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

INDEXED.

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 1768M

DATED 16-10-96.

[Despatch Abstract.]

Munl. Council

Ordering with remarks that the election of certain gentlemen as members of the [illegible] — be notified.

BACK PAPERS.

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

FURTHER PAPERS.

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

✓

Local & Munl. (1896) Department.

CURRENT No. 2611 M.

2611 + 2704 M.

C.S.
misc.

Order No 1768 Mmis d/ 16.10.96

The Government agrees with the Collector in considering that the objections raised by the petitioner do ~~cannot~~ not invalidate the election. The petition of objection will accordingly be rejected and the names of the successful candidates for ward No iii published in the Fort St. George Gazette.

P.R.
12/10/96

W.W.D.
12.10.96

A.A.
13.10.96

Note

Please see the notes on [illegible]
in G.O. No. 1445 M. d/ 5.9.95.

Flag B

To The Collector of Kistna. P.O. ✓

~~Gazette 22/10/96~~ dep 20/10/96

20/10/96

29/9.

From The Collector
Kistna

Dis **No.** 1078/Elecy of 96

Dated 18th September 1896

Received 21 SEP 96

Registered

Enclosures 1

Spare copies

SUBJECT.

Reporting the result of the enquiry in regard to the validity of the election for ward no 3 Guntur Municipality

BACK PAPERS.

G.O.	No.	Department.	Date.
Ref	1094	D	21-9-96
Go	122	L	7-9-96
Go	1876	L	8-12-90
Go	1645	L	5-9-95

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL AND MUNICIPAL DEPARTMENT.

NOTIFICATION.

UNDER Section 10 of the Madras District Municipalities Act, 1884, the undermentioned gentlemen have been duly elected Municipal Councillors of the Municipality of Guntur :—

M.R.Ry. Gop[illegible] Krishnam[illegible]a Garu
" A. Sett Balamukundoss Garu.
" Chemakurti Lakshmanna Garu.

Gazette Part I-b

CMO 2611 M/96

G.O. 1768 M / 11-10-96.

(6)

16/10/96

Opinion

Objection no. I

The polling officer, Mr. Subrahmanya Iyer, did score out the names of candidates even when the Elector before him was an educated man; and could probably have done so himself. The procedure which he adopted was to ask the Elector, on his entrance, for whom he voted, and then to score out the names of the other candidates, unless the elector desired to do so himself, and to hand the paper to the elector for his signature. Though this procedure was a technical contravention of Rule 25 of the rules framed under Act V of 1884, yet it is not sufficient to invalidate the election, unless it can be shown that any material irregularity or fraud was caused thereby. The evidence adduced by the petitioner Chegu Kanakaratnam reveals no such irregularity or fraud. Only three electors were examined by him. All admitted that they raised no objection at the time to the polling officer's action in scoring out the names of the candidates for whom they did not vote. [All admitted that they had an opportunity of examining the ballot paper when it was handed to them for signature.] Further, each of these witnesses was asked at the enquiry for whom he had voted and on reference to the ballot papers, it was found that their votes had been properly recorded.

The polling officer was a man held

in general respect, and was selected by common consent of all the candidates as being a man of another country, and without bias in favor of any one. No motive for fraud is imputed to him. In fact his character and conduct are above suspicion. His action may be justified on the ground that the time — 8 hours — allowed for recording the votes in the ward — some 400 in number — was insufficient.

The objection is purely technical and should in my opinion be disallowed.

Objection No 2

Of the three electors examined, two admitted that they saw their ballot papers put into the ballot box, the third says that he cannot remember if he put the paper in the box or not. As it is found among the others, it is certain that he did.

The petitioner does not contend now that papers were not put into the ballot box at once. He asserted in his petition to the Collector that they were not, being some time left by the electors on the table. But he has abandoned this contention, and he now takes objection on the technical ground that the papers were sometimes put into the ballot box by the polling Officer, in contravention of Rule 29 which says that "the Elector shall give his vote by placing his ballot paper, folded, in the ballot box." I think that i may be dismissed at once as frivolous. It does not really matter who puts the paper in the box, so long as it is inserted in the Elector's presence and with his consent.

(Sd.) H. W. Gillman
Ag. Sub Collector
12.9.96

(True copy)

For Collector

No.——————of 189

OFFICE
OF THE
COLLECTOR & MAGISTRATE,
MASULIPATAM,
KISTNA DISTRICT.

189

Local & Municipal Dept.
No. 2611 M

FROM,

J. N. Atkinson Esquire
Collector, Kistna District.

To,

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

SIR,

As promised in Para 4 of my letter Ref. on C. No. $\frac{122(m)}{\text{english}}$ of 96 dated 14th August 1896, I have the honor to report the result of the enquiry held by my Sub Collector on 12th September 1896, in regard to the validity of the Election for Ward No. 3 of the Guntur Municipality, and in so doing, to forward a copy of his opinion thereon.

2. The objection petition was presented by M.R.Ry Chega Kanakaratnam, a candidate at the election, and it called in question the validity of the election on two grounds:—

(1) That the polling officer scored out the names of candidates himself in contravention of Rule 25 of the Election Rules,

in [illegible] of allowing the Electors themselves to do it;

and (ii) that the ballot papers were left on the polling officers' table and not placed in the ballot box at once, as required by Rule 29.

3. I concur with the Sub Collector in thinking that the first objection is purely a technical one and by no means sufficient to invalidate the election. In regard to the second objection, it has to be observed that at the time of the enquiry, the petitioner abandoned his original contention that the ballot papers were left by the Electors on the polling officers' table; and resorted to the technical objection that in some cases, they were put into the box by the polling officer instead of by the electors themselves. This objection is untenable. It is immaterial who places the ballot papers in the box, provided they are placed therein in the elector's presence and with his consent. I agree with the Sub Collector that the object of the rule is not frustrated.

4. I have the honor therefore to recommend that the election may be upheld, and the names of the successful candidates published as duly elected councillors for Ward No III.

5. The delay in the submission of this report is due to the absence of one [illegible] officer on tour, which prevented the Sub Collector from holding the enquiry earlier.

I have the honor to be
Sir,
Your Most Obedient Servant

For Collector

1896.

FROM,
THE COLLECTOR,
KISTNA DISTRICT.

To,
THE CHIEF SECRETARY,
TO GOVERNMENT,
LOCAL AND MUNICIPAL DEPARTMENT,
FORT St. GEORGE.

Dated 18th September 1896
Despatched DESPATCHED
Received 18 SEP. 96

Dis No. 1078/Eng of 1896.

ENCLOSURES.

SUBJECT.

Reporting the result of the enquiry in regard to the validity of the election for Ward No 3 Guntur Municipality

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[L & M. / 700—[illegible]-96.]

Local & Munl. (1896) Department.

CURRENT No. 2704

Order

From C. Kanakaratnam
Guntur.

No.

Dated 30-9-96
Received 7-10-96
Registered 7-10-96
Enclosures
Spare copies

SUBJECT.

Praying that in the circumstances stated the election held by the Guntur Municipality on the 17th july 1896 may be cance

a/8/10/96

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

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hen copied
hen examined 17/11 } 189 .
hen signed 17/11

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

URRENT No.

ENCLOSURES TO C. 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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