Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 1624 M

DATED 19-9-98

INDEXED. [illegible]

[Despatch Abstract.]

Munl: Council.

Requesting the Advocate General to give his opinion on the ~~legality~~ correctness of the decision proposed to be given by Govt. in regard to the duration of the term of office of two Councillors of the Mangalore Municipality who were elected as such simultaneously.

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compd. [illegible]

BACK PA

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cmo	3176	dt	/98				

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ection of Councillor
Mangalore.

C No. 2723. M of 18

misc ORDER. No. 1624 Mis d/19.9.98

vide G.O. 474 M K / 2.3.98

Under Section 20 (2) of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, a person appointed as a Chairman or Councillor of a Municipality will "hold his seat for the "unexpired remainder of the term for which "his predecessor would otherwise have continued in office". Two of the Councillors for the Golikatte ward of the Mangalore Municipality, Viz., M.R.Ry. N.Srinivasa Rao and Khan Bahadur Haji Abu Bakr Bari, having resigned their seats simultaneously on the 8th November 1897, M.R.Ry. K.Vittal Rao, and Mr. F.J.Mascarenhas, were elected as Councillors in their stead, the former having secured 52 votes and the latter 47, and their election was notified in the Fort Saint George Gazette of the 8th March 1898. As the two outgoing members above referred to were elected on the 10th September 1895, and 14th January 1896, they would have, but for their resignation, continued in office up to 9th September 1898 and 13th January 1899, respectively, and the Councillors elected as their successors can under Section 20 (2) of the Act, hold their seats on the Council only up to these dates. But as they were elected simultaneously and without any reference to the particular seat which each was to hold, it is not possible to determine which of them is to be considered as having succeeded

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ceeded Srinivasa Rao, and should therefore vacate his seat on the 10th September 1898. A reasonable solution of the difficulty appears to be to consider the person who obtained the larger number of votes viz., K. Vittal Rao as having been elected for the longer vacancy, and Mr. Mascarenhas, who obtained the smaller number of votes, for the shorter vacancy; but as there is no express provision to this effect in the Act or in the rules framed thereunder, it is doubtful whether such a decision would be legal. The Advocate-General is accordingly requested to give his opinion in the matter.

V.R.
12/9/98

H
15-9-98

Desp.

Shewn before despatching
V.R.

580

To

The Government Solicitor. with a copy of G.O. No. 1876. M, dated 8th December 1890.

[G. / 25]
250—18-2-98.

3

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 2723 M

SUBJECT.

Expiry of the term of two Councillors in the Mangalore Municipality

FOR ORDERS.

Under Section 20(2) of the District Municipalities Act IV of 1884, as amended by Act III of 1897, a person appointed as a Chairman or Councillor of a Municipality wd. hold his seat for the unexpired remainder of the term for which his predecessor would otherwise have continued in office". Two of the Councillors for the Golikatte ward of the Mangalore Municipality, viz. M.R.Ry N. Srinivasa Rao, and Khan Bahadur Haji Abu Baker Beri, having resigned their seats on the 8th November 1897, M.R.Ry K. Vittal Rao and Mr F. J. Mascarenhas were elected as Councillors in their stead and their election was notified in the Fort Saint George Gazette of the 8th March 1898.

1898. As the two outgoing members above referred to were elected on the 10th September 1895 and 14th January 1896, they would have, but for their resignation, continued in office up to 9th September 1898 and 13th January 1899 respectively, and the Councillors elected as their successors can under section 20(2) of the Act hold their seats on the Council only up to 9th September 1898 and 13th January 1899 respectively. But as these were elected simultaneously and without any reference to the particular seat which each was to hold, the Chairman says it is not possible to determine which of them is to be considered as having succeeded Srinivasa Rao and should therefore vacate his seat on the 10th September 1898, and solicits the instructions of Government in the matter.

2. It is difficult to decide which of these two Councillors should vacate his seat on the 10th September 1898. The difficulty would, however, not have arisen, if elections for these two

two seats had been held on different dates; for, the particular vacancy which was to be filled by each election would then have been definitely understood. As matters now stand, a reasonable solution would be to consider the person who obtained the larger number of votes as having been elected for the longer vacancy. If this view be concurred in, M.R.Ry. K. Vittal Rao, who obtained 52 votes against 47 secured by Mr. F. T. Mascarenhas, will continue in office up to 13th January 1899, while the latter will vacate his seat on the 10th instant. But as there is no specific provision in the Act or the rules on this point, it is doubtful whether this decision would be legal. It is therefore submitted that the ~~matter~~ question may be referred to the Advocate General for his opinion.

[illegible] refer it.

Please

T.R.
5/9/98

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Urgent.

Local & Munl. (1898) Department.

CURRENT No. 2723 M.

N. Division C. No. 1197/Eng/98.

Forwarded.

A. F. Pinhey

15. 8. 98 Ag. Collector.

From

The Chairman,
Municipal Council,
Mangalore.

Order

Ref. on G. No. 357/1898-'99.

Dated 8th August, 1898.

Received 19 AUG. 1898

Registered —

Enclosures

Spare copies

SUBJECT

Municipal Councillors.

Submitting, for orders, a question, under Section 20 (2) of the Act, as to when, in the circumstances stated, the term of office of Mr. F. J. Mascarenhas and M. R. Ry. K. Vittal Rao appointed in March last, as elected — for the Golikatte Ward, will expire.

Submitted

Mangalore } 12-8-98 } [illegible] Rao Dy. Collector

a 3/9

19/8

T.A. 19/8/98

Copd. [illegible]

BACK PAPERS.

G.O.	No.	Department.	Date.
Lo	689	Lch	1-4-98
„	474	Lh	2-3-98
„	33	L	6-1-98
„	64	Lh	11-1-96
„	1683	L	12-11-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Form No. 70. 500—14. 4. 96.

Referen

G. No. 337
1898-99

MUNICIPAL OFFICE,
MANGALORE, 8th August, 1898.

From

M. R. Ry. D. Ananthaya Avargal,
Chairman, Municipal Council,
MANGALORE.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2723 M

To

The Secretary to Government,
Local and Municipal Department,
Madras,

Through the Collector of South Canara and the Revenue Divisional Officer, Mangalore.

Sir,

Enclosures.- Two.

I have the honour to submit, for favour of early orders of Government, the following question which has arisen under Sub section (2) of Section 20 of the District Municipalities Act, as amended by Act III of 1897, with regard to two municipal councillors of this town, who were simultaneously elected in December last, to represent one ward, in the place of two gentlemen whose three years' term of office, but for their having jointly resigned their seats earlier on one and the same day, would have expired on different dates.

2. M. R. Ry N. Srinivas Rao and Khan Bahadur Hadji Abbu Baqr Beary who had been elected for the Golikatte Ward, on 27th June, 1895, and 30th November, 1895, respectively

were

Copd. MR
compd.

11-1-96

were gazetted as Councillors on 10th September,
1895, and 14th January, 1896, respectively — Notifica-
-tion No. 587 at page 194, and No. 19 at page 6, of
Part I-A. of the Fort St. George Gazette issued
on the respective dates. In the ordinary course,
their three years' term of office would have expired
on the 10th proximo and 14th January next,
respectively. But on 23rd September last, by
a joint letter, both of them resigned their seats
together, and their joint resignation was accepted
by the District Collector under G.O. No. 1683 M. 12-11-94
in his letter of 8th November.

3. This letter was placed before the Municipal
Council at its meeting held on 22nd November,
and under No. 16 of the Election Rules, the
date on which, the hours during which, and
the place where, votes were to be taken to fill
the two vacancies, were fixed by the Council
at the said meeting. Copies of the resolution
of the Council and the notice of the election
are herewith submitted. From these, it will be
seen that as both the vacancies occurred in
one ward, only one day, one place and
common hours were appointed for the
election.

There were five candidates for the
two vacancies, and Mohidin Khan Sahib
and M.R.Ry K. Vittal Rao headed the
poll with 80 and 52 votes, respectively. The
results of the election were reported to
Government in this office statement
No 814 of 3rd January last — vide columns 3,

474 M
2-3-98

4, 8 and 10 therein. Before the names of
the two successful candidates were gazetted
Mohidin Khan Sahib, the candidate who
had secured the highest number of votes,
tendered his resignation or withdrawal, and
Mr. F. J. Mascarenhas, who had obtained the
next highest number of votes, viz 47, was
deemed to have been elected under No. 31-A.
of the Election Rules — vide G.O. No. 474 M.
Mis., dated 2nd March, 1898. Accordingly,
Mr. Mascarenhas and M.R.Ry Vittal Rao
were gazetted as Councillors on 8th March —
Notification No. 183 at page 66, Part I-A.
of the Fort St. George Gazette of that
date.

4. Such being the case, it has become
impossible to determine who has succeeded
whom, for the purpose of carrying out the
provisions of subsection (2) of Section 20
of the Act; and, therefore, I respectfully
beg to solicit the instructions of Govern-
ment in the matter, for my guidance.

I have the honour to be,
Sir,
Your most Obedient Servant,

Chairman.

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compd

1,000 Copies—14. 4. 96.

No I

Extract from the Proceedings of the Mangalore Municipal Council, dated 22nd November 1897.

PRESENT:—

Diwan Bahadur A. Pinto, Chairman
H. R. Morgan, Esq.
H. Altmueller, Esq.
M. R. Ry. D. Ananthaya Avargal.
" Rao Sahib S. J. Brito "
" C. P. Ganapati "
" U. Krishnaya ", B. A.
" H. Krishna Rao ", B. A.
" K. Narna Shetty "
" A. Sankappa Punja "
J. S. Albuquerque, Esq. and
M. R. Ry. Bail Abbu Beary Avargal.

* * *

9. Read letter No. 324/Dis., dated the 8th instant, from the District Collector, intimating the acceptance by him, under G. O. No. 1683 M. of the 12-11-94, of the resignation tendered by M. R. Ry. N. Srinivas Rao Avargal, and Khan Bahadur Haji Abbu Baker [illegible]eary, of their seats on the Council.

Under

R

Resolution

Under No 16 of the Election Rules, the necessary arrangements for holding an election to fill up the two vacancies may be decided upon by the Council.

An election will be held at the Municipal Office, on the 18th December, 1897, from 10 to 12 M, and from 2 to 4 P.M. to fill up the 2 vacancies

* * *

/True Extract/

8th August, 1898.

D.
Chairman, M.C.

2723/M/98

Enclosure No. II of Reference in G. No. 357
1898/99.

Municipality of Mangalore.

ಮಂಗಳೂರು ಮುನಿಸಿಪಾಲಿಟಿ.

NOTICE

Under No. 17 of the Election Rules.

The two vacancies of Municipal Councillors in the Golikatte Ward, caused by the resignation of Messrs. N. Srinivasa Rao and Khan Bahadur Abbu Baqr Beary, will be filled up by election, on Saturday, the 18th of December, 1897, during the usual hours of 10 A. M. to 12 M. and *again* from 2 to 4 P. M., to be held at the Municipal Office at the Bunder. Nominations in accordance with Rule No. 18, will be received by the Manager, in the Municipal Office, up to 3 P. M. on Thursday, the 2nd proximo, and a list of the nominations received, will be published the same evening. The Chairman will attend the Municipal Office, at 3 P. M. on Saturday, the 4th idem, to hear objections, if any, under Rule 20.

Municipal Office,
Mangalore,
24th November, 1897.

D. Ananthaya,
Chairman-delegate, M. C.

ಚುನಾವಣಿ ನಿಬಂಧನೆಗಳ 17ನೇ ಕಲಮಿನ ಮೇರೆಗೆ ಪ್ರಕಟಣೆ.

ಗೋಳಿಕಟ್ಟೆ ವಾರ್ಡ್ ಕೌನ್ಸಿಲರ್ ಮೆಸ್ಸರ್ಸ್ ನೆ. ಶ್ರೀನಿವಾಸ ರಾವ್ ಮತ್ತು ಖಾನ್ ಬಹಾದೂರ್ ಅಬ್ಬು ಬಕರ್ ಬ್ಯಾರಿಗಳು ರಾಜಿ ಕೊಟ್ಟದರಿಂದ ಖಾಲಿಯಾಗಿರುವ ಮುನಿಸಿಪಾಲ್ ಕೌನ್ಸಿಲರಿ ಎರಡು ಇಸಮುಗಳು, 1897ನೇ ಇಸವಿ ದಶಂಬರ ತಾರೀಕು 18ನೇ ಶನಿವಾರ ಬಂದರದಲ್ಲಿರುವ ಮುನಿಸಿಪಾಲ್ ಕಚೇರಿಯಲ್ಲಿ ಬೆಳಿಗ್ಯೆ 10ರಿಂದ 12ಘಂಟೆ ಪರಿಯಂತರ ಮತ್ತು ಪುನಹಾ ಮಧ್ಯಾಹ್ನ 2 ಘಂಟೆಯಿಂದ 4 ಘಂಟೆ ಪರಿಯಂತರ ಆಗುವ ಇಲೆಕ್ಷನ್ ಯಾನೆ ಚುನಾವಣಿ ಮೂಲಕ ಭರ್ತಿ ಮಾಡಲ್ಪಡುವವು. ನಂಬ್ರ 18ನೇ ಕ್ರಮದ ಮೇರೆಗೆ ಮಾಡ ಬೇಕಾದ ಉಮೇದ್ವಾರರ ನೇಮಿಸುವಿಕೆಗಳು ಬರುವ ದಶಂಬರ ತಾರೀಕು 2ನೇ ಗುರುವಾರ ಮಧ್ಯಾಹ್ನ 3 ಘಂಟೆ ಒಳಗೆ ಮುನಿಸಿಪಾಲ್ ಕಚೇರಿಯಲ್ಲಿ ಮೆನೆಜರರಿಂದ ಪಡಕೊಳ್ಳೋಣಾದಾವು ಮತ್ತು ಹೀಗೆ ತಲ್ಪಿದ ನೇಮಿಸುವಿಕೆಗಳ ಪಟ್ಟಿ ಅದೇ ದಿನ ಸಾಯಂಕಾಲ ಪ್ರಕಟಸಲಾದೀತು. ನಂಬ್ರ 20ನೇ ಕ್ರಮದ ಮೇರೆಗೆ ಆಕ್ಷೇಪಗಳು ಏನಾದರೂ ಇದ್ದರೆ ಅವುಗಳನ್ನು ಕೇಳುವ ಬಗ್ಯೆ ದಶಂಬರ ತಾರೀಕು 4ನೇ ಶನಿವಾರ ಮಧ್ಯಾಹ್ನ 3 ಘಂಟೆಗೆ ಚೆಯರ್ಮೆನರು ಮುನಿಸಿಪಾಲ್ ಕಚೇರಿಯಲ್ಲಿ ಹಾಜರಿರುವರು.

ಮುನಿಸಿಪಾಲ್ ಕಚೇರಿ,
ಮಂಗಳೂರು,
24ನೇ ನವಂಬರ, 1897.

ಧಾ. ಅನಂತಯ್ಯ,
ಚೆಯರ್ಮೆನ್-ಡೆಲಿಗೇಟ್, ಮು. ಕೌ.

/True Copy/

8th August 1898.

D.
Chairman, M.C.

-2-

2
2723/M/98

2723/M/98

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189 .

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CURRENT No.

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LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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