[L. & M.
5,000—5-4-99.]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 1297 M

DATED 19-7-98

[Despatch Abstract.]

Election.

Cancelling, with remarks, the ------ of M. R. Ry. Rangarajulu Nayudu to fill up a vacancy in the 8th Ward of the Madura Municipalty and requesting the Chairman to arrange for holding a fresh election for the place.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C.No 2388 M of '01	/	G.O. 1574 L 30-10-01					

A contested municipal election — Madura

LOCAL AND MUNICIPAL DEPARTMENT.

[L. & M.]
300-16-2-98.

Papers to be read in Proceedings :—

Again G.O., No. dated 189 ,

Again G.O., No. dated 189 ,

Current No. 340 M of 1898, dated 19th January 98 from the Collector of Madura
" " 1119 M " 1898, " 23rd March 98, " C. Krishnaswami Nayudu Madura
" " 1140 M " 1898, " 25th March 98 " M. Rangarajulu Nayudu Madura
1168 M " 1898, " 25th March 98 " S. Pattabirama Chettiyar Madura
1170 M, 1288 M, 1509 M and 2038 M of 1898.

Misc ORDER. No. 1297 Misc, 19-7-98

The Government does not consider that the election in question can, as recommended by the Collector, be set aside, on the ground of irregularity or negligence on the part of the polling officer, as under No 36 of the Election Rules, the validity of an election, can be questioned only on one or the other of the grounds therein mentioned. It is however, observed that owing to the criminal force, employed by the Chairman delegate at the time of election, many of the petitioners voters were prevented from recording their votes. In the opinion of Government, therefore, intimidation was practised at the election, which is, accordingly, now cancelled.

2

2. The Chairman is requested arrange for holding a fresh election and to see that the provisions of the Election Rules are strictly complied with in future.

(From Orders)

V.R.
13/7/98

H.T.
16 7 98

Despr. Please return this to me after despatch

CR
18/7/98

Despr. These are before despatch

Memo Carefully separate the enclosures to be returned to the Collector.

18/7/98

To The Collector of Madura, with enclosures returned
The Chairman M. C. Madura
~~through the Collector with enclosures returned.~~

3 Local & Municipal Department.

GOVERNMENT OF MADRAS

FORT ST. GEORGE,
1898.

My dear Partridge.

Referring to your letter – Rep. on Cir. No 2170 M.P. of 1897, dated 19th January 1898, reporting on the objections raised against the election of a Councillor for the eighth ward of the Madura Municipality, will you kindly see that the handwriting of the report which is very bad does

I do not think this is called for. The writing is in my opinion unformed but is plain & easy to read.

4 Local and Municipal D

[Ref.]

Local and Municipal Departr

Cn.P 340, 1119, 1140, 1168, 117. in 1509 and of

A contested mun.l election at Madura.

H. M. & H. E. the Gov.

For Orders.

At an election held on the 19th October 1897 to fill a vacancy in the 8th ward of the Madura Municipality, M.R.Ry Rangarajulu Nayudu, who is said to have obtained 147 votes against 139 secured by his rival candidate Sriraman Chettiyar, was declared to have been duly elected. The unsuccessful candidate questions the validity of the election on the following grounds:-

Please see para 1 of Collr's letter. Cn. 340 here A.

(1) that the Chairman-Delegate, with the whole of the Municipal staff, canvassed for votes on behalf of the counter-petitioner and threatened many of the petitioner's voters to desist from voting on pain of increase of tax,

(2) that the Counterpetitioner's father, a member of the Devasthanam Committee, ~~th~~ threatened many of the shop keepers with ejectment if they did not vote for counter petitioner,

(3) that voters for the counter-petitioner were allowed to enter the polling station by a passage other than the prescribed one,

Please see para. 2. of Collr's letter A.

(4) that votes were not recorded with absolute secrecy, non-voters and people who had recorded their votes being allowed to remain within the polling booth,

nitary

(5) that the polling commenced at 2-30 P.M.
stead of at 2 P.M. and that the polling
ficer was partial to the counter-petitioner
d misdirected several of the petitioner's voters,
(6) that some of the petitioner's voters
ere threatened and assaulted by the Chairman-
elegate (Venkatesalu Nayudu) and conse-
uently prevented from voting and
(7) that the successful candidate was not
lected by a majority of votes.

2. The first two objections have not been proved. As regards objections 3 to 5, the polling officer admits that there were more than a hundred people in the polling booth at one time, that voters entered by two entrances, that there was consequently a crush, that as there was a disturbance, he wrote to the Chairman-Delegate , asking him to come over, and that he (Chairman-delegate) accordingly came and turned out the nonvoters. The Collector however states that the allegation against the impartiality of the polling officer is a most serious charge and that a scrutiny of the rejected voting papers (25) and the evidence of a witness on the point, show that either ~~of~~ the polling officer was extremely careless or that he deliberately favoured the counter-petitioner. He therefore considers that if the polling officer had taken care to see that the number and name of the voters were written legibly on the voting papers and that the votes were properly recorded as he was bound to do under No.26 of the election rules, several of the rejected votes would then have been valid and the result of the election would have been different, and that the negligence of the polling officer in

Vide para 3 of the Collector's letter.

Please see deposition of the officer before the Collector. Q.

Vide Collr's letter para 7. A

para. 13

Vide f.o. 1876 R. / 8·12·90. Flag K.

---

in this respect invalidated the election and he accordingly recommends that the election may be cancelled. This recommendation however cannot be adopted, as an election cannot be cancelled except on one or other of the grounds specified in No. 36 of the Election Rules.

3. The 6th and 7th objections may be considered together. With reference to the former, viz., that some of the Petitioner's voters were threatened and assaulted by the Chairman-delegate and prevented from voting, it is in evidence that 14 voters went to the polling booth to vote for the petitioner, after obtaining the usual chits from the bill collector, but that they were assaulted by the Chairman-delegate and prevented from voting. The chits given to these voters have been produced to show that they went to vote, but have not voted. These voters lodged criminal complaints against the Chairman-delegate and the other Municipal servants. In one of these cases, which was disposed of by the Assistant Magistrate of Madura, only recently, the Chairman-delegate has been sentenced to a fine of Rs.50 under sections 504 and 352 of the Indian Penal Code. This decision shows that the Chairman-delegate used criminal force against the petitioner's voters and prevented them from voting. The successful candidate was elected by 147 votes ,or by eight votes more than those obtained by the petitioner. The Collector considers that of the 25 rejected votes, three are valid and should be counted for the petitioner, while the vote given for the counter-petitioner by one Sundra-Rajulu Nayu
Sanitary

Para 14 of Collr's letter

f.o. 1876 / 8·12·90 K

Vide para 6. of Collr's report. A. & para. 3 of the Dy Collr's report - flag R.

Vide Collr's report on the subject Cir. 2038 R. Flag B

Para 9 of his letter A

Vide para. 8. of Dy. Collr's report. [illegible]
& para. 15. of Collr's. A.

Sanitary Inspector, who is said not to be a voter, is invalid. It will thus be seen that the counter-petitioner obtained only 146 votes, as against 142 secured by the petitioner; and if the 14 voters who were unlawfully prevented by the Chairman-delegate from recording their votes, had voted for the petitioner, the result would certainly have been that the petitioner obtained the majority of votes. It is therefore submitted that the successful candidate cannot be held to have been elected by a majority of votes and the election, which is consequently invalid, may be set aside.

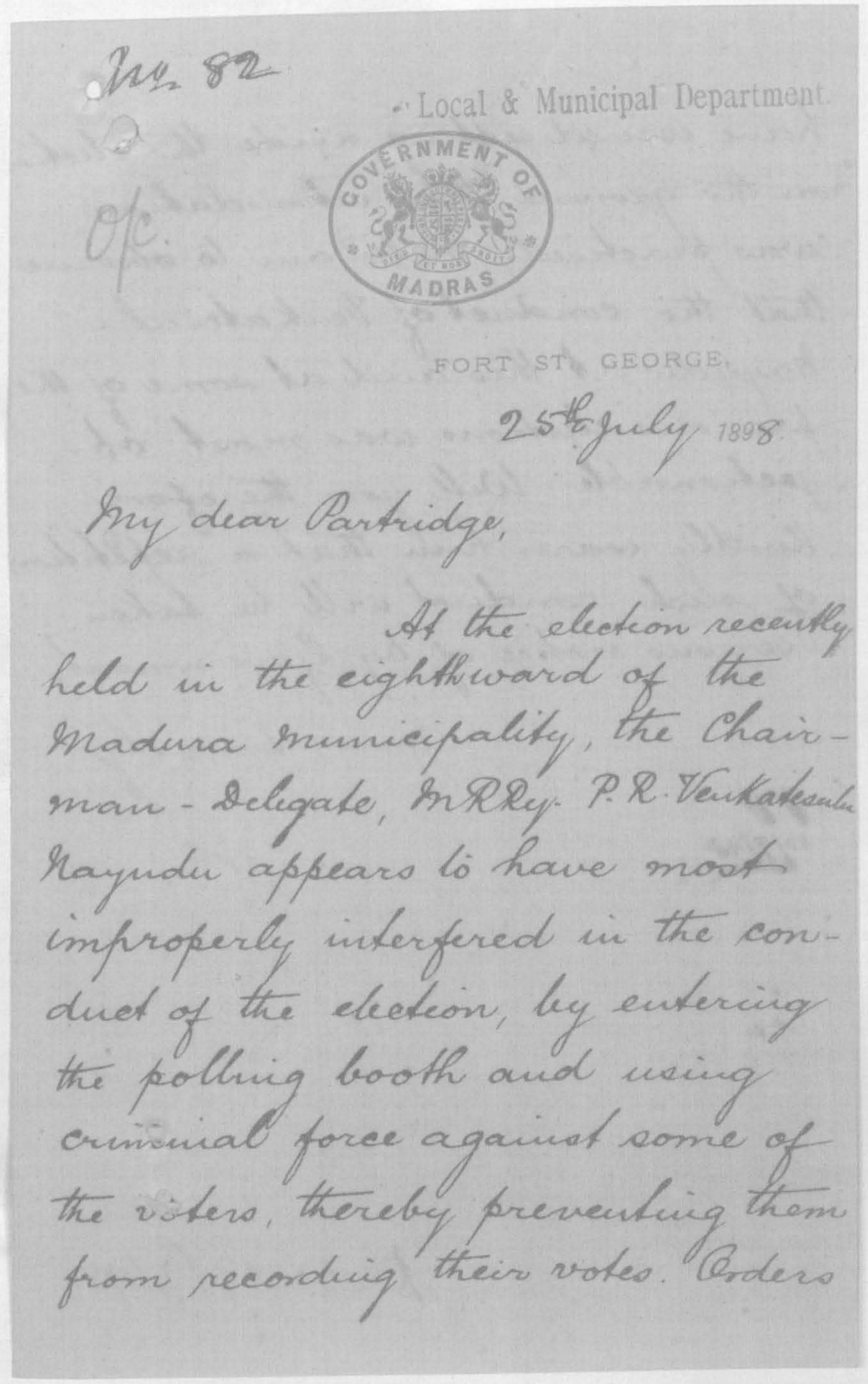
Please see para 3. supra

4. In this connection, it has to be observed that the conduct of the Chairman-delegate in having entered the polling place and used criminal force against the voters was most reprehensible. The Election Rules do not give any power to the Chairman or his delegate, to interfere with the conduct of elections, and if, as is alleged by the polling officer, there was a disturbance at the polling place, it was the duty of the polling officer to have applied to the Police for help and if the polling officer had, through ignorance, sought the help of the Chairman-delegate, it was the duty of the latter to have pointed out to him the right course. The conduct of the Chairman-delegate at this and other ~~as the~~ elections recently held in Madura, has been most improper, and it is submitted that the Collector may be told ~~by~~ D.O. to warn him, that a repitition of his objectionable conduct will be taken serious notice of by Government.

Note
The D.O. will be submitted after the papers return from Ootacamund.

5. The accompanying draft order is submitted for approval.

Keeping
Proper
Drop the D.O.
[illegible] back if [illegible]



No. 82

O/c.

Local & Municipal Department

FORT ST. GEORGE,
25th July 1898.

My dear Partridge,

At the election recently held in the eighth ward of the Madura municipality, the Chairman-Delegate, M.R.Ry. P. R. Venkatesulu Nayudu appears to have most improperly interfered in the conduct of the election, by entering the polling booth and using criminal force against some of the voters, thereby preventing them from recording their votes. Orders

thro' the Collector, with two enclosures returned.

have issued setting aside the election on the ground that intimidation was practised, but I am to observe that the conduct of Venkatesulu Nayudu at this and at some of the previous elections was most objectionable. Will you therefore kindly warn him that a repetition of such conduct will be taken serious notice of by Government.

Yours sincerely

V.R.
25/7/98

H.P.
25.7.98.

Note

Please see the pencil note at the end of para 4 of the Note for Orders in F.O. No. 1297 M. dated 19th July 1898 – Flagged B

Desp. 27/7/98

tted for approval.

V.R.
27/6/98

8

Local and Municipal Department.

Cur. 340, 1119, 1140, 1168, 1170, 1288
1509 and 2038. M/

Misc

Order ~~[illegible]~~ 7/98

The Government does not consider that the election in question can, as recommended by the Collector, be set aside, on the ground of irregularity or negligence on the part of the polling officer, as under No. 36 of the Election Rules, the validity of an election can be questioned only on one or the other of the grounds therein mentioned. It is however observed that three of the votes which had been rejected by the Chairman-delegate, are valid and should be counted for the Petitioner, that the vote given for the Counter petitioner by Sanitary Inspector, Soundararajulu Nayudu, is invalid, that owing to the criminal force employed by the Chairman-delegate at the time of election, many of the petitioner's voters were prevented from voting, and that if these had given their votes, the result of the election would have been different from what it is. In the opinion of Government therefore, the successful candidate has not been elected by a majority of votes. The election is accordingly cancelled and the Chairman is requested to arrange for holding a fresh election and to see that the provisions of the Election Rules are strictly complied with.

V.R.
29/6/98

P.T.O.

To

The Chairman, Municipal Council, Madura,
thro' the Collector, with two
enclosures returned.

9

The election can only be cancelled on the ground

(a) that gross intimidation or bribery was practised

(b). × × × ×

(c) that he was not duly elected by a majority of votes.

What has been found by the Collr. is that there was intimidation the voters being assaulted and prevented from voting. The ground of cancellation of the election shd. therefore be (a). But the order makes it (c) which is incorrect.

I do not think there can be doubt that the election shd. be cancelled but it shd. be on ground (a) not (c).

P.L.× 1/7/98.

W 6/7/98

A.A.H 9.7.98

× not sent in circln. until 4/7

It was received too late on the 2nd for circulation and the 3rd was a Sunday. So it was circulated on the 4th.

11/7

[Ref.]

10

Local & Munl. (1898) Department.

CURRENT No. 340 L

Order

From The Acting Collector of Madura

No. 2170. L.P. of 1897

Dated 15 January 98

Received 21 1.

Registered 21 1 1898

Enclosures 7.

Spare copies.

SUBJECT.

Submitting report on the petition presented by M.R.Ry. V.S. Sriramsu Chettiyar, one of the candidates for the 8th ward of the Madura Municipality at the election held on the 19th Oct 97.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[Ref.]

List of Enclosures to this office letter Reference on Current No. 2170 M.P of 1897 dated 19th January 1898

No.	Description of papers	No of papers
1	Letter No. $\frac{56}{19.10.1897}$ from the Chairman, Municipal Council, Madura to Government	1
2	Petition dated 28th October 1897 from M.R.Ry. V. S. Srinivasan Chettiar to the Collector of Madura	1
3	Deposition of witnesses	1 file
4	Letter Disposal No. $\frac{2267}{2.12.1897}$ from the Deputy Collector, Madura Dn, to the Collector of Madura	1
5	Chits given by Bill collectors and bearing (some of them) Collector's initials.	18
6.	Ballot papers - in one cover.	25

Madura Collectors office }
Dated 19th January 1898 }

S. Srinivasachar
For Acting Collector

19.1.98

19.1.98

[Ref.]

12 No. 11

Local & Munl. (1897) Department.

CURRENT No.

Current No. 3742/Genl
Date 20-10-97

Enclosure No. I to Madura Collectors letter
Roc No. 2170/M.P of 97 dated 19th January 1898

Order

From

The Chairman Delegate,
Municipal Council,
Madura

No. 56.

Dated 19th October 1897.
Received
Registered
Enclosures nil
Spare copies

COLLECTOR'S OFFICE
20 OCT 1897
MADURA

SUBJECT.

Reporting the result of election held in the 8th ward on the 19th October 1897

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

25 Votes are rejected under Rule 27 of the Election Rules

No. 5 withdrawn their candidature before the polling commenced and No. 1 after the polling commenced.

19th October 1897

Reporting the result of election held on the [illegible]

[Ref.]

13

1/340 of 1898

MADURA MUNICIPALITY.

PERS.

Number of votes obtained by each candidate. 7	Name of candidate duly elected. 8	Remarks. 9
nil	M.R.Ry. K. Rangarajulu Nayadu Garu	25 votes were rejected under rule 27 of the Election Rules. No: 3 has withdrawn his candidature before the polling commenced and No: 1 after the polling commenced. Date of the vacancy: 17° September 1897
139		
1		
147		

ament through the Collector of Madura.

Municipal Office,
Madura, 19th October 1897.

19.10.97

P. K. Venkatasal
Chairman. Delegate

Ref.

REPORT OF ELECTION HELD I

Name of Municipality 1	Name of ward, if any. 2	Date of Election. 3	Number of registered voters. 4	Number of voters who exercised the privilege. 5	Name of candidates. 6
MADURA.	VIII ~~the~~ or Puthu Mandapam ward	19th October 1897	657	312	1. M.R.Ry. D.S. Rangachariar Avl.
					2 " V.S. Sreeraman Chettiar Av
					3 " R.M. Chockalingam Pillai Av
					4 " M.K. Rangarajulu Naidu Garu

No. 56.

Submitted to Gover

[Ref.]

No. 2170
MG 14

MADURA COLLECTOR'S OFFICE,

Dated Madura 19th January 1898.

LOCAL & MUNICIPAL DEPT
340/M

From

J. G. D. Partridge Esquire,

Acting Collector of

Madura.

To

The Secretary to Government,

Local and Municipal Department,

Madras.

Sir,

I have the honor to report on the petition presented by M. R. Ry V. S. Sreeraman Chettiyar, one of the candidates for the VIII ward, Madura Municipality at the election held on 19th October 1897, under rule 37 of Election rules.

The Chairman Delegate, M. R. Ry P. R. Venkatesalu Nayudu Garu, reported that the petitioner M. R. Ry Sriraman Chettiar received 139 votes, M. R. Ry. Chockalingam Pillai, 1 vote and M. R. Ry M. Rangarajalu Nayudu 147 votes and that 25 votes were rejected under rule 27.
Another candidate named M. R. Ry D. S. Rangachariar withdrew after the polling commenced.

2. The petitioner objects to the election of M. R. Ry. M Rangarajalu Nayudu on the following grounds:—

(a) That the Chairman Delegate with the whole of the Municipal staff supported the counter-petitioner, canvassed for

for votes, and threatened many of the voters and illegally interfered against the Petitioner.

(b) That M.R.Ry. Minakshi Nayudu, father of Counter-Petitioner, a member of the Devasthanam Committee threatened many of the Devasthanam Shop-keepers with ejectment if they did not vote for counter-Petitioner.

(c) That voters for counter-Petitioner were allowed to enter by a passage on the northern side.

(d) That votes were not recorded with absolute secrecy, and that non-voters and people who had recorded their votes remained inside to influence other voters.

(e) That some of his voters were not allowed to give their votes on some pretext by the Bill Collector while counter petitioner's voters were allowed to go in freely, and that the Chairman Delegate assaulted and intimidated some of Petitioner's voters in the polling booth. Consequently at 4. P.M. when the polling ceased some could not give their votes.

(f) That the polling officer came at 2. 30 P.M instead of 2 P.M. and has throughout been partial to counter-Petitioner and misdirected several of the Petitioner's voters.

(g) That counter petitioner has not been duly elected by a majority of votes.

3. With regard to (a) one witness says that 3 Municipal servants threatened him that unless he voted for counterpetitioner his house tax would be raised.

There is only one witness on behalf of Petitioner to prove (b).

Some of the shop-keepers under the Devasthanam

[illegible]

The Chairman Delegate denies that he canvassed for counter-petitioner and says he is not friendly with him.

The Petitioner has quite failed to prove (a) and (b)

4 As to (c), (d), (e), (f) in which the petitioner alleges that the election was not conducted properly, and that his voters were prevented from giving their votes freely, I find that petitioner has some reason to complain.

5. The polling officer, Saiyid Muhammad Ibrahim Sahib admits that there were over 100 people in the room at one time, that voters entered by two entrances and that there was a great crush.

He wrote to the Chairman Delegate telling him to come as there was a disturbance, and he received two petitions from each party in the afternoon in which they complained against each other.

He believes that when the Chairman came, he asked nonvoters to go out of the polling place. He says that voters entered the polling room after that time about 3 P.M., but that when polling stopped at 4 P.M. there were 10 or 12 voters who had not voted.

Although it was arranged that voters should enter by one way and go out by the other, this was not carried out.

The Inspector of Police who was also present in the afternoon said that the polling place was crowded and that the polling officer complained of it.

The Chairman Delegate said the same, adding that he got nonvoters turned out by the Municipal

Servants

Servants.

He went in the afternoon to vote, besides arranging for the admission of voters two at a time.

6. For the petitioner 14 voters stated that they went about 3 P.M to vote and obtained chits from the bill collector but were obstructed by the chairman and not allowed to give their votes; so they came away and immediately preferred a criminal complaint to the Magistrate and a petition to the Collector.

Some say that Counter petitioner's voters were allowed to enter by the northern gate and to vote without any objection.

Rule 23 of the Election rules which prescribed part of the duty of the polling officer has evidently not been properly observed at this election.

There appears to have been no secrecy, any one was allowed to come in and persons who gave their votes did not leave at once.

7. A most serious charge, however, is made in (f) against the impartiality of the polling officer, and a Scrutiny of the rejected votes (25) besides the statement of one witness show that either the polling officer was extremely careless or that he deliberately favoured the Counter petitioner.

8. The 1st witness M.R.Ry Srinivasa sastri, a High court Vakil said that the polling officer told him it was unnecessary to sign the ballot paper, and that he consequently did not sign it and hearing his vote was invalid he petitioned the Collector.

It would not however be safe to rely upon the evidence of one witness on this point.

9. Of the 25 rejected votes Nos 653 - 604 & 639, were rejected as the names did not correspond with those in the Register.

These persons were actually voters and were admitted by the bill collector and Polling officer; So, I think these votes should be admitted for the petitioners.

+3

10. Vote No 466 was rejected as illegible, and I think the Polling officer was bound to see that the name of the voter was legible. In this case the vote is spoilt by being smudged.

11. The other rejected votes were rejected either because they were not signed, or because all the names were scored out by the voter, or because more names than one were left unerased on the voting paper.

12. One candidate M.R.Ry. Chockalingam Pillai withdrew 2 days before the election. Another M.R.Ry D.S. Rangachariar withdrew after the polling commenced.

The Chairman Delegate said that he told the polling officer to inform the voters of the withdrawal of the 1st named candidate and to put up a notice.

The polling officer should have seen that M.R.Ry Chockalingam Pillai's name was scored out in each voting paper and also that no person voted for more than one candidate, as there was only one vacancy.

What he says he did was to ask each voter whether he knew what to do in voting and if he said 'yes', to give him the paper, and if 'no', to tell him how to record his vote.

According to him, most of the voters filled up the paper themselves.

In vote 399 the names of 'Rangachariar and petitioner are scored out, the names of Chockalingam Pillai and Counterpetitioner remaining.

While in vote 381 the names of the 4 candidates are left.

It is unnecessary to go into further detail on this point.

13. Section 22 A. of the rules provides for the withdrawal of candidates and states that the chairman 'shall then remove the candidate's name from the list of candidates in rec... [illegible] the result of the election under rule 31.'

Rule 25 states that 'The elector shall score out the name or names of the candidates for whom he does not vote retaining the name or names of candidates not exceeding the number of persons to be elected for whom he votes.'

On reading these two rules, I consider that it is implied that the polling officer shall see that the name of any candidate who has withdrawn is not retained on the voting paper, and that no vote is given for more than one person if there is only one vacancy.

Under rule 26 the polling officer must see that the paper is legibly signed.

On looking at these rejected voting papers he would have seen at once that they were improperly recorded for more than one candidate and as pointed out the n... of Chockalingam Pillai was not erased in some

It

[illegible] has therefore deliberately [illegible] a number of

invalid votes to be recorded, and the result of the election might have been different if he had seen that these papers were properly filled up.

14. It is useless for him to say that he let the voters who said they knew record the votes themselves, and that he told those who were ignorant how to vote.

Toby?

The negligence of the polling officer in my opinion, invalidates the election and a new election should be held and some councillor who knows his duties should be appointed polling officer.

The rules do not however permit of the cancellation of the election on this ground

15. With regard to (g) as remarked in para (9), 3 votes rejected are I think valid, and there is one vote No 165 which has been given for counterpetitioner by one Soundara Rajulu a Sanitary Inspector who is said by the Bill collector not to be a voter at all. This vote is I think, invalid.

If these votes are decided in favour of Petitioner, the result however would be the same, namely the Counterpetitioner would have secured the majority.

I am unable to allow, though the Deputy Collector thinks otherwise, that the petitioner has secured any other valid votes; as they are not filled up in accordance with the rules.

For instance voter 624 signs the Petitioner's name instead of his own in the paper, and voter No 75 not struck out the name of all candidate.

Sim

Similarly the other rejected votes are invalid for some irregularity.

Of course the 14 voters who say they were pushed out cannot be considered as voters for Petitioner.

16. The Deputy Collector Madura Division held an enquiry by order of the Collector, but did not examine any witnesses for counter petitioner as the counter petitioner objected to his method of enquiry and said that he was prejudiced against him.

I have accordingly examined witnesses for Counterpetitioner and heard both parties. I consider that there is no proof of fraud or intimidation at the election and that the counter petitioner obtained a majority of votes, but as the polling officer has not conducted the election properly according to the rules, I recommend that the election be set aside and another election held. The report of the Deputy Collector dated 2nd December 1897 is enclosed.

I have the honour to be
Sir,
Your most obedient servant
Acting Collector

22

Local & Munl. (189) Department.

CURRENT No. 1119/M.

Telegram.
From
C. Krustnaswami Aiyar
Madura.

Order

No.

Dated 23-3-98.
Received
Registered
Enclosures
Spare copies.

SUBJECT.

Praying that a re-election may be ordered for the 8th Ward of the Madura Mulity on account of some irregularities

BACK PAPERS.

G.O.	No.	Department.	Date.
Cuo	340L/98		
L	612	L&M	21-3-98
"	491	L&M	3-3-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Ref. 4

23

LO... & L... CURR...

1119 M.

INDIAN TELEGRAPHS

Code Class. SP

Monthly Number. 14191

To (Office) Madras Fort St. George

From (Office) Madura

Words	Day	Hour.	Minute.	Official Instructions
43	23	14	15	dfd

To (Person) The Secretary to Government Local Fund & Municipal department

From (Person) C. Krishnaswami Iyer merchant

SECRETARY TO GOVERNMENT 23 MAR 1898 LOCAL & MUNICIPAL DEPARTMENT

Request due consideration papers regarding election councillor eighth ward irregularities and assault last election magistrate cases pending praying re-election be directed petition follows.

64 Word Form.

P.C. 2.

Jm 23/8/98

MADRAS 23-3-98

Recd. from ______ I.N. ______ At ______ Hrs. ______ Mts. by ______

Sent to ______ I.N. ______ At ______ Hrs. ______ Mts. by ______

______ Telegraph Master

G G P—No. 283 T—12 8 97—600000.

24

Local & Munl. (1898) Department.

CURRENT No. 1140 M.

From M. Rangarajulu Nayudu Madura.

Order

No.

Dated 25-3-98.

Received

Registered

Enclosures

Spare copies.

SUBJECT.

Stating that the Dy. Magistrate has reversed the Sub Magistrate's judgment in intimidation case in connection with the election of the 8th ward in the Madura Muncy.

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Ref.

LOCAL & MUNICIPAL DEPT.
CURRENT 1140 m.

16143

INDIAN TELEGRAPHS. Monthly Number.

Code Class. Off

To (Office) madras

From (Office) madura

Words 31 Day 25 Hour 13 Minute 5

Official Instructions dfd

SECRETARY TO GOVERNMENT
25. MAR. 1898
LOCAL & MUNICIPAL DEPARTMENT

To (Person) The secretary local and municipal department government of madras

From (Person) M. Rengarazulu naidu

sub magistrate's judgment in intimidation case in connection with eighth ward election reversed by deputy magistrate.

MADRAS 25-3-98

M. Int 28/3/98

64 Word Form.

F.C.2.

Recd. from LN. At Hrs. Mts. by

Sent to LN. At Hrs. Mts. by

Telegraph Master.

[Ref. / 4]

VR

[28]

LOCAL AND MUNICIPAL DEPARTMENT.

Aud. 340 2 d 11/52
and 1140 m.

~~Memorandum.~~ Refce.

Dated the 31st March 1898.

No. 389

Secy

The Collector is requested to report the result of the criminal complaint to the magistrate referred to in para 6. of his letter.

H. T.
28 3 98

V.R.
28/3/98

Note.

The facts of the case are clearly stated in the reports of the deputy Collector and the Collector. In the absence of any provision in the rules, the election cannot be set aside on account of the irregularities on the part of the polling officer as recommended by the Collector. The conduct of the Chairman-delegate at this and the other elections lately held in Madras however, gives room for suspicion and [illegible]

Copy to dep. Collector
V.R.
29/3/98

Vide para 16 of the Collr's letter.

V.J

the present election can be cancelled on the ground of fraud or on the ground that the successful candidate was not elected by a majority of votes, if it is established that several of the Petitioner's voters were prevented from voting by the chairman-delegate. In para 6. of his letter, the Collector states that the voters who were thus prevented from voting have lodged criminal complaints against the chairman-delegate and it seems desirable to ascertain the result of this complaint before passing final orders in this case.

To the Collector of Madura.

Desp 31/3/98

28

Local & Munl. (189) Department.

Secy

Curs 1168 & 1170 M

To lie over pending receipt of the information called for in Rep No 389 dated 31st March 1898.

V.A.
31/3/98

H. T.
29/3

CURRENT No. 1168 M

From

S. Pattabiramudu Chetty
Madura.

Order

No.

Dated 25-3-98

Received 28 "

Registered

Enclosures 2

Spare copies.

SUBJECT.

Praying that under the circumstances stated the election of M.R.Ry. Rangarajulu Naydu as a member of the Madura Multy may be invalidated ~~[illegible]~~ ~~[illegible]~~ Chetti may be duly elected

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[Ref. 4]

Affects this objection

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INDIA TWO ANNAS TWO ANNA

Memo of Cr. Mis. Petn

Before the 2nd Class Magistrate of Madura Town Cr. M. P. No of 97. in C.C. 526 of 97.

Venkatesalu Naidu 1st accused Petr

v

Sri Raman Chetty Complainant C. Petr

The 1st accused aforesaid begs to ~~St~~ state (1) under S. 197 of the C. C. P.:—

1. That the 1st accused as Chairman Delegate of the Madura Municipality & as one responsible for the due fulfilment of the purposes of Act IV of 1884 (as amended) & of the Rules framed by the Govt. under s. 250 of the said Act, attended the Polling Office held at Pudumantapam on the 19th of October last. (He had also a special requisition from the Polling Officer)

2. That the acts imputed to him, even if true, have apparently been done or committed by him in the course of the discharge of his duties as such Chairman Delegate.

3. That he is a public servant within the meaning of the Indian Penal Code not removable from his office without

நெ. 30
[illegible]
26 11 97
[illegible]
[illegible]

[illegible]

FOR COPIES ONLY

30

TWO ANNAS

the Sanction of the Govt. and as such no Complaint against him Can be entertained without the previous Sanction of the Govt. ~~The~~ respondent And prays under the Circumstances that this Honorable Court be pleased to dismiss Sri Raman Chetty's Complaint for want of Sanction from the Govt. of Madras.

16 — 11 — 97. (Signed) D. S. Rengacharry
Vl.

(True Copy)

Corrections nil
Compared by [illegible]

A. Muthukrishnaiyer
Clerk

Copied by
Nagalingam

1168 of 98.

நெ. 31
[illegible]
25 11 97
[illegible]
[illegible]

Petition

No 225

2nd Class Magte's Office
Madura Town
C. C. No 526 of 1897

Application No. 1175 for copy received	on	18 — 11 — 97
Stamp Papers called for	"	Do
Stamp Papers produced	"	27 — 11 — 97
Copy ready	"	27 — 11 — 97
Copy delivered or sent by post to	"	27 — 11 — 97

A. M.
Clerk

2nd CLASS MAGISTRATE OF MADURA TOWN

[illegible]

FOR COPIES ONLY

TWO ANNAS

INDIA

31

THOS. DE LA RUE & CO. LONDON.

Proceedings of the 2nd Class Magistrate Madura Town dated 16 — 11 — 97.

Calendar Case No. 526 of 1897.

Complainant — Accused

Sreeraman Chetty. Venkatesalu Naidu & 8 others

Read petition put in by Mr. D. S. Rengachariar on behalf of Venkatesalu Naidu the 1st accused. Argument of the Vakil for the 1st accused. The 1st accused is the chairman delegate of the Municipality. He is therefore responsable for the due fulfilment of the purposes of act IV of 1884. The purposes of this act include the rules of Election under section 253 of the act. The appointment of polling place &c is left to the Chairman. The Chairman is the executive officer of the Municipality. In the discharge of his duties as Chairman Delegate he went there. He being a public servant no complaint could be taken against him without sanction of the Government. Reply by the Vakil for the Complainant. The Pleader for the prosecution says that he may be a Chairman Delegate

But

No. J 7491
[illegible]
25-11-97
[illegible]

Affter this
[illegible]

FOR COPIES ONLY
INDIA
TWO ANNAS
TWO ANNAS
THOS. DE LA RUE & CO. LONDON.

but that he had nothing to do with a polling office at any time. His powers are defined by the Rules referred to by the other side. Rules 23 to 31 of the election rules give an idea of the Chairman's duty. The 1st accused is not charged as Chairman Delegate. Rule No. 30 says that the polling officer should bring the box to the Municipal office. The acts done by the accused cannot be the acts of a Municipal Chairman. The Chairman has no duty to keep order in a polling office. If he wants to keep order he must apply to the Magistrate or Police.

Order:— The Chairman has no duty, in my opinion, in the polling place. The reading of the Rules shows that the Chairman should do before the polling and after the polling and nothing during the polling. The Section 197 C. P. C. speaks of offences committed in the capacity as public servant. Here it is not said that it was his duty to preserve peace. for which it is said the police were taken.

The

[illegible].29
[illegible]
25 11 97
[illegible]

[illegible]

[illegible] 38/5

2nd Class Magte's Office
Madura Town
C. C. No 526 of 1897

Application No. 1175 for copy received } on	18—11—97
Stamp Papers called for "	Do
Stamp Papers produced "	27—11—97
Copy ready "	27—11—97
Copy delivered or sent by post to } "	27—11—97

Clerk

After this
[illegible] in an objection [illegible] conseq

1

34

To.

The Secretary to the Government
Local Fund and Municipal Dept.
Fort Saint George
Madras.

UNDER SECY TO GOVT
28 MAR 98

LOCAL & MUNICIPAL DEPT.
CURRENT No. 1168 M.

Respected Sir,

we the undersigned beg permission to bring the few following lines to your honor's kind consideration praying they will receive due consideration at your hands.

T The election of the 8th ward attached to the Madura Municipality was held at Pudumantapam on the 19th October 97

4 Mr V. S. Sree Raman chetti and Mr Ranga Rajulu naidu stood as rival candidates for the ward in question leaving out of consideration all those who withdrew their candidature. Mr P R Venkatesalu naidu who was the Chairman delegate on that occasion and the deadly enemy of Mr V. S. Sree Raman chetty with the whole Municipal staff under him lent himself in support of the candidature of Mr Rangarajulu naidu

M. M.
25/3/98

And actively canvassed votes for him, and in so doing the said Mr. Venkatasalam Naidu and Municipal servants threatened many of the voters to vote for RangaRajulu Naidu and grossly misbehaved himself both as a Councillor & Chairman 1

3 In the election which took place on the 19th October for filling up the said office, Mr Ranga Rajulu naidu has been improperly returned by a majority of 8 votes, Mr V.S. Sree Raman Chetty also complained to the Chairman delegate against his conduct by a registered letter dated 8th October 97.

4 At the election time the votes have not been recorded with absolute secrecy and all sorts of people were admitted inside the polling and the persons who had recorded b votes purposely remained inside the polling te in order to influence other voters that ght be coming in

In the evening of the election day 150 voters had assembled on the side of Mr. V.S. Sree Raman Chetty to vote for him and voting the disparity in number between the voters on opposite sides, the municipal bill collector and other servants attached to the said municipality who were there did not allow Mr. V.S. Sree Raman Chetty's voters to go to the polling booth on some pretext or other. While they were unnecessarily and improperly detained in [illegible] way the [illegible]

Ref. 4

PERS.

36

After this

8 Chettiar put in an objection
Collector on 30 11 97. The
quently sent to the Dy Co
In the Course of the enquiry it
votes had been rejected impr
who had been threatened and ne
the polling booth on the date
they came to vote for Mr
were also Summoned to pro
they got on the election
vote to whom so ever they
Chits and their votes for
had to be accepted. The
Submitted his report and
with it to the perusal of

The Collector then

9 of the case on January 6th. Mr
Naidu and the polling officer
Collector. They among oth
in the polling booth. He
that the election, then
many irregularities
the enquiry that one Sw
misrepresented one S
Vandavu Rayalu Naidu
attached to the said
for voting. His fraudulent
to the bye laws of the
Reps. Dist. Municipal
One
who had been sent
10 somnant was one
Rajalu Naidu
Khan

D. Subramania Iyer

In consequ
6 Stree Raman chetty were pu
and annoyance owing to pr
without. there was a piteous
of Mr V S. Stree Raman Chet
admit them inside when Mr
the Chairman delegate has b
from behind in a most aggres
style. pushed back the voters
Chetty who already remained ins
intimidated several of the v
themselves there to obtain Chit
abused several respectable g
come there; sternly commanded
Stree Raman chetty. to go out
the polling booth for more than a
the election to take place properly –

The polling officer h
7. been partial towards the voters of
Naidu and has misguided se
of Mr V S Stree Raman Chettyar I
of the confusion Mr R R Venca
had the ballot box removed to
The balloting papers were wrongly
-tionally to cause a lot of confus
Mr P.R. Vencatesalu naidu has
votes and improperly returned Mr R
by a majority of 8 votes. Mr R R
rejected about 18 votes in fav
-Raman Chetty ar. for no reaso
Had these eighteen votes been
election, Mr V. S. Stree Rama
have been returned by a large m
of the fraud and intimidation
R R [illegible]

Mr V S Stree Raman Chettyar and few & others among the voters lodged a complaint for
11 assault and intimidation, defamation against Mr P R Vencatasalu Naidu and some other servants attached to the municipality referred to above on the file of the Sub Magistrate Madura town.

12 Mr P R Vencatasalu Naidu put in a petition on 16-11-97. that the complaint could not be entertained without the sanction, as he discharged his duties there in the capacity of Chairman delegate. The Magistrate overruled the petition and held that no sanction was necessary. The said Naidu again put in a petition to the Collector to the same effect. The Collector referred the matter to the High Court. The High Court passed orders in C.R.C No 511 of 1897. that no sanction was necessary. The case is now pending before the Assistant Collector of Madura. All the irregularities referred to above are quite opposed to the bylaws of Municipality. Refer para 36. page 60 of the Election rules attached to the Dist Municipal Act of 84.

13. It is therefore prayed your honor will be pleased to consider the above circumstances and allegations and invalidate the election of Mr Rangaraju Naidu by the chairman delegate and declare ~~that~~ Mr V S Stree Raman chetty duly elected in the alternative or order a reelection to be made.

Voters

[illegible]

25/3/98

[illegible]

S. Balasubramania Chetty Merchant.

[illegible]

D. Subramania Iyer.

K. Rangayachetty

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39 ✓

Local & Munl. (1898) Department.

CURRENT No. 1170 M

From Krishnaswami Pillai
Madura

Order

No.

Dated 26.3.98

Received 29.3.98

Registered

Enclosures 4

Spare copies.

SUBJECT.

Submitting certain public records connected with the irregularities of the election of the 8th ward of the Madura municipality

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

40

Madura
26/3/98

LOCAL & MUNICIPAL DEPT.
CURRENT No. 1170M

To
The Secretary to the
Government Local Fund
and Municipal Department
Fort Saint George
Madras.

29 MAR 98

Respected Sir,

I humbly beg to submit herewith some public records connected with the irregularities of the Election of the 8th ward of the Madura Municipality held on 19th October 97. I had to submit all these records to your honor's perusal being myself a rate payer voter and a merchant of Commercial position fully believing your honor will be pleased to consider over all these records submitted herewith. If such irregularities for which the records submitted herewith are checked then and there, I believe, the interest which the public have will be gradually increasing. A glance over the record sent herewith will convince your honor that it is quite adhered to the Municipal laws (Refer Municipal Act 4 of 1884 as amended) 10 B. Page 11.)

I beg to remain
Sir,
Your honor's most obedt.

41

Local & Munl. (1898) Department.

CURRENT No. 1288 M

n/

To lie over pending receipt of the information called for in Ref No 389 dated 31 March 1898

V.R.
29/4/98

~~Order~~

I have an idea that this has lately been received

20.4.98

This has not yet been received.

20/4/98

21/4/98

22:4

Flag K.

From Krishnaswami Ayyar, Madura.

No. —

Dated 4-4-98.

Received

Registered

Enclosures

Spare copies.

SUBJECT.

Submitting a copy of the order of the Madras High court in Criminal Revision case No. 51 of 1897 re M.R.Ry. P.R. Venkatasalu Nayudu for perusal

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Ref 1, 98.

Submitting a copy of the order of the Madras High Court in Criminal Revision case No 517 of 1897.

42

TO GOVT. APR 99 DEPT

In the High Court of Judicature at Madras
Wednesday, the 9th day of February,
one thousand eight hundred and ninety eight.
Present:—
The Honourable Sir Arthur J. H. Collins Kt Chief Justice
and the Honourable Mr Justice Benson.
Criminal Revision Case No 517 of 1897.
(Case referred No 189 of 1897)

P. R. Venkatesalu Naidu 1st accused in Calendar case No 526 of 1897, on the file of the 2nd class Magistrate of Madura

Sree Raman Chetty, Complainant in Do

Case referred for the orders of the High Court, under section 438 of the Criminal Procedure Code by the Dist. Magistrate of Madura in his letter dated 8th December 1897 Ref on C No 614 Judl of 1897. This case coming on for hearing, upon perusing the letter of reference and the records submitted therewith, and upon hearing the arguments of Mr T. Rungachariar Vakil for the accused, and of Mr E. B. Powell Counsel for the Complainant, the Court made the following

Order

We think the Sub Magistrate was right in holding that section 197 Criminal Procedure Code, does not protect the Chairman delegate. That section is one

which derogates from the general right of
Every man to Complain to the Courts in
regard to any offence. Committed against
him. It must therefore be construed
strictly. It protects, under certain cir-
cumstances, a public servant who is not
removable from his office without the sanction
of the Government from prosecution for acts
done in his capacity as such public
servant. But it is not stated that
Such protection is extended to persons
to whom the public servant may
delegate, a portion of his powers. In
the present case, the Chairman is not
removable from his office without the
sanction of the Government, but his
delegate is admittedly removable from
his office, as delegate at the will of the
Chairman, no sanction of Govern-
-ment is necessary. We are therefore
of opinion that he is not protected
by the terms of the section. It is
however contended that only a Muni-
cipal Councillor can be appointed a
Chairman delegate, and that as a
Councillor cannot be removed from the
Council without the sanction of
Government, he is protected by section
of 197 of Criminal Procedure Code.

That would be so if he were prosecuted on account of an act done by him as a Councillor. But that is not the case here. It is not contended that he had any authority quâ Councillor to control the election; but only quâ Chairman delegate; and the protection which he might claim for an act done quâ councillor cannot we think be extended to acts done by him not as a Councillor but solely as Chairman delegate.

We therefore see no ground for revising the Sub-Magistrate's order on the matter

By the Court

Corrections be none. Signed × – – ×

Deputy Registrar
Appellate Side

True Copy.

Copied by P. Muthuswami
Copyist.

Compared by J. M. Subrayan Dy.
Clerk

Sd/ J. M. Subrayan Dy.
Clerk

LOCAL & MUNICIP
1288 M

Madura
4/4/98

To

The Secretary to the Government
Local Fund and Municipal Dept
Fort Saint George.
Madras.

Respected Sir,

I humbly beg to request your honor will be pleased to peruse the records sent here with today for your honor's perusal. These record also concern the Eighth ward election held at Madura on 19th October 97. Begging your honor will give us favourable results after making a thorough search in all these records.

Your honor's
most obedient
servant

1
1288 M/98

Copy of High Court order

~~No~~ of words 476

Application on 23 forz } 26-3-98
Copy received }

Stamp paper called for 28·3-98

Stamp paper produced 28·3-98

Copy ready 28·3-98

Copy delivered or sent } 31-4-98
by post }

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46 VR

Local & Munl. (1898) Department.

CURRENT No. 1509 M

UNDER SECY TO GOVT
2 MAY 98

From The Collector
Madura

Order

Roc **No.** 2170/MP of 98

Dated 28th April 1898-

Received

Registered

Enclosures -

Spare copies

SUBJECT.

Submitting report in regard to the Complaints pending before the Deputy Magistrate Melur Division and the Assistant Magistrate in Connection with the election of the 8th Ward Madura Municipality held on 19th October 1897

BACK PAPERS.

G.O.	No.	Department.	Date.
Ecct	389/98 &c		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Roc. No. 2170/M.P. of 97

Madura Collector's office
Camp: Andipatti
28th April 1898

47

From

J. G. D. Partridge Esquire
Acting Collector of
Madura

LOCAL & MUNICIPAL DEPT.
CURRENT No. 1509 M

To

The Secretary to Government
Local and Municipal Department
Madras.

Sir,

With reference to Government Memorandum No. 389 dated 31-3-98, I have the honor to report as follows:–

2. In connection with the election in the 8th ward of the Madura Municipality held on the 19th October last, 5 criminal complaints were filed two before the Deputy Magistrate Melur Dn and 3 othe before the Town Sub-magistrate. The nature of the two cases fil before the Depu Magistrate Melur Dn is given in the margin x. The accuse in the C

x Cheating-

1. A complaint by one Maruthaneera Pillai of the 8th Ward against a Bill Collector and an accountant of the Madura Municipal office for an offence under Sec. 420x I. P. C.

2. Do by one K. Ramasami Aiyar B.A.B.L of the 8th Ward against P. R. Venkatesalu Naidu (who was Chairman Delegate) and two Bill-Collectors for assault with intent to dishonor a person, defamation and insult to provoke a breach of the peace under S.S. 355 (1), 500 (2), and 504 (3) I. P. C.

(1) Assault or Criml force
(2) Defamation
(3) Insult-

case of cheating
of the cases were acquitted, no been made out.
brought against them having agistrate has exa-
In the other case the Deputy M ses and for want
-mined the prosecution witnes d to Government,
of the ballot papers submitte ine-die.
the case has been adjourned s
before b-Magistrate Madura

3. The cases filed by the Su
(1)
Town are:— 506 I.P.C. to the

(1) Criminal intimidation

(i) A complaint under Sectio ll Collector, a Sanitary
effect that the accused (a bi ant of the Municipal
Inspector and the Head Accoun nt (a hotel-keeper)
office) threatened the complaint — ngarajulu Naidu,
that, if he did not vote for Re ssional tax, pull down
they would increase his profe aily for nuisance etc.
the planks and charge him d an Chettiar, a candidate
(ii) A complaint by Sreeram esalu Naidu (Chairman
(2) (3)
at the election, against Venkat ctions 504 and 352 I.P.C.
Delegate) and 8 others under Se
(iii) A complaint under Secti ns 504 and 352 I.P.C.
by one Vinayagamurthi Nadar against Venkatesalu
Naidu and 2 others.

(2) Insult
(3) Assault or Criminal force
Do Do

4. In the first case the Sub- Magistrate sentenced
each of the accused to a fine of Rs 20/. but on
appeal the Deputy Magistrate reversed the finding
on

on a point of law — that the acts complained of would not amount to an offence under Section 506 I.P.C. The other two cases have been transferred from the file of the Town Sub-Magistrate to that of the Assistant Magistrate before whom they are still pending.

I have the honor to be
Sir
Your most obedient Servant
Acting Collector

83/

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INDIA TWO ANNAS

TWO ANNAS

دو (۲) آنہ

THOS. DE LA RUE & CO. LONDON.

UNDER SE[illegible] TO GOVT 9 MAR

Calendar of Cases tried by the 2nd Class Magistrate of Madura Town.

Date of offence:- 12-10-97. Date of report or Complaint:- 13-10-97. Date of commencing trial:- 5-11-97. Date of sentence or order:- 15-1-98. Judgment in Calendar case No. 504 of 1897 on the file of the 2nd Class Magistrate of Madura Town. Complainant:- Krishnaji Row Name of accused:- 1 Syed Hussain Sahib 2 Deivanayagam Naidu; 3 Kannayiram Pillai. Age:- 49, 27 & 45: Father's name:- Syed Nathada Saib, 2 Srinivassa Naidu, 3 Kanappa Pillai. Caste:- 1 Mussulman, 2 Vaduga & 3 Vellala: Calling:- 1 Sanitary Inspector, 2 Head accountant in Municipal Office; 3 Bill collector — Do. Residence:- 1 to 3 Madura. Offence:- Criminal intimidation under section 506 of the Indian Penal Code: Finding:- Guilty Sentence:- To pay a fine of Rs 20 each; in default to one month rigorous imprisonment.

Judgment:- One Krishnaji Row a hotel keeper in the 8th ward of the Municipality charges the accused with criminally intimidating him on the 12th October 1897 with a view to

Corrections &c nil compel

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INDIA

TWO ANNAS

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(1)

compel him to ~~his~~ vote to one Rengarajulu
Naidu, a Candidate for the Municipal Coun
2 cillorship of that ward in preference to the
other Candidate one Sriraman chetty.
2. The Complainant stated that the
accused came to his house and called him
out and said that he must vote for
the son of Meenatchi Naidu ie Rengarajulu
Naidu, and that he told them that Sree-
2 raman chetty's men had also come to
him and that he would vote at the time
of election to whomsoever he pleased.
Thereupon he was threatened by the three
accused that they would have the plank
placed over the drains and the slab stone-
steps in front of his house removed and
his tax raised from 4 to 8 Rs and otherwise
troubled so as to hinder his trade if he
did not act according to their words.
3. The Complainant is supported
by four witnesses examined on his behalf.
They all say that the accused came to
his house and wanted him to vote for
the Naidu Candidate and that if he did

Corrections &c one

not

15,000—10-2-

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TWO ANNAS

53

chetty on account of the enmity between him and his brother in law the Chairman Delegate Venkatesalu and that he was not present at all at the place of offence and that he was then at the pumping station checking the accounts there & that he being the Head Accountant in the Municipal office it is no part of his duty to do any of the acts said to have been used as a means of threat.

7. The 3rd accused who is a bill Collector in that ward said that this is one of the complaints against the Municipal servants owing to the ill feeling between the merchants and the Municipality also because he had collected the tax with demand fees from the complainant.

8. Nine ~~Three~~ (1) witnesses were examined on behalf of the accused.

The 1st is the Head driver of the pumping station in Madura water works and the 4th is the store keeper there. These two say that the 2nd accused had been engaged in checking the accounts in the pumping station

Corrections &c one (1)

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INDIA
TWO ANNAS

station on the 12th October 1897 from 6 to 10 A.M. The accounts of the pumping station are also produced to show that they were checked and initialled on that date by the accused(1), but from the evidence of the storekeeper it is proved that the so called checking is all a sham. The inspection of the accounts will also show that he did not really check the balance of the store on the date of his inspection. There are some blue pencil ticks against some items and an initial against the entrees of the months of 17, 18-8-97, 11, (2) 12 & 13th October 97. This kind of checking could have been done anywhere without going to the pumping station.

The 2nd witness is the Head Constable Mr O'conor. He says that under the orders of the Inspector he charged grain merchants. The chairman moved the Superintendant & he ordered the Inspector & he in his turn ordered him to prosecute.

The 3rd witness, Mr Meenatchi Naidu, says he & Vencatesalu Naidu are in inimical terms for many years past.

Corrections &c two

The

7 to 13
produced
[illegible]

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The 5th is the Head Clerk of the Municipal Office. He produces Exhibits Nos 3 to 30. These are papers relating 1st to the prosecution of grain merchants & then the Correspondence regarding the license for a horse & Carriage of Sreeraman chetty and about his Professional tax assessment in the 8th ward.

The 6th is one cloth merchant Kuppapichai Rowthen. He says he is not a member of the trade association of which Sreeraman chetty is the Head man. He appears to be one benefited by the Municipality as he admits that his profession tax which was 12 Rs last year was reduced to 4 this year.

The 7th witness is one flower seller. He says he paid some tax to the 3rd accused & produces the receipt given by him. It is said he came at 8 or 9 A.M. and demanded the tax. It is perhaps intended to prove an alibi by this witness but it certainly proves no such alibi. He could have collected the tax at that hour in the alleged street as the offence is said to have taken place at an earlier hour.

Corrections &c nil

The

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TWO ANNAS

The 8th witness says he knows nothing though the 7th said that he was present when he paid the tax to the 3d. accused.

The 9th witness is a Municipal peon under the 1st accused. He says he took the notice Exhibit 3 A3 to the Complainant & that he refused to receive it & that he affixed a Copy & returned the original with the endorsement. He says also that he served some other notice on some of the prosecution witnesses.

9. This closes the case for the defence. The pleader for the 1st & 3d. accused wanted some petitions put in by the grain merchants to Dy Magistrate should be sent for as it would show enmity. They were accordingly sent for. They simply show that the merchants were prosecuted by the Police for obstructing the road though they have been so using the road for many years past.

10. The evidence of the defence witnesses excepting 1 & 4 proves nothing in favour of the defence as alleged by the accused in their written statement. There is not a particle

Corrections &c nil

of

J6015
[illegible]
[illegible]

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TWO ANNAS

5

of evidence to show that owing to the enmity between Streeraman chetty & Vencatesalu naidu the former instigated this case against the accused. Their evidence shows at best that many of the merchants in the town felt aggrieved at the action of the Municipality. As to the evidence of the 1st & 4th witnesses, I am constrained to remark that they have not been speaking the truth. The statements of these two witnesses when considered with the entries in the book, clearly show that the initials have been put in the books at random & that no real check was made. The pleader for the accused said that though they may not be experts in checking accounts their statements at the time of the accused's presence must be taken into consideration. But when their statements as to what the accused did while then in their presence are found to be false I must view their other statements also with great caution. They are also Municipal servants. The Head driver is said to be in some trouble on account of the Engine getting out of

Corrections &c nil

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INDIA TWO ANNAS

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of order. Considering all these things I reject their evidence altogether.

11. It is also stated that Minatchi Naidu the father of Rengarajulu Naidu is not in terms with Vencatesalu Naidu & that it is not likely that the accused would have interested themselves on his behalf. But it is admitted that Sreeraman chetty is a deadly enemy of Vencatesalu. Though it may be that Minatchi Naidu & Vencatesalu Naidu are not in terms, there is no evidence that Rengarajulu is also not in good terms with Vencatesalu Naidu. He may be his friend. Of the two, Vencatesalu Naidu may choose Rengarajulu Naidu being his own casteman in preference to his inveterate enemy Sreeraman Chetty or it may be Vencatesalu Naidu wanted Sreeraman chetty not to succeed, whoever may be the other that came out successful. I therefore reject this argument also.

12. It was then argued that the words said to have been used by the accountant would not ~~H~~ (1) amount to criminal intimidation. But in my opinion to threaten a hotel keeper with

Corrections &c one H

raising

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INDIA

TWO ANNAS

raising his tax & molest him in various ways so as to hinder his trade is sufficient threat though not very alarming to constitute the offence under section 506 (clause 1) of the Indian Penal Code. I therefore find all the three accused guilty. But considering the status of the accused I think a slight punishment will be sufficient & accordingly sentence them each to pay a fine of Rs 20 and in default to undergo rigorous imprisonment for one month each.

(Signed) B. Vencatachariar
Magistrate 2nd Class.
15 1 98.

(True Copy)

Corrections &c nil
[illegible] by [illegible]

A. Muthukrishnaiyar
Clerk.

Copied by
A. Ramaswami aiyangar

Words 1644.

[illegible]
[illegible]
241 [illegible]

Copy of Judgment.

Words 1644.

2nd Magistr's Office
Madura Town
CC No. 504 of 1897

Application for copy received	54	19. 1. 98.
Stamp Papers called for		Do.
Stamp Papers produced		24. 1. 98.
Copy ready		31. 1. 98.
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Clerk.

1170 M of 1898

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INDIA TWO ANNAS

THOS. DE LA RUE & CO. LONDON

UNDER SECY TO GOVT
29 MAR 98

In the Court of Deputy Magistrate, Melur Division.

Calendar case No 163 of 1897

Deposition of 5th witness for prosecution

Name. - - - அழகன் அம்பலம்.

Father's name. - - வேலாண்டி அம்பலம்.

Village - - - மேலூர், Taluk. - - மேலூர்.

Caste. - - - கள்ளன். Calling. - விவசாயம்.

Religion. - - வைஷ்ணவம். Age - - 30.

Date - - - 11 - 3 - 1898.

Solemnly affirmed in accordance with the provisions of Act X of 1873 on the 11th March 1898.

"கொட்டு முன்னிரவுக்கு ராத்திரி எரிகிறதைப் பார்த்தேன். அன்று 7 க்க போலச்சாமத்தில் இருந்து ஊர் 8வது வார்ப் மிலேச்சன் கேட்டு தெரியும். 4 து மணிப்பட்ட ஊரில் கேட்டது. நான் போய்ப்பார்த்தேன். நான் போனபோது அமரா 2 மணி மட்டிலிருக்கும். 2¾ அல்லது 3 மணிக்கு ராத்திவந்திருந்து நான் பார்த்தேன். நான் ஒரு கோயார். நான் மில் கலைக்கப்பட்டவன். கிடங்கை வாசலில் கொண்டு போலீஸ் ஒருத்த காரிக்கு அனைப்பி 4 க்கு போகிற வழியில் இருந்தேன். அப்போ 12வது ஒதி 12வது அப்பியில்

1st sheet corrections etc [illegible]

[illegible] 4705
[illegible]
12 —— 3 — 98
[illegible]

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TWO ANNAS — INDIA — TWO ANNAS

THOS. DE LA RUE & CO. LONDON.

அதாவது போலிஸ் இன்ஸ்பெக்டரிருந்த அறையில்
இருந்தார். இவரிடத்தில் கோபமாக 1வது எதிரி
பேசினார். 1வது எதிரி அந்த விடத்திற்கு—
வரும்போது சுமார் 2½ மணியாயிருக்கும்.—
அதற்கு மேல் தான் மேதியில் ஸ்ரீ ராமசெட்டி
யுடன் 1வது எதிரிகளை போட்டு அடிக்க
ப் போய் அவர் (ஸ்ரீ ராமசெட்டி) வெளி
யில் போய் விட்டார். 1வது எதிரி உள்ளது—
அறைப்பக்கிட்டவந்து ஸ்ரீ ராமசெட்டியை
போட்டு அடிக்கிறவர்களா என்று கேட்டுக்கொ
க்காதே யென்று பல கலகக்காரர்களிடமக
ன்னார். வாதி. 1வது எதிரியைப் பார்த்து உங்க
ளைப் போல் உள்ளவர்கள் இப்படிச் செய்வா
னால் நன்றாயிராது என்று வாதி சொன்னார்.
1வது எதிரி கோபமாய் வார்த்தை பேசினார்;
Fool, போக்கிரி, ராஸ்கல், என்கிற வார்த்தை—
களை வாதியைப் பார்த்து 1வது எதிரி பேசி—
அவர் (1வது எதிரி) தன் கையிலிருந்த பிரம்பை
ஓங்கிக்கொண்டு அடிக்க வந்தார். அது இடையில் மேல்
படாது. அதுபட்டாலும், 1வது எதிரியானவர் ஜோட்
டாலே அடிப்பேனென்று சொல்லித்தன் காலிலிரு
ந்த ஜோட்டைக் கையில் எடுத்தார். வாதிகள்
[illegible]கொண்டு போய் விட்டார். 1வது எதிரியான
வர் வாதியை அடித்தைப்பற்றி தன்னுடைய படி 2-3,

with all corrections by [illegible]

4706
[illegible]
12 — 3 — 98
[illegible]

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TWO ANNAS

INDIA TWO ANNAS

THOS. DE LA RUE & CO. LONDON

எதிரி [illegible] 2. 3, எதிரிகள் வாதி [illegible] கோர்ட் [illegible] நேரில் எதிரில் வந்து விட்டார்கள். [illegible] வாதி [illegible] போய் [illegible] வாங்கிவிட்டார்கள்.

Cross examination :— Reserved.

(Signed) D. Subramania Iyer.

Read over to the deponent and admitted by him to be correct.

(Signed) G. Narayanasami Iyer
Deputy Magistrate

(True copy)

Head clerk

3rd sheet
Corrections Nil
Copied by Srinivasaiah
Compared by

[illegible] 4707

[illegible]

12 — 3 — 98

[illegible]

[illegible]

P-W-5

[illegible] C.C. 163 of 97

words 361

Application for copy received by the officer ordering grant of copy	12-3-98
order granting copy despatched to the petitioner	Do
Do Do produced before the officer preparing copy	Do
Application No. 374 for copy received on	Do
Stamp Papers called for ,,	Do
Stamp Papers produced ,,	Do
Copy ready ,,	14-3-98
Copy delivered or sent by post ,,	Do

H. Delhi

DEPUTY MAGISTRATE

12 March 1898

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INDIA

TWO ANNAS

மகா-ள-ள-ஸ்ரீ மேஜர் டிவிஷன் 1 வது டி. மே.
கோர்ட்டாரவர்கள் சமுகத்துக்கு

~~கே~~ கேலண்டு 1897 ௵ கி. நம்பர்

மதுரை [illegible] தெருவிலிருக்கும் 1 வது கிரேட்
வக்கீல் K. இராமஸாமிஅய்யர். } வாதி

மதுரை வடக்குமாசிவீதியிலிருக்கும் P.R.
வெங்கிடேசுநாயக்கர். 1
மதுரையிலிருக்கும் பில் கலெக்டர் சுப்பிரமணியம்..2
மதுரையிலிருக்கும் 7 வது வார்ட் பில் கலெக்டர்
உ-ஜூர் சின்னசாமி 4... 3 பேர்கள். } பிரதிவாதி

சாக்ஷிகள்:— (1) மதுரை மேலசித்திரைவீதியிலிருக்கும் Mr. திரும்பப்பிள்ளை. (2) மதுரை 4 தூக் தெருவிலிருக்கும் V. அப்பாஸாமிஅய்யர். (3) மதுரை வடக்குவெளிவீதியிலிருக்கும் மலயாளத்தான் செட்டியார். (4) மதுரை தெற்கு பெருமாள் மேஸ்திரிவீதியிலிருக்கும் நாகலிங்கநாயக்கர். (5) மதுரை வடக்குவெளிவீதியிலிருக்கும் கருப்பணபிள்ளை.

(6) மதுரை கீழாவணிமூலவீதியிலிருக்கும் சி. சுப்பிரமணிய அய்யர்.

(7) மதுரை ஆனைக்கல் தெரு சின்னசாமிப்பிள்ளை.

(8) மதுரை கோபாலகொத்தன் தெருவிலிருக்கும் Mr. வெங்கிடராமய்யரவர்கள் மொழிப்படி மகாலிங்கமய்யர்.

1st sheet corrections etc [illegible]

ந° 3313.
[illegible]
1-10-97
[illegible]
[illegible]

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INDIA

TWO ANNAS

THOS. DE LA RUE & CO. LONDON.

(9) மதுரை அத்திமேலம்பிள்ளை அக்கிரகாரத்திலிருக்கும் மெ. A. J. சுந்தரமய்யர்.

வாதியாகிய நான் வணக்கமாய் எழுதிக்கொண்ட பிராது.

1. நேற்று தினம் புதுமண்டபத்தில் 8 வது வார்டு எலெக்ஷன் நடந்து கொண்டிருந்தது. அதில் நேற்று 3 மணி சுமாருக்கு 8 வது வார்டு ஜெயனாகிய நான் போலிங் பூத்துக்கு வெளியில் நின்று கொண்டிருக்கையில் 1 வது எதிரி போலிங் பூத்துக்குள் நின்று கொண்டு ஒரு காஜூது நாயக்கருக்கு ஓட்டுக் கொடுக்கிறவர்களை சீட்டுக் கொடுத்து [illegible] செய்யாமலிருக்க ஓட்டுக் கொடுக்கிறவர்களை [illegible] முனிசிபல் வேலைக்காரர்களுக்கு எச்சரிக்கை செய்து கொண்டிருந்ததைக் கண்டு அப்படி செய்யக்கூடாதென்று இந்த வாதி ஆக்ஷேபித்து போலிங் பூத்துக்குள் இருப்பது சரியில்லை என்று கேட்டுக்கொண்டதற்கு 1 வது எதிரி நீ கேட்க வேண்டியதில்லை. போடா படவா, நல் கல், புல் என்று வைது கையில் வைத்துக் கொண்டிருந்த கம்பை ஓங்கி அடிக்க வந்தும் ஜோடாலடிப்பேன் என்பதாக ஜோட்டைக் காலை தூக்கிக் காண்பித்தும் பக்கத்திலிருந்த

2. 3. எதிரிகளைக் கொண்டு ஏவி கழுத்தைப் பிடிக்க

[illegible]

நெ 3312.
[illegible]
1—10—97
[illegible]
[illegible]

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INDIA TWO ANNAS

தள்ளச் சொன்னதில் அவர்களும் பலவிதமாக தீர்த்து இம்சை பண்ண வந்ததில் இந்த வாதியாகிய நான் உடனே பின் வாங்கி [illegible] உமாசாமி த்தை உடனே பெரிய கலெக்டர் [illegible] அவர்களிடம் — தெரியப்படுத்தியிருக்கிறேன் —

2. ஷ செய்கையினால் இந்த வாதிக்கு அதிக மனவருத்தமுண்டானதுமில்லாமல் இந்த வாதியின் சினேகிதர்களிடத்திலும் மற்றுஜனங்களிடத்திலும் மதிப்பு குறைவாகயிருக்கிறது.

3. வாதிக்கு மனவருத்தமுண்டாக வேணுமென்றும் மதிப்புக் குறைவாகச் செய்ய வேணுமென்றும் கெட்ட எண்ணத்துடன் ஷ எதிரிகள் அக்கிரமமான நடத்தைகள் செய்திருக்கிறார்கள். இது [illegible] சாக்ஷிகளுக்கும் இன்னும் அநேகருக்கும் தெரியும்.

ஆனகையால் கோர்ட்டார் அவர்கள் தயவு செய்து சாக்ஷிகளை விசாரித்து நியாயம் கொடுக்க உத்திரவாக வேண்டியதாய்ப் பிரார்த்திக்கிறேன்.

(Signed) K. Ramasami Iyer.
20-10-1897.

21-10-97.

இராமஸ்வாமி ஐயர் பிரமாண வாக்குமூலம்.

Sworn: deposes: —

3rd sheet corrections [illegible]

No 33#-

1-10-97

3/1170 no of 1898

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INDIA

TWO ANNAS

TWO ANNAS

THOS. DE LA RUE & CO. LONDON

The day before yesterday I went to Puthumantapam where polling was going on for the 8th ward of the Madura Municipality. I was a voter for the ward. I found the 1st accused standing inside the polling booth. He was interfering with the voters by directing his municipal servants to give chits to particular persons and to delay giving chits to others. He also prevented such of the men as came to vote for Sriraman Chettiyar from entering the polling booth. He freely allowed the voters for the other rival candidate Rangarajulu Nayudu. I said that his standing inside the polling booth and interfering with the voters, improper and requested him to keep out of the polling booth. He abused me, calling me fool, rascal &c as stated in the complaint and raised his stick and lifted one of his legs with shoes on, and approached me as if to attack me. I receded. He directed the 2nd

4th sheet corrections &c

and

33/0.
[illegible]
1—10—97

The day before yesterday I went to Puthumandapam where polling was going on for the 3rd ward of the Madura Municipality. I was a voter for the ward. I found the 1st accused standing inside the polling booth. He was interfering with the voters by [illegible] his importunate demands to give chits to particular persons and to [illegible] going contrary to them. He also prevented [illegible] of the men as have to vote for [illegible] Chettiar from entering the polling booth. He falsely assured the voters for another ward candidate, Vanga Rayulu Naidu. I said that his standing inside the polling booth and interfering with the voters improper and requested him to keep out of the polling booth. He abused me calling me [illegible] names as stated in the complaint and raised his stick and lifted one of his legs with [illegible] and advanced on me as if to attack me. [illegible]

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TWO ANNAS

and 3rd accused to push me away They also abused me and came near me as if to push me. I drew back and felt myself extremely humiliated in the eyes of the people present. I then went direct to the District Magistrate and informed him of all that took place, in the polling place. He directed me to give a formal complaint to proper authorities. The 1st accused defamed me in this, that he used towards me such bad expressions as stated above. I was really afraid that when he raised his stick, he would beat me. If I did not recede, probably he would have struck. The other two accused abused me by saying that I had no other work to do meaning that I made uncalled for interference. Their words were [illegible]. Their expressions much wounded my feelings.

(Sd) K Ramasamiaiyar

5th sheet corrections &c

1953
[illegible]
21 — 10 — 97
[illegible]

and 3rd accused to push me away. Then [illegible] [illegible] me and came near me so as to push me. I drew back and [illegible] [illegible] extremely humiliated in the eyes of the people present. I then went direct to the District Magistrate and informed him of all that took place in [illegible] place. He directed me to put in a complaint. [illegible] [illegible] The 1st accused detained me on the [illegible] that he [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] that when he passed [illegible] [illegible] [illegible] [illegible] [illegible] he would have struck. The other two accused abused me by saying that I had no other work to do [illegible] that I made [illegible] for interference. These words were [illegible] [illegible] [illegible] [illegible] [illegible] Their expressions much wounded my feelings.

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TWO ANNAS

INDIA

(signed) K Ramaswami Ayer

Read over to the deponent and admitted by him to be correct.

(signed) S. J. Shanmugam Pillay
Ag. Deputy Magistrate

6th sheet
corrections + e nil

copied by Srinivasayyar
Compared by

(True copy)
K. Venkatarama Row
Head clerk.

1954

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21 - 10 - 97

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Sworn statement

words 884

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Headclerk

MAGISTRATE
MADURA

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Collector's letter
Rc. No. 2170/M6 of 18th June
1898, sent to the
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15,080—

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