.3.95

Sd/. A. F. Pinhey
Ag Sub Collr

No. 281. R
Dis.

Malabar Sub Collector's Office
Tellicherry 19th February 1895.

To,
The Sub Collector of Malabar
Calicut.

Sir,

With reference to the petition of M.R.Ry Tarapratt Pakkimma Hadjee Avergal of Cannanore questioning the validity of the municipal election held on 10th January I have the honor to report, as follows.

2. I held an enquiry at Cannanore on Saturday the 16th instant, at which the ~~Pet~~ Petitioner, and M.R.Ry P. Abdul Kawder were both present as well as the Chairman, the Tahsildar (polling officer) and other Councillors.

3. The first objection investigated was that taken under clause (b) rule 36 as to the residential qualification. The petitioner's evidence was not examined because on questioning his pleader it seemed to be vague and unsatisfactory.

4. Petitioner alleges that M.R.Ry P. Abdul Kawder was residing in Mangalore doing business as an agent for 3 years and only returned early in 1894. As the list of persons eligible

for Election as Councillors under which the present election was held was prepared in October '93 he was therefore not qualified by having resided in Cannanore for 6 months previous to the preparation of that list.

5. The Counterpetitioner asserts that he did not reside in Mangalore but in Cannanore and only went to Mangalore once about 2 years ago and there staid only a week.

6 The Chairman stated he certainly was not aware that the Counterpetitioner had resided in Mangalore for 3 years that he paid house and property tax and accordingly his name was entered on the ~~on~~ list of persons eligible for election.

7. Petitioner asked me to call for the records of a certain criminal case instituted under the municipal Act against Counterpetitioner towards the end of '93 or beginning of 94 because a summons served ~~on~~ in that case was returned with an endorsement that the Counterpetitioner was then at Mangalore. As the evidence if adduced would merely show that the Counterpetitioner was absent on certain date and in the opinion of the persons

of

of his house, was at Mangalore it seemed to me hardly the kind of evidence requisite I accordingly thought it unnecessary to go into the matter further. If, however, you think this should be done I will take such oral evidence as Petitioner can produce on the point.

8) I pointed out to the Petitioner that if he proposed to prove the point in face of Counterpetitioner's denial I should require the best evidence possible; for instance if Counterpetitioner did reside and do apply work in Mangalore for 3 years the municipal records of Mangalore should contain ample evidence on the fact.

9. Regarding the other objection under clause (a) Rule 36 I examined 2 witnesses produced by the petitioner and allowed the Counter-petitioner to cross examine them.

10 The witness Abdullah voted at the election and stated that he did so for Abdul Kawder instead of for petitioner because he was threatened by the Arakal Rajah and the Eliyah Rajah with eviction if he did not.

11.

The 2nd witness was the Municipal menon who was present in the polling booth and heard the same threats used to voters

12. The petitioner also asked me to examine 2 peons of the Taluk office who were present in the voting booth, having accompanied the Tahsildar who was polling officer, the peons were not present before me - I considered it inadvisable to delay the submission of this report as I must have done had I taken it -

13. Oral Evidence on such a point especially when it is that of the voters themselves must be regarded with considerable suspicion - There is a good deal of circumstantial evidence however to make it probable that threats of eviction were used and if that is in your opinion ~~that~~ such intimidation as is meant by rule 36 I consider the Election must be held to be invalid.

14. It is proved by the polling officer's report to the Chairman that when the election commenced all the first 12 or 13 votes were in favor of the petitioner who had already served 12 years on the

Council

15. It is proved that after the arrival of the Arakkal faction headed by the Eliyah Rajah (brother-in-law of the Arakkal Rajah) not another vote was given for petitioner while much noise and confusion prevailed down stairs -

16. It is admitted by the Eliya Rajah himself (he was hanging about the compound during my Enquiry so I ordered him inside where I could keep my eye on him) that he did go to poll about 12 or 1 and stayed there till the poll was cleared at 4 P.M. -

17. It is a fact many of the voters of the ward are tenants of the Arakal Rajah or his family -

18. It is a fact that the Rajah has attempted to eject the petitioner himself from his house as detailed in para V of the petition and as evidenced by the registered notice and reply filed by petitioner -

19. It is also a fact as stated by petitioner that the Rajah's son was prosecuted

on two occasions by order of the municipal Council and that petitioner voted in favor of both prosecutions & that the receipt of the registered notice was subsequent to the institution of both these prosecutions.

20. In the face of this evidence it is difficult to believe that pressure of the kind mentioned was not put upon the voters.

21. I am at a loss to see however how matters will be improved by merely setting aside the election and ordering another. The Arakal Rajah is owner of a large part of Cannanore and it is a moral certainty that at any future elections the same pressure would be put upon the voters, though perhaps it would not be done so openly as heretofore.

22. If you consider that further Enquiry should be made I will do so on any points you suggest. I could not carry it further on ~~any~~ my recent visit, had I wished to do so, because the next was Sunday and I had to come on to Tellicherry for the annual sales of tolls etc.

Personally I considered that further Enquiry would not let much fresh light upon the matter and so I decided to submit this report at once.

23. The following enclosures accompany this report.

Original petition

Notes taken at the Enquiry.

2 documents filed by petitioner

Report of polling officer.

The ballot papers relating to this and the Election petition of D ward are returned in a separate sealed packet.

I have etc

(Sd) A. F. Pinhey.

Ag Sub Collector

(True copy)

T Varadarau

For Collector

Calicut

5-4-95

C. No. 126/M of 95

Malabar Collector's Office
Calicut 4th April 1895.

CURRENT No. 130/M

From,

H. Moberly Esq.
Ag Collector of Malabar

To,

The Chief Secretary to Government
Local and Municipal Depts
Madras.

Sir,

Under rule 37 of the rules for the Conduct of Elections by wards embodied in G. O dated 8th December 1890 No. 1876. M, I have the honor to forward herewith, for the orders of Government copies of Sub Collector's reports Nos. 254/R. dis & 281/R. dis dated 18th and 19th ultimo respectively, reporting on the petitions presented to me by S. Assan Kutti Hadjee Sahib Bahadur and P. Pakkimma Hadjee Sahib Bahadur questioning the validity of the Elections of 2 councillors for the C and D wards of the Cannanore Municipality held on the 10th January last.

2 The validity of the Election in the C ward

14/Ext mofd

ward is questioned by P. Pakkumma Hadjee Sahib Bahadur on the ground (1) that the successful Candidate was not qualified as he was not residing in the Town for 6 months immediately preceeding the publication of the list of Candidates and (2) that intimidation was practiced at the Election - As regards the first objection the Sub Collector's report No. 281/R. Dis. dated 19th February 1895 shows that much weight cannot be attached to it. As regards the other objection, I think, there is clear evidence to show that there was intimidation and I beg to recommend therefore that the Election in question be set aside and another ordered.

3. The validity of the Election in the D ward is questioned by One Assan Kutti Hadjee Sahib Bahadur on the ground that the successful Candidate has not been duly elected by a majority of votes - From the Sub Collector's letter No. 254/R. Dis. dated 18th February 1895 reporting on the above petition and his letter dated 14th March 1895 No. 403/Dis. since received it will be observed that the Petitioner has been under a misapprehension.

The

The list of votes used for the Election held on the 10th January last was the one prepared in 1893, the list prepared in 1894 not having come into force till after the date of the election - The Petitioner got only an incomplete copy of the list which was used and hence his contention that a majority of votes was secured to the successful candidate by recording the votes of persons who were not entitled to vote. I agree with the Sub Collector in considering this Election valid and beg to recommend therefore that P. Mamoo Koya Hadjee Sahib Bahadur the successful Candidate be deemed to have been duly elected.

5 The usual report of the Chairman on the Election with the ballot papers as regards both the Elections are also herewith forwarded.

I have the honor to be
Sir,
Your most obdt. servant.

T. Varadarao
For Collector.

O.P.

Rajam. 4-5-95.

Local & Municipal Dept.
CURRENT No. 1301 M Rn

From

The Colr of Malabar

To,

The Chief Secretary to Govt
Madras.

Dated 4-4-95

Despd &
Recd

No.

Encl

16 APR. 1895
CHIEF SECRETARY GOVERNMENT OF MADRAS

Subject

Forwarding for orders copies of Sub Collector's letters Nos. 254 & 281 / R. Dis d/ 18th & 19th ultimo respectively reporting on the validity of the elections of 2 Councillors for the C and D wards of the Cannanore municipality on the 10th January last and recommending that the election in the C ward be set aside and another ordered.

(with orders

C.S.
Misc:

Order.

The Government agrees with the Collector in considering that intimidation was practised at the election in ward C, and resolves therefore to cancel it. A fresh election should be held as soon as possible to fill up the vacancy. In making arrangements for holding it, the Chairman should be instructed to select as polling booth some building ~~that is not~~ which is not the property of any of the candidates ~~fresh [illegible]~~ 2. The petition questioning the validity of the election in ward D will, under the circumstances stated by the Collector, be rejected, and the name of the successful candidate will be published in the Fort St George Gazette.

P.R.
22/4/95

CGT
26.IV.

To The Collector of Malabar (with enclosures returned)

Gazette.

20/4 Arr/4.

[G/24.]

DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., dated 189 , No.

Again G.O , dated 189 , No.

Current No. 1301 M of 1895, dated April 4th from the Collector of Malabar

Current No of 189 , dated from

ORDER. d/ 4-5-95 No. 768 Mis

The Government agrees with the Collector in considering that intimidation was practised at the election in ward C, and resolves therefore to cancel the election in that ward. A fresh one should be held as soon as possible ~~to fill the vacancy~~.

2. In making arrangements for holding it the Chairman should be instructed to select as a polling booth some building that is not open to the objection that was taken in this instance.×

3. The petition questioning the validity of the election in ward D will under the circumstances stated by the Collector, be rejected and the name of the successful candidate will be published in the Fort St George Gazette

CGT
26.IV.

2/5/95

×It was the property of one of the candidates vide Chairman's letter.

To,
The Colr of Malabar ABO
with encl returned.

Gazette 4-5-95
14/5/95 [illegible] Post

Despd 8/5/95
again 9-5-95.

CGT
2.V.

Cancelment of an election in the
Cannanore Municipality.

C.S.
misc

When given for copying ______
When copied ______ 189
When examined ______
When signed ______

READ AGAIN G.O., No. DATED
189 ,

CURRENT NO.

ENCLOSURES TO O. NO.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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