

L. & M.
[2,000-225-1] 1897.

Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 2330 *m*

DATED 27-10-97

INDEXED. *CR*

[Despatch Abstract.]

Petition

*In forming Mr. R. K. C. Raghavawara
Sastri, M.L. Councilor Ellore, that
Govt. cannot consider communications from
individual Councilors on matters such
as those referred to by him.*

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BACK PAPERS.

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FURTHER PAPERS.

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Local & Munl. (1897) Department.

CURRENT No. 3487 M

From

Misc

M. R. Py. E. Kachapeswara sastry
Municipal Councillor, Ellore

Order n^o. 2330 n^o. 8/27-10-97
The Government cannot

Consider Communications from individual
Councillors on matters such as those referred to.

No.

1/2
15/10/97

STH 10/10/97

Dated 2-10-97

Received 7-10-97

Registered 7-10-97

Enclosures /

Spare copies.

SUBJECT.

Praying that clear rules may be
framed regarding the appointment
of Honorary Magistrate as Municipal
Councillor.

To The Secy. L.O.
supd-1/11/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

From

To

His Excellency the
Right Hon'ble The
Governor of Fort St.
George, in Council.

May it please your Excellency,

With deep submission
and respect the undersigned
humbly begs to make the
following reference for
your Excellency's opinion:—

Section 10-A of
Act No. IV of 1884 as
amended by Act No. III of 1897
says that an Honorary
Magistrate is not qualified
to be appointed a muni-
cipal Councillor unless
enempted by Your Excellency
Petitioner begs to
submit that there has
arisen a difference of
opinion in interpreting
the said section,

the

the Chairman of Ellore Municipality holding that under the section a person who has been a Bench Magistrate cannot stand as a Candidate, and your humble petitioner saying that the objection to a seat in the Council can be taken for such candidate's name being gazetted and not before that.

The question must be finally settled soon, in view of some elections that are to be held in about two months.

The Chairman's interpretation, in petitioner's humble opinion, is not equitable, as according to it a Bench Magistrate has to resign his seat on the Bench prior to his knowing the result of elections, which may or may not be favourable to him.

This procedure may end
in the Candidate losing
both, which cannot be
the view of legislature.

In the case of a
Bench Magistrate, whom
the people want to be
a Councillor as well,
the Chairman thinks
that sanction of the
Government is to be
obtained prior to his
nomination, and when
after all the Candidate
fails, the sanction accorded
and the correspondence
for obtaining such sanction
would become mere waste.

To obviate such and
similar difficulties, petition
prays your Excellency will
be pleased to frame clear
rules on the point under
Section 250 of Act IV of 1884.

The Proceedings of
the Chairman, Ellore Municipi-
pality, is herewith submitted

I have the honor to be,
My Lord,
Your Lordship's most
obedient & humble servant
1897 }
Ellore }
27th October }
1897 }
L. Kachapavarasasthy
Municipal Councillor
& Honorary Magistrate
Ellore.

No. 293

Proceedings of the Chariuam, Municipal Council, Ellor dated 1.9.77.

With reference to letter dated 29.8.77 of Mr. R. R. E. Katchaswara Sastry Garu, a Municipal Councillor and an Honorary Magistrate as regards the interpretation to be put upon Section 10A of Act IV of 1884, as amended by Act III of 1897, I am doubtful whether I can express any opinion now and whether that opinion can be of any use in future. I may, however, state here that I am of opinion that an Honorary Magistrate is, by virtue of such office, not qualified to contest for a seat in the Municipal Council, unless he is exempted by the Governor in Council from such disqualification under clause (d) of Section 10A of the Municipal Act.

A reference to Rule 6 of the Election rules will further show that certain persons are disqualified for Election and that Section 10A is only an embodiment of that rule with an addition of an Honorary Magistrate.

The disqualification under Section 10A is general except in the case of an Honorary Magistrate, where it is subject to a condition and until that condition is fulfilled,

the designation, I think, continues.
 IV The words "To be appointed a councillor" in Section 10 of the Act include, I think, all procedure before election up to final appointment and that election & appointment are not different & distinct entities.

V There is no doubt a great hardship as pointed out by the Councillor in this interpretation, but there seems to be nothing objectionable.

*Sitasanga
 Chaurasia*

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 When signed _____

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READ AGAIN G.O., No.

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DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DIET.

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1/3487