L. & M.
2,000

Local & Munl. (1898) Department.

MISCELLANEOUS.

REGISTRAR
1 FEB 1914
LOCAL & MUNICIPAL SECRETARIAT.

G.O., No. 2081 M.

DATED. 6-12-98.

INDEXED. DESPATCHED

[Despatch Abstract.]

Municipal Council.

Cancelling with remarks the election of certain gentlemen as members of the Mannagud

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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. 33.22 M

SECY TO GOT
OCT 98
ETC

From, The Ag-Collector of Tanjore

Ref on Cur No. $\frac{389}{ul}$ of 98

Dated 21st October 98.

Received

Registered 89- (including one bundle of ballot paper

Enclosures Records as per list (including one bundle of ballot papers & Two.

Spare copies

SUBJECT.

Reporting on the objection petition put in by M. R. Ry Strinivasa Row questioning the validity of the election held at Mannargudi on the 11th July last

For **Orders**

The facts of the Case are fully set forth in the Collector's letter. Both he and the Deputy Collector, who Conducted the enquiry, Consider that fraud was practised at the election and the Collector recommends that as absolute fraud is established only in regard to the vote of Sundarathammal - vide ballot paper flagged Q, and as Candidates No. 1 and 2 alone benefited by that vote, the elections of these individuals only may be declared invalid, and that the election of Candidate No. 3 may be notified. It is however observed that as all these three persons were Candidates at one and the same election, the fraud above referred to, vitiates the election as a whole and not only a part of it, as observed by the Collector. If this view

111

view is Concurred in, the election may be set aside and the Chairman, directed to arrange for holding a fresh election.

The following draft order is submitted for approval:—

Misc. CMS 3382 M&3605M
order No. 2081 misc
6/12/98

AA 5.12-98

The Government agrees with the Collector in Considering that fraud was practised at the election in question, but his recommendation ~~that~~ as only two of the successful Candidates benefited by the fraudulent vote, their elections alone may be set aside and that the other Candidate may be declared duly elected, Cannot be accepted, as the fraud must vitiate the election as a whole. It is accordingly now Cancelled and the Chairman is requested to arrange for holding a fresh election at an early date.

H 5/12 98

V.R.
30/11/98

H. M.

I am rather inclined to think that the office view is correct, considering the wording of Rule 34. But the point is not free from doubt; ~~&~~ I am afraid the persons who wd have benefited by the fraud will succeed at a second election, & in this view it wd be better, if possible, to adopt Mr. Twigg's view. H.T. 2.12 98

The election as a whole must be set aside: otherwise a candidate could always manage by fraud to invalidate the election of another candidate whom he expected to get more ~~the~~ votes than himself.

AH.

To
The Collector of Tanjore
(with enclosures recd)
Coups 8/12/98
+ Per Packet Post

BACK PAPERS.

G.O.	No.	Department.	Date

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Report of election held on 11th July 1898. Mannarkudi Municipality

Name of municipality	name of ward if any	Date of election	no of registered voters	no of voters who exercised the privilege	Names of Candidates	no. of votes obtained by each	Names of candidates ~~duly~~ elected duly Rd	Remarks
1	2	3	4	5	6	7	8	9
Mannarkudi	"	11—7—98	485	x332	1. M. R. Ry R. Rappier avergal	1-240	1. M. R. Ry. Rappier avergal	The 3 vacancies caused by the expiry of time of 3 Councillors, Rappier, S. Venkataramier and Sinkaravelu odayar were now filled up by the Gentlemen now elected
					2. " S. Venkataramier avergal	2-247	2. " S. Venkataramier avl	x Out of 332 voters 18 were rejected.
					3. " Sinkaravelu odayar avl	3-225	3. " Sinkaravelu odayar avl	
					4. " kathir kuppai Rowthan avl	4— "		
					5. " Abdul Sahib avl	5— "		
					6. " M. R Srinivasarow avl	6-162		
					7. " Rathakrishnachetty avl	7— 2		
					8 " S. M. Venkataramier avl	8— 3		
					9 " Gopala pillay avl	9— "		
					10 " Kuppupattaramier avl	10— "		

Mannargudi Municipal Office
11- 7- 1898.

(Signed) M. Ranganatha Pillai
Chairman

/ True copy /

Wm
As Collector.

R.c. $\frac{888}{H}$ of 1898.

Mannarkudi Division;
Deputy Collector's offic
Camp, Melamarudur,
5th October 1898

From
Mahomed Khadir Navaz Khan
Sahib Khan Bahadur,
Deputy Collector of
Mannarkudi Division,

To
The Collector of
Tanjore,

Sir,

Referring to your R.c. No. $\frac{389}{ML}$ and Petn. $\frac{38}{ML}$ of 1898 dated 21st July 1898, I have the honor to report as follows:—

2. On the 11th July last, an election was held 4 persons Competing for 3 seats in the Municipal Council, Mannarkudi. The defeated Candidate Mr. Srinivasa Row impugns the validity of

$\frac{2}{3322}$ | m | 98

f the election on the ground (1) of fraud and (2) of intimidation

3. Under fraud, he gives the following

(a) Persons who were not voters were allowed to vote

(b) In certain cases where voters had voted for him his name is found to have been scored out.

(c) Some ballot papers were inserted into the box at the Western booth by the polling officer M.R.Ry Ramadurai Aiyar (4" witness)

4. Under intimidation, he gives the following:—

(a) Voters were intimidated at the eastern booth, the Chairman (20" witness) remaining at the booth and his brother Govinda Pillai outside the booth.

(b)

(b) The Chairman visited the Western booth thrice and the agents of the successful candidates intimidated voters in his (Chairman's) presence.

5. A number of other petty irregularities are mentioned but I dismiss them as not falling under one or the other of the 2 grounds mentioned above.

6. 23 witnesses were examined by or at the instance of Srinivasa Row

7. Of these 2", 3", 16", 22" & 23" witnesses are to prove 3(a)

2" witness is one Pichai who has voted for the 3 successful Candidates (vide Ballot paper no. 2) at the request of the agents of one of them. He is not a voter and seems to have voted in place of the 3rd witness Pichai Kavundan who is a voter and who says he went to vote for Srinivasa Row, Rapappier and Singaravelu Udayar but did not vote as it was too late.

16th Witness is the Municipal bill Collector. He says that Sundrathammal of Gopala-Samudram whose mark and name are found in Ballot paper No. 5, was dead at the time of election though her name is Continued to be borne in the tax registers and there is no other person of that name in Gopalasamudram.

The 23rd witness is one Desiga Iyengar who is not a voter and is not eligible to vote. He says he has voted for the successful candidates at their request and on their telling him that he had a vote. He also says that he had voted on 3 previous occasions. There is a voter of his name living in the same street but absent from the town for some-time past. The 23rd witness seems to have been voting in place of this man. Whether he has been doing this knowingly or otherwise is not clear; the question however is immaterial to the present case.

8. The evidence of the 1st, 10th and 19th witnesses relates to 3 (b)

1st witness Ramasami says he voted for Srinivasarow, that the polling officer (4th witness) got his ballot paper (No. 8) saying he would see and put it into the box and drew his pen on it. He objected then and there but in vain. He was at the Municipal office at the Counting and found that all the names in his ballot paper had been scored out. No reason appears for discrediting the witness's story and it is not likely that having come to vote, he would vote for no one.

10th witness Vzapuri says he went to vote for Srinivasa Row and on his saying so, the 4th witness, at his request, crossed all names except Srinivasa Row's and he then signed his ballot paper and handed it to 4th witness. In this paper (No. 9) all the names have been scored across. The cross lines as originally drawn come upon the 7th name but seem to have been produced subsequently so as to include also the 8th which is petitioner's name.

19th witness Vella Vandyan Tholati an intelligent female, says she voted for Srinivasa Row, that the polling officer, 4th witness asked her whom she was to vote for and on her mentioning Srinivasa Row's name, she was asked to touch a pen and told to go. In the ballot paper (No. 2) however all names including Srinivasa Row's and excepting those of successful candidates are found scored across.

9. 3-c. In regard to this, 7th, 9th and 13th witnesses have been examined. These speak to the polling officer (4th witness) inserting into the box a number of what appeared to be polling papers, when there were no voters voting or present in the booth.

Mr. Srinivasa Row suggests that vote papers nos. 5, 6 & 7 are among those inserted. These contain

ontain the marks and names of
3 Brahmin females including
the deceased Sundrathammal
referred to in para 7.

He examined 15" witness Guru-
sami and 21" witness Srinivasa
Iyengar to prove that the names
in the above papers are in the
writing of one Desiga Aiyangar
who is said to have worked for the
successful candidates. 15" witness
supports him in respect to 6 & 7.
As regards 5 he says the writing
in it looks like Desiga Iyengar's
ut ~~it~~ is not sure. 21st witness
ints whose hand the whole bundle
l ballot papers including 5, 6 & 7
as put, says he could not see
esiga Iyengar's writing therein.
he polling officer (4" witness)
owever says that these papers
e been written upon by him.
is supported by Sellathammal
whose

whose name is found in ballo paper no. 7. I tried my best to get Alamelu ammal whose name is in ballot paper no. 6 but she has evaded service of summons. I have compared 4" witness' writing in the other ballot papers with that in 5, 6, 7 and find such a broad and unmistakeable difference between them that I have no hesitation in saying that the writings in 5, 6 and 7 are not in 4" witness' handwriting. His Explanation for this wide difference which he himself admits is anything but satisfactory. This finding of mine goes some way to support the theory of insertion but unfortunately the evidence adduced by the petitioner to prove the act of insertion is so much interested that it is hardly fair or safe to credit it. The 7th witness is Srinivasa Row's own brother-in-law depending on and ~~being~~ living with him. The 9th witness the Municipal Shroff is of the same caste as Srinivasa Row and owing his appointment to him when he was Chairman. His manner was shuffling and unsatisfactory. The 13th witness is the servant of one of Srinivasa Row's friends and was working for him at the election.

10 4-a. The 5th witness says he voted for Srinivasa Row and Govinda pillai asked him to vote for the successful Candidates but declined. He does not allege intimidation and so is also the case with the 6th witness polling officer at the Eastern booth

14th witness says, Govinda Pillai, brother of Chairman threatened to raise his taxes in case he voted for Srinivasa Row and he was afraid and went away without voting. His story is not convincing. 18th witness Narayana Chetty, a Komati merchant says that Govinda pillai, Venkatarama Iyer; and Ramadurai Aiyar all threatened him. He has complaints against the Municipality and against the above persons in particular. His evidence cannot be altogether trusted. The 20th witness, Chairman denies that there was any intimidation.

11. 4(b). 7th, 8th and 13th witnesses say that Renlachari and Nilamega Iyengar who worked for the successful candidates threatened the voters

& that their taxes would be raised if they voted for Srinivasa Row.

The 11th witness does not speak to the alleged threat. He says that Rengachari merely asked the voters to vote for successful candidates. 12th witness however says that Rengacharri and Nilamega Aiyangar (alias Sammanthi Aiyangar) threatened the voters. 9th witness Vyapuri who was driven by this man does not corroborate him.

I have already stated my reasons for not believing the 7th and 13th witnesses. The statement of the 8th witness is not convincing. The 11th and 12th witnesses are jutka drivers who were hired to drive Srinivasarow's voters to the western booth and are not worthy of trust.

12. From the above it will be seen that 3(a) and 3(b) are well proved.

As regards 3(c) the evidence is not satisfactory.

4a & 4b. It is not at all improbable that threats were used as alleged. On occasions like this, the men engaged in canvassing votes are known to do a lot of such things with or without the knowledge of the candidates but as I said above the evidence in this respect is not above doubt.

13. The Vakil for the successful candidates contends that fraud or intimidation has not been brought home to his clients, inasmuch as it is not proved that those concerned in these were connected with his clients or were acting under their orders and (2) that Srinivasarow had some misgivings as to his success in the last hour of the day of election and it is highly probable that he

attempted to procure evidence from that moment to invalidate the election even when the election was going on.

14. It is true that no evidence was adduced to show that the persons concerned in the fraud except 23rd witness Desiga Iyengar who says he voted at the request of the successful Candidates were connected with the successful Candidates; but, I think, it is hardly necessary as the weight of probability is heavily on the side of their being so. I think also that the balance of probability in this case is in favor of the successful Candidates being connected with the fraud. It is quite possible that Srinivasa Row would have contributed to the fraud anticipating failure and wishing to upset the election if it turned out to be so.

but unless good evidence is forthcoming to prove it, the natural presumption will be just the other way.

15. The Vakil also argues that an election is not to be invalidated on account of a few votes improperly admitted or rejected and all that is proper, is to reject such votes and if this were done there would still be an overwhelming majority of votes for his clients. The argument is so obviously absurd that it needs no comment.

16. I enclose the record of the enquiry and express my regret for the delay (of about 2 months) which was unavoidably occasioned by my continued absence from Head Quarters in connection with the toddy sales, with His Excellency's visit, and other matters of administration, by the adjournments

necessitated by the absence of witnesses some of whom had been absconding to evade service of summons and by having to call for records and examine fresh witnesses from time to time as the case progressed. The arguments on the petitioner's side were received only on the 30th last.

I have the honor to be,
Sir,
Your most obedt Servant
(Sd) Khadir Navaz Khan Sahib
Deputy Collector

(True Copy)

Twigg
Ag. Collector

1
3322/M/98

Dep. Cur.
No. [illegible] of 1898
M.
Enc. Records as per list

Tanjore Collector's Office,
Vallam 21st October 1898

LOCAL & MUNICIPAL DEPT.
CURRENT No. 3322 M

From
J. Twigg Esquire,
Acting Collector of
Tanjore.

To
The Secretary to Government
Local and Municipal Dept.
Madras.

Sir,

Under rule 35 of the rules for the Conduct of Elections by the town as a whole, I have the honour to report as follows upon a petition put in by M.R.Ry Srinivasa Row disputing the validity of the election of three of his fellow Candidates at the Election held at Mannargudi on the 11th July last.

2. There were 13 Candidates (of whom 3 seem to have retired) for 3 vacancies. The three successful Candidates (Nos. 2, 1, and 3, on the list) obtained 247, 240, and 225 votes respectively, the petitioner (No. 6 on the list) coming next with 162 votes, and no one else attaining even to double figures.

3. The

The petitioner alleges fraud and intimidation. The Deputy Collector who conducted the enquiry finds that intimidation is not proved. Under the head of fraud, he formulates three charges, finding (a) and (b) proved, and (c) not proved.

a. Persons who were not voters were allowed to vote

b. In certain cases where voters had voted for him, his name is found to have been scored out.

c. Some ballot papers were inserted into the box at the western booth by the polling officer M.R.Ry Ramadurai Aiyar Avargal (4th witness)

Under Charge (a) three instances are given. Two non-voters are said to have ~~[illegible]~~ personated two voters of the same name. Considering the unsatisfactory state of the voters'

list

list, of which the Government is aware, I am not disposed to attach much importance to these cases, which may very possibly have been due to mistake rather than fraud. As to the third instance in which one Sundrathammal who was not alive at the time purports to have recorded her vote, I will speak later.

Under Charge (b) three instances are also given (ballot papers numbered 8, 9 and 2. There is —

K. nothing suspicious about No 2 in which all the names are crossed out but the first three and there is only the woman's word for it that she intended to vote for petitioner —

L & M. In cases 8 and 9 it is certainly odd that all the names should be scored out and there is the further suspicious point ~~that~~ in

M. No 9, the lines had evidently been drawn so as to leave petitioner's name uncancelled, and had subsequently been prolonged so as to Cancel his name too. The Polling Officer however denies the allegations made against him, and it is possible that the Voters themselves may have made a mistake seeing that there were 13 names on the paper, or even that they may, as suggested by the Counter petitioners, have done it on purpose so as to afford ground for a petition afterwards.

4. The really serious part of the charges seems to me to relate to the ballot papers — numbered 5, 6 and 7 which purport to contain the Votes of three Brahmin females, of whom one (No. 5) was not alive at the time. The points to be noticed are Q.R.S.

i The Voters are Brahmin females, one of whom was dead.

ii. Their names, written by the polling Officer, are not written with the Same ink, or the same pen or in the Same Style, as the names written by him on the other ballot papers.

iii

iii. In each case the candidates voted for are Nos. 1 and 2 on the list.

The polling officer M.R.Ry Ramadurai Aiyar Avargal states that he wrote the names on the three papers (5, 6 and 7) and accounts for the difference of writing by saying that he sometimes wrote standing up and sometimes sitting down and sometimes with a quill and sometimes with a steel pen. He says nothing about the ink.

Q.R.S.

There is a most marked difference in the colour of the ink in the case of papers 5 and 6, and I have looked in vain through the ballot papers for any trace of a similar ink, or sign of a quill pen having been used.

Q & R.

I do not dispute the polling Officer's Statement that he wrote the names himself, but I find it impossible to believe that he did so at the polling booth. He says he cannot remember these Brahmin women coming up and voting.

Had they done so, he could not possibly have failed to notice and remember such an— extraordinary occurrence.

Sellathammal indeed - voter on No. 7 paper - says she came to the booth and voted but I do not believe her. S.

The petitioner adduced evidence to show that the polling officer put some ballot papers into the box himself. The Deputy Collector is probably right in condemning this evidence as untrustworthy, but the question remains — how did these three papers get into the box?

5 The most favourable view I can take of the polling officer's conduct is, that to save the Brahmin women from publicly coming to the booth he recorded their votes at a different time and place (with different pen and ink), and that he was imposed upon in respect of Sundrathammal

whose

Q. whose vote No. 5 was evidently recorded at the same

R. time as No. 6. But whether he was duped or not, it is established that fraud was committed in respect of Sundrathammal's vote, and the gravest irregularity in respect of the other two votes.

6. I find absolute fraud established only in regard to Sundrathammal's vote and as candidates 1 and 2 alone benefited by that, I recommend that their elections only ~~may~~ be declared invalid, and that the election of No. 3 Sivaravelu Odayar be declared valid.—

7. On receipt of orders on this report, I propose to obtain a further explanation from the polling officer who has not as yet been put on his defence for misconduct

and if necessary to report his case for the orders of Government.

8 The Deputy Collector's report with the records and the ballot papers are forwarded for reference.

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

Acting Collector

Local & Munl. (1898) Department.

CURRENT No. 3605 M

From T. S. Singaravelu Odyar
Mannargudi, Tanjore

~~Order~~

Lodged with reference to
G.O. No. 1807 December 1898.

No.

Dated 21-11-98
Received 23-11-98.
Registered
Enclosures
Spare copies.

SUBJECT.

Praying that his election as a member of the Mannargudi Municipal Council may be confirmed.

and if necessary to report his Case for the orders of Government.

8 The Deputy Collector's report with the records and the ballot papers are forwarded for reference.

I have the honour to be,

Sir,

Your most obedient Servant

J. Burn.

Acting Collector

RO

Local & Munl. (1898) Department.

CURRENT No. 3605 M

From T. S. Singaravelu Odyar
Mannargudi, Tanjore

~~**Order**~~

Lodged with references

G.O. No. 1107 December 1898.

No.

Dated 21-11-98

Received 23-11-98.

Registered

Enclosures

Spare copies.

SUBJECT.

Praying that his election as a member of the Mannargudi Municipal Council may be confirmed.

23/11

BACK PAPERS.

G.O.	No.	Department.	Date.
Cur	3322 L/98		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LO[illegible] DEPT.
3605 M

25 NOV 9

To

THE SECRETARY
TO THE GOVERNMENT
Local and Municipal Department
FORT SAINT GEORGE.

The humble petition of T. S. Singaravelu Odayar, one of the candidates elect at the Election held on the 11th July 1898 in the Municipality of Mannargudi, Tanjore District

Most Respectfully Showeth :—

That the petitioner was returned at the said Election by a clear majority of about 60 votes.

2. That the validity of the said Election was questioned by one Srinivasa Row, unsuccessful candidate at the said Election, on the ground of fraud and intimidation.

3. That the case was referred to the Deputy Collector of Mannargudi for enquiry and report.

4. That the charge of having inserted 3 voting papers into the ballot box, does not in any way affect the petitioner's case, as it came out during the enquiry, that the signatories to the above papers have not given their votes for the petitioner.

5. That the allegation regarding intimidation was not supported by any evidence.

6. That as these two charges of intimidation and fraud are not borne out by any evidence against the petitioner, the petitioner's election is in no way vitiated.

7. That during an election it is possible for any of the parties concerned, to so conduct himself as to vitiate the election. But the fault if any must be brought home to the guilty.

8. That in the present case, the petitioner has no art nor part in any of the charges brought against the election.

9. That the petitionor therefore prays that in consideration of the facts set forth above, the Government will be graciously pleased to confirm the election of the petitioner.

21— 11—98
Mannargudi.

The petitioner begs t[illegible],
Most honored sir,
Your honor's most obedient and humble servant.