	For what purpose.					
Date taken out.	Department.	C. No.	Year.	Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.

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

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 36 M

DATED 7th January 1896

[Despatch Abstract.]

Municipal Council,

Ordering, with remarks, that the election of certain gentlemen as members of the Cannanore ---- be notified.

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 Cannanore

M.C.Ky. P. Pakkima Haji Sahib Bahadur.
" P. Koyamoo Elaya Sahib Bahadur.

Statement showing the Result of an election held in the Cannanore Municipality
on the 17th June 1895.

Name of Municipality	Name of ward if any.	Date of election	No. of registered Voters	No. of Voters who exercised the privilege	Name of Candidate	Number of Votes obtained by each.	Name of Candidate duly elected.	Remarks.
1	2	3	4	5	6	7	8	9
Cannanore Municipality	C	17 June 1895	146	78	M.R.Ry. Mammachalian Valia Cunhy Kadir Avergal	"		
					" Pallichandy Abdool Kader — "			Withdrawn
					" Elat Valiagath Moideen Cooty "	28		
					" Pudiamaligakal Koyamma Elaya "	49	M.R.Ry. P. Koyamma Elaya Avergal	
					" Parapurath Pakeema Haji "	62	" P. Pakeema Haji "	
					" Soopiaragath Assen Cooty Haji "	20		
					" Soopiaragath Ebrayan Cooty "	4		
					" Koontavalil Kommamutty Koya "	"		
					" Palliyath Mammoo "	"		

Chairman

3774 /95

2719
295

Municipal Office
Cannanore 15 June 1895
Desp. 22'

No. 202

From
The Chairman
Cannanore Municipality

To
The Chief Secretary
to Government
Madras.

Through
The Sub-Collector
of Malabar

Sir,

I have the honor to report for the information and orders of Government that with reference to G. O. dated 4th May ~~1894~~ 1895 No. 768 M. Misc: a fresh election in C. Ward was held yesterday to fill the Vacancy that was left open for contest under the above G. O. At the same time another Vacancy in the same ward was filled up so that my report is on the fresh election ordered by Government and that of the one to fill a Vacancy that occurred just previous to the Receipt of the Government order. The usual notice was issued under the rules to fill the 2 Vacancies specifying the day, the hours and the places where votes shall be taken as decided by the Council at their meeting dated 25th May 1895. The 2d Vacancy in the ward occurred on the 4 May last.

2. About a week after the issue of the said notice one of the time-expired Councillors who is a Candidate at the election in question and who stands the 2d in the result of the Poll, petitioned the Divisional Officer objecting to the use of the building as Polling booth instead of a specially erected booth on the ground that it is the private property of his inveterate enemy M.R.Ry. S. Mamoo Koya Hajy, Avargal a Municipal Councillor and to this Gentleman being appointed a Polling Officer in that Booth. Against the first objection I have to remark that the Collector has already decided that he does " not think that the rules require booths to be specially erected, votes may be taken at the Office or in private buildings provided they have been fixed by the Council. The elections are now held in private buildings (selected by the Council at meeting) situated in the ward in which the vacancies occur, and care is taken to select such buildings as will afford ample opportunity to observe the strictest secrecy demanded in Number 23 of the election rules. I do not see, as represented by the Petitioner that any particular building can interfere with his canvassing for votes or preventing the electors from exercising the privilege of voting independently However I laid the petition referred to me by the Divisional Officer for remarks before a meeting and the Council was against changing the locality. I and another Councillor suggested a necessity for the change to obviate all

difficulties. Against the 2d. objection I really regret to have to observe that the petitioner an old Councillor ignores the rules for appointing a Polling Officer. He must have known fully well that the Councillor he refers to is a registered voter in the ward, and therefore cannot be appointed Polling Officer. Beside the 2 objections I received 2 petitions from 16 individuals on the same subject. Against the subject of appointing a Polling Officer I received another petition suggesting the appointment of Revenue Officer. In both these objections I never deviated from the rules. It is now for you to move the Government to decide if it is compulsory under the rules to erect special booths. If special booths are erected it means money and considering the weather and other circumstances it will be a great inconvenience to the electors for shelter. Booths specially erected are temporary

erections

erections and will not provide against the contingency of observing the secrecy demanded in rule 23 and the manner in which each booth has to be erected is not described in the rules.

3. There were 7 Candidates nominated for election all of whom are of the Moplah Community of the Old Town possessing property as a necessary qualification to be eligible as a Candidate. Before the day of election & after the publication of valid nominations, Candidate No 2 who was the Successful Candidate in the election cancelled by Government in their order under reference withdrew his name from the list of valid nominations on the ground of his name as a successful Candidate in the last election not appearing in the Gazette and until

that is settled he is not desirous of being voted for, This is a very lame reason and better known to himself. The two seats were well contested for by 4 of the Candidates, and the result has proved to be favorable to the time expired Councillors Messrs P. Koyoma Haya and P. Pakeena Hajy.

4. There were 146 Voters registered for the ward for the Current year of which 78 exercised the privilege of voting against 49 in the last election cancelled by order of Government. I am informed that the Divisional Officer who is now in the Station visited the polling booth and witnessed for a short while the collecting of votes by the Polling Officer M.R.Ry. K. Cherjoo Avergal an elected Municipal Councillor for A ward. The Polling Officer has certified under rule 30

that

Mr. M. Soralyee. - B. Ward.
MRRy T. Chirukantan Avergal
A. Ward.

that the election was held in his presence and was conducted in accordance with the rules. The number of voters who appeared at the booth and voted is very satisfactory, taking into consideration the number that appeared in the elections previously in the ward.

5. The ballot box was received at the Municipal Office by me in the presence of the marginally noted elected Councillors and opened and the votes counted having the Polling Officer present. The result of the poll is tabulated in the accompanying statement. The Candidate who applied for the withdrawal of his name is also shown in the above statement with the usual remarks. The Divisional Officer was also present.

6 A statement showing the Constitution of the Council with the result of the poll is enclosed with a request that you will move the Governor in-Council to gazette the

names of the elected Members at an early a date as possible.

I have the honor to be,
Sir,
Your Most Obdt. Servt.;

Chairman

List of Constitution of the Cannanore Municipal Council.

No.	Names.	
	Nominated by Government.	
	Officials	
1	Sub. Collector — Ex. Officio	
2	M.R.Ry. K. Ramoonny Menon Avergal	Not in the Station but within the ~~District~~ Division.
3	Mr. L. B. Rego	
	Officials	
1	M.R.Ry. K. Krishnan Avergal	
	Non-Officials	
2	" T. Chirikantan Avergal	
3	" K. Choyi "	
4	Mr. M. Sorabji	
5	" P. Rajob Hajy "	
6	" M. Abdool Kader "	
7	" O. Raman "	
8	" P. Ooniy Poker "	
9	" K. Bachy Cooty "	
10	" P. Mamoo Koya Hajy "	

Chairman

Forwarded to the Chief Secretary to Govt Mas

the Collector of Malabar

The house selected for the polling was an eminently suitable one & I do not see how the fact of it belonging to an enemy of one of the candidates affected the poll. A similar objection might be taken to any other house in this town.

As a fact the objecting candidate was one of those elected.

Arthur F. Pinhey
Ag. Sub Coll.

Cannanore
24.6.95

3/3774 ms of 95

20169b/Dec. 95

Malabar Sub Collector's Office
Tellicherry 12th November 1895.

From,
A. F. Pinhey Esq
Sub Collector of Malabar

To,
The Collector of Malabar
Calicut.

Sir,

With reference to your Proceedings dated 6th September 1895 No. 129/Dis, I have the honor to state that I have now made further enquiry into the matter of the Election petition of S. Assan Kutti Haji of Cannanore concerning the Election in C ward held at Cannanore on 17th June last.

2. I visited Cannanore and posted the Enquiry for 5th October 1895, but on my arrival found that the Petitioner was absent in Madras. The hearing was again posted for 9th November 1895 in consequence of my learning that the Petitioner had returned. On that date, Petitioner and his pleader Mr. Koroth Kannan appeared but without witnesses and applied for summonses to be issued. Seeing that the notice had been served on Petitioner on 4th November according to the peo and on 6th November according to Petitioner himself and that I was present in Canna[illegible]ore

the whole time from 4th to 9th November so that Petitioner might have applied for issue of process before hand (the witnesses all living in Cannanore), I thought the application a frivolous and vexatious one - However I granted the request, and issued process as desired and posted the Enquiry for hearing.

3. At the time, and date appointed the Petitioner and his pleader, appeared with 4 out of 5 of his witnesses but only one was examined and the remainder dispensed with -

4. A perusal of the deposition of the solitary witness Cheriya Maliakkal Kunhi Elayavu (one of the Arakal Raja's relatives) will show that no irregularities can be proved to have taken place -

The witness says that he went with some 58 or 59 followers to vote for Petitioner and Koya Elaya that he found the opposite party in possession of the door and voting - After making several ineffectual efforts to get in, he came to me, and subsequently on his return voted himself but found some of his supporters had disappeared.

At an election it is a case of first come first served - Only one man can vote at a time and if his adherents were so - lukewarm that they could not brook the delay they have themselves to blame. It appears however that some of the Petitioner's adherents changed their minds at the poll, for Koya Elaya one of the candidates supported by the Arakkal Raja's side, headed the poll with 54 votes while Petitioner only got 20, from which I gather that most of the 58 or 59 persons brought to the poll by the party did vote, but not for the Petitioner as he expected.

5. I have scrutinized the voting papers (it was a matter of form for I was present when the votes were counted) and it is a fact that Petitioner received only 20 votes. I was present from soon after 2 p.m. till almost the close of the poll, and during a part of this time the room was empty and I could find no persons who had not voted who wished to do so.

6. 38 persons are alleged to have signed an affidavit to the effect that they voted for Petitioner - The affidavit was not however produced possibly because it would have been impounded under the Stamp act and the signatories fined, as was done in a similar

case last year. The Petitioner apparently did not think it worth his while to get properly stamped affidavits.

7. With regard to the various allegations in the petition I may observe as follows:—

8. Rule 32 of the Election rules has no bearing on the matter. Rules 16 and 23 do not lay down that a specially constructed booth is necessary. When a reference was made to the Collector on the subject in the matter of a late election the Collector stated that in his opinion a specially constructed booth was not necessary. In these circumstances I consider the site selected for the ballot room was a most suitable one in every way. The room was secluded as it should be but the only means of access was through the single door opening on the main bazaar street.

9. A peon was seated at the entrance to see that only one voter was admitted at a time a very proper precaution, and I do not see why the candidates should not be present in the street near the door to see that their voters were brought to the poll. It is absurd to suppose that

in

in so open a place any irregularity should have been committed such as bribery, fraud or intimidation.

10. The overseer posted in the outer room upstairs was to identify the voters and see that they were entitled to vote, also a very necessary precaution and there is absolutely no evidence beyond the vague allegation in the petition that the overseer did anything irregular. A similar remark applies in the case of the gumastah and peon in the ballot room who as has always been done in the past were found to lend any ~~necessity~~ necessary assistance to the polling officer. It is absurd to suppose that any irregularities as suggested could have taken place in the presence of the polling officer.

11. Of bribery again there is no evidence nor was any attempt made to prove the assertion.

12. It will be seen that the petition is as I reported originally frivolous and vexatious. A petition which proved on enquiry to be equally frivolous was put in by the same candidate at the

the January Election when he was also unsuccessful. He is in fact a mere puppet of the Arakkal Rajah's faction.

13. My original report which you deemed unsatisfactory was forwarded because having been personally present at the request of the Arakkal faction) I was aware of the facts and found that for the most part the petition was frivolous. As regards the allegations of fraud, bribery and intimidation I considered the enquiry was quite unnecessary in view of the exceedingly vague allegations made. My experience which the event has justified has taught me that an enquiry into vague allegations of this nature serves no useful purpose and I would suggest that, unless something specific and capable of proof is alleged, similar petitions should be rejected in future. There is a strong party feeling among the Moplah inhabitants of Cannanore a large number of whom are opposed to the Arakkal Rajah and there is every reason to

believe

believe that at any future Election similar petitions will be put in by one or more disappointed Candidates. In this case Petitioner has proved nothing and probably was aware that he would not succeed from the first; he had succeeded however very effectually in harassing his adversary and has delayed the Confirmation of the Election for several months which was probably his object. I think it would be well for Government to put a stop to this practice by framing a rule to the effect that a deposit of say Rs. 100 be made by the party objecting which should be liable to forfeiture if on enquiry the objection proved frivolous and vexatious.

I have etc.

Sd/ A. F. Pinhey

Ag Sub Collector.

(True Copy)

T. Varada

For Collector

Calicut
6-12-95

8/3774 M of 95

Malabar Collector's office
Ref on C No. 387/M of 95 ~~Calicut~~ 4th December 1895.

Local & Municipal Dept.
CURRENT No. 3774 M

From
J. Hewetson Esq.
Ag Collector of Malabar

To
The Hon'ble J. F. Price,
Chief Secretary to Govt
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 submit herewith for the orders of Government copy of the Sub Collector's letter No. 1696/Dis 95 dated the 12th Inst. reporting on the petition presented to me by one Assan Kutte Haji Sahib Bahadur questioning the validity of the election of two Councillors for the C ward of the Cannanore Municipality held on the 17th June last.

2. The usual report of the Chairman on the election was received in this Office on the 26th June 95. It was kept under rule 35 of the election rules, to see if there was any petition questioning the validity of the election. On the 1st Jul

July 95, the petition from Assan Kutti Haji referred to in para 1 above, was received and the same was forwarded to the Sub Collector on the 13th Idem. The Sub Collectors 1st report on the above petition was received here on the 22nd August 95, but as it was quite incomplete, my predecessor Mr Moberly sent it again to him for further report, which was received in my office, only on the 15th ultimo.

3. From the Chairman's report on the election dated 18th June 95 No 202 herewith forwarded, it will be observed that the election in question was held to fill up the vacancy in the C ward referred to in para 1 of G.O. dated 4th May 95. No 768. M. Mis: and another in the same ward of the Municipality which occurred on the 4th May last.

4. The validity of the election for filling up the two vacancies in the above ward was questioned by Assan Kutti Haji on the ground (i) that intimidation and bribery were practised at the election and (ii) that the polling was not taken at a booth specially constructed for the purpose. As regards the 1st objection, it will be clearly seen from the Sub Collectors report that there was no intimidation or bribery practised at the election. With regard to the 2nd objection, I beg to state, that when a reference on the subject was made by the Sub Collector to my predecessor Mr Moberly, he held that, in his opinion, a specially constructed booth was not necessary. Mr Pinhey in para 8 of his report also states, that the site selected for the election in question was a most suitable one in every way. In these circumstances therefore, I quite agree with him in considering the election valid and beg to recommend that the successful

Candidates Pakkima Haji Sahib Bahadur and Koyamoo Elaya Sahib Bahadur be deemed to have been duly elected.

The Enclosures to the Sub Collector's report and the ballot papers in Connection with the election, are also herewith forwarded.

Sent under a registered Cover

BH
12.12.95

I have the honor to be
Sir,
Your most obedt. Servant.

T. Vardar
for Collector

BH

When given for copying
When copied
When examined
When signed
189

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

CURRENT 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.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

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

Local & (189 6) Department.

[3]

LOCAL AND MUNICIPAL
DEPARTMENT.

Paper taken out of the Records from the charge of the Record-keeper.

Press / Miscellaneous. No. 35 Ju / 7-1-96 189

For what Current.			By whom taken.	When taken out.
Depart-ment.	No.	Year.		
Ju	3836	—		11/1
Ju	2718	[illegible]		[illegible]

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M

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Abstract.]

pal Council, Ellore, for very early
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