

INDEXED.
Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 1427 m

DATED 17-6-97

DESPATCHED

[Despatch Abstract.]

Voters' List

Requesting the C.M. of Tanjore to inform
Mr. V. Venkatarao, M.L. Councillor, Mannargudi
that it was open to any objector to come in & point out
errors in the list which was published by the Chairman
& stating that the question of remedying the defect in
the Election rules, pointed out by the C.M. will be
considered in connection with the general revision of
the rules which will be taken in hand shortly.

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. (189) Department.

CURRENT No. 1738

From The Collector of Tanjore

Mis. Order. No 1427 M. mis. d. 17.6.97

The action of the chairman in this matter was no doubt irregular, but as he duly published a list it was open to any objector to come in and point out any error in it. The Collector is requested to inform the petitioner accordingly.

2. The question of remedying the defect in the Election Rules pointed out by the Collector in par. 4 of his letter, will be considered in connection with the general revision of the Rules which will shortly be taken up. (From orders.)

To the Collector of Tanjore. P.S.
The Chairman. M.C. Mammangudi. S.D.
115 21/10/95 21/10/95 28/10/97

Def. No. 641 of 1897

Dated 21 April 1897

Received 23 APR 1897 26 APR 1897

Registered

Enclosures Three

Spare copies

SUBJECT.

Submitting for orders
Complaint of Dubbly
Venkataramanni and families
Mammangudi objecting to
the acceptance of the
voters list furnished by
one of the Sub-Committee
Members appointed to
prepare it & requesting the
one prepared by the other

according to the provisions of

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

21
 Order No 641 of 87
 Rev of 87
 incl clull

Manuagudi
 30. 3. 97

From

S Venkataraniar
 Municipal Councillor
 Manuagudi.

To

The Collector of
 Tanjore

Sir,
 I have the honor to bring the following facts to your kind notice and favourable disposal.

1. The Council appointed a subcommittee consisting of myself and Messrs Ponnusami Mudaliar & K. G. Sreenivasamudaliar to draw up a list of land Councillors list and send them to the Chairman within the 16th March 1897, the time fixed by the Council and approved of by Government.
2. Accordingly I prepared a list of votes and Councillors and sent to Mr Sreenivasamudaliar for signature. But the Councillor returned it without signing for reasons not known to himself.
3. There was a difference of 120 names between my list and that of Mr Ponnusami Mudaliar. When Mr Ponnusami Mudaliar requested me to sign his list. I pointed out to him that he had included several names in his list who have

21
 313

have no qualification at all according to the
election rules and that he had left out several
that have qualifications. But he showed dis-
inclination to score out the names of those that
have no qualifications & included the names of
those ^{that} have qualifications and I therefore sub-
mitted the list prepared by me.

The chairman after keeping both the
lists for 9 days, published the list given by Mr
Pomusami Mudaliar without assigning
any reasons for throwing out my list.

The question now is whether, according
to the election rules, the chairman has got
power to publish the list at his option, when
there were two lists signed by a single indi-
vidual councillor or he had to take the
sense of the Council by calling up
a meeting to decide which list he
published. So far as the election rules go
I think that the chairman has no option of
his own to rule arbitrarily to publish the one
he liked and reject the other which is un-
congenial to his taste. Common sense and
justice demand that in all matters of doubt
and suspicion the sense of the Council should
be obtained before any authoritative declaration
is made.

I therefore request that you will please
consider the above representation and
pass such orders as you deem fit.

~~V.L.~~ Ref on A.C. No. 641
Forwarded to the Chairman,
municipal Council, Man-
magudi, for full report
in 3 days.

I have the honour to
be,
Sir,
Your most obedient
servant
30-3-97
as collector

23/4/97

DESPATCHED
95-101

according to the provisions of

Enclosure No. I

In a letter

From

The Collector of
Bangalore

To The Secretary to Govt,
Local Dept.

Madr.

Dated 21st April 1897

Ref. No. 641
Rev. 7/2

Subject

Petition of Mr. R. K. Venkatarao

21

a certain time & such motions
... .. at not later.

No. 9

Municipal office Mangalore
Dated 10th April 1897.

To.

From Mr. R. K. Steenisara Rao
Chairman Municipal Council
Mangalore.

To.

The Acting Secretary
Mangalore.

Sir,

With reference to your
No. 641 received today, I have the
3-4-97 honor to state that the question
raised in Mr. Venkatarao's letter
is whether the Chairman has power
to publish any list he pleases
when the members appointed to
prepare it do not agree to publish
different lists.

2. The above question has to be decided
in accordance with the provisions of

man
margin
in 3 days

W
23/4/97

the Election rules, & the rule books which the list has to be published as rule 20. It is silent as to what should be done in a case like the present. Under such circumstances I have to exercise discretion. Even for that there are no principles to guide me. I had to consider this question at the time of publication & for the above reasons I published one submitted by Mr. Ponnusami Mudaliar.

3. There are two points urged for consideration are (a) I after keeping the lists for 9 days published one of them. (b) I ought to have taken the sense of the Council.

As regard (a) Mr. Vankarunair put off not publishing his list if I have ^{had} published his, he —



The question is not
Whom to please
but what is the
proper course.

a certain time & such motions
to be disposed of not by the

Ponnusami Mudaliar would have been in the same position. Whom am I to please. If it is thought that both the lists should have been published, there is the difficulty. The lists agree with regard to certain persons, but disagree with respect to others. It is with regard to these the question arises; and for determination of this question either include or exclude them, the law is silent as I have said above. As for keeping the lists for 9 days the law allows me that time.

As regard (b) the election rules confer certain powers in the Council & certain powers in the Chairman which could be exercised by the

reflected

Inclosure

respectively, but the Council
cannot assume the powers of
a chairman nor the chairman —
could assume the powers of the
Council. As rule no 7 empowers
the chairman to publish the —
list, the same cannot be exercised
by the Council. If so, why should
the sense of the Council have been
taken I am at a loss to know.

I am therefore of opinion that
the Council had nothing to do
with respect to publication.
Then it may be said that if the
chairman were to include or
exclude persons without any
reference to qualifications,
is there no remedy? The answer
to this is to be found in rule no 8
which gives the affected parties
to move the chairman in this —

2/

a certain time & such motions
have to be disposed of not by the
chairman but by the Council —
under rule no 9.

Therefore the remedy for arbitrary
publications if it could be —
secured so, lies in the hands of the
Council & that may be sought
for by affected persons.

I have the honor to be

Sir,

Yours obedient servant

Wm Sturges
Chairman.

W. St.

1
J. V. S. by no 64.
Dow
The Chairman Melchior
Municipal Council
Mannagudi.

2064
10-786

to the collector
Tanjore



Dated 10th
Dec 11th April } 1897
led

No. 9

Enclosure one

1/10
10/10

Subject.

Reporting fully on
the letter of Mr. L. R.
Venkataswami regarding
the publication
of voters & councilors
list submitted by
Mr. R. P. Ponnusami &
Mr. A. B.
it goes on

7 Oct 87 no 641
From
The Chairman mclclat

Enlosure no 11

In a letter

From
The Collector of
Tanjore

To The Secretary to Govt
L & M. Dep^y
Madras

Dated 21st April 1897

Refer on Govt no. 641
Rev 87

Subject

Chairman's report
on letter from Mr. S.
Venkataramaiah

29th of 93
1735

Proceedings of the acting Collector
of Tanjore.

Dated 21st April 1897.

Read 1. petition from Mr. S.
Venkataramaiah avargal, Municipal
Councillor, Mannargudi, complain-
ing that the Chairman published
the list of voters prepared by one
of the Sub. Committee members
while he rejected the one prepared
by himself and this official Reference
thereon to the Chairman dated 9th
April 1897 forwarding it for report.

2. Chairman's report No 9 dated
10th April 1897 reporting on the above.

The Chairman justifies his action
in accepting and publishing
Mr. S. Ponnusami Sundar's list
on the score that the rules do not
provide

7 Oct 27 no 641
Dec 11 87

provide for the Contingency of the
persons appointed to draw up the
list under Rule 6 failing to do so,
and that he acted in the exercise
of his discretion. Whether he exercised
his discretion wisely is open to
question, but in the meantime
petitioner or any other persons
aggrieved have their remedy in
an application under Rule 8. It
is presumed that they have
availed themselves of the same.
If they have not, it is their own
fault. The defect in the rules is
however obvious and a reference
will be made to Government on
the subject.

(Signed) W. B. Ayling
Ag Collector

(True copy).

W B Ayling
Ag Collector

Enclosure No. III

In a letter
From
The Collector of
Tanjore
To The Secretary to Govt
L & M. Dept.
Madras.

Dated 21st April 1897

Referred to No. 641 of 97
Rev

Subject

Copy of the order
passed by the Collector

3.
1738. m of 1897

200-7-6-94.

Ref. No. 641 of 97
Rev

FROM

W. B. Ayling
ESQUIRE,

Ag. Collector & District Magistrate,
TANJORE.

Tanjore Collector's Office,
21st April 1897.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 1738. m

TO

The Secretary to Government,
Local and Municipal Department,
MADRAS.

SIR,

I have the honour to submit
the following case for orders:-
2. Under the provisions of Rule 6
of the 'Rules for the conduct of
elections by the town as a whole'
the Municipal Council of Mannar-
gudi appointed the marginally
1. Mr. S. Venkatarama aiyar avargal, noted
" Ponnuswami mudaliar " } three
3. " K. G. Srinivasa mudaliar " } Municipal
Councillors to prepare and submit
a list of voters by March 16th 1897.

The

2
The said Councillors did not agree and two lists were sent in to the Chairman, one signed by Mr. R. K. Venkataramair and the other by Mr. R. K. Ponnusami Moodaliar. The Chairman selected and duly published the latter list ignoring that submitted by Mr. R. K. Venkataramair. The latter has petitioned to me representing the Chairman's action as illegal and the petition with the Chairman's report and copy of the order passed by me are herewith submitted.

3. The Chairman argues that such a contingency is not provided for in the rules and that he acted in the exercise of his discretion.

I consider that he exercised his discretion badly and that a fairer course would have been either

either to place the matter before the Council or to publish a list containing all names ^{found in} either of the two lists submitted to him.

4. It is however, an obvious defect in the rules that they do not provide for the contingency of the list not being duly submitted as required and I have ventured to make this reference in the hope that the proper course to be pursued under such circumstances may be prescribed for the future guidance of Chairmen of Municipalities.

I have the honour to be,
Sir,

Your most obedient servant.

J. S. S. S. S.
For a collector

Again G.O., dated

189 , No.

Current No. 1733 N

of 1897, dated

21st April 1897

from the Collecta of Tanjore

Current No.

of 189 , dated

from the

FOR ORDERS.

The facts of the case are fully and clearly stated in the Collector's letter.

2. The Sub-Committee appointed to draw up the list of voters should have considered the lists prepared by the two Councillors and made out a consolidated list either with the unanimous consent of all its members or of a majority of them and should not have left it to the Chairman to decide which of the two lists submitted to him should be published.

3. As observed by the Collector in para. 3 of his letter, the Chairman should, in the circumstances of the case, have either placed the matter before the Council or published a list of all the names ^{from} both the lists received by him. The election rules are no doubt defective in this respect and the question of providing

for a case of this kind will be con-
sidered when they are amended shortly

L.A.
25/5/97

Mem.

No doubt the action
of the Chairman was ir-
regular: but as he duly
published a list, it was
open to any objector to come
in and point out any
error in the list.

When the election rules
are ~~revised~~ revised
the point may be considered.

The petitioner may
be informed thro' the Secy
as above

S. K. 20/6/97

20
57.6797

The ...

FOR ORDERS.



When given for copying
When copied
When examined
When signed

189

READ AGAIN G.O., No.
189

DATED

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.
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