[L. & M.
2,600—12-2-98.]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 2095 M. Mis

DATED 8-12-98.

INDEXED. [illegible]

[Despatch Abstract.]

Municipal council — ordering with remark
that the election of M.R.Ry Sanjivi Pillai
as a member of the Tanjore — be ratified

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. 3579 M

21 NOV 98

H.M.
Mr. Twigg's view
appears sound.
H.T.
2 12 98

I agree with the Collr
HA 3 12 98

From, The Acting Collector
of Tanjore

Ref on Cur No. 5180/ul **of** 98

Dated 17th November 1898
Received
Registered
Enclosures one
Spare copies; J

For Orders.

As to whether in the circumstances stated by the Collector, M.R.Ry. K. Sanjivi Pillai, cannot be said to be indirectly interested in the contracts held by his relations, Mahalingam Pillai and Sudaram Pillai, within the purview of No. 6(g) of the rules for the conduct of elections by wards issued in G.O. No. 1876 M, dated 8th ecember 1890, as amended by G.O. No. 1009 M, ated 1st August 1894. If it is held that njivi Pillai is indirectly interested in unicipal contracts, his election can e set aside under No. 36(b) of the lection Rules, on the ground that njivi Pillai was, at the time of his ection, not qualified as a candidate.

V.R.
1/12/98

SUBJECT.

Submitting with remarks the report of an election held at Tanjore on 24th September 1898 to fill up a vacancy in the Pookara Street Ward and recommending that the election of M.R.Ry. K. Sanjivi Pillai Avl, the successful candidate be confirmed

9/1/12

C No 3579 M

C No. 3579 & 3601 M/98

Use

order. No. 2095 Muni 8/12/98

The foot agrees with the Collector in considering that as M.R.Ry Sanjivi Pillai has no pecuniary interest in municipal contracts, his mere relationship to some of the contractors cannot disqualify him for election. The usual notification will accordingly be published in the Fort Saint George Gazette.

(From order)

7 12 98

V.R.
6/12/98

To
The Collector of Tanjore

Gazetted 13.12.98.
8/12

Desp. 10/12/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL AND MUNICIPAL DEPARTMENT.

NOTIFICATION.

UNDER Section 10 of the Madras District Municipalities Act, 1884, the undermentioned gentleman has been duly elected a Municipal Councillor of the Municipality of Tanjore :—

M. R. Ry. K. Sanjivi Pillai Avargal.

CURRENT No. 3379 M.

G.O. No. ________ M.

FORT SAINT GEORGE GAZETTE—
PART I-A.

CN

CS
8/12

Results of Ele

Name of Municipality	Name of ward	Date of Election	No. of registered Voters	Remarks
1	2	3	4	9
Tanjore	Pookkara Street	24 September 1898	221	A seat fell vacant in Pookkara treet ward on 27 August 1898 by e Expiry of the term of office of the ected Councillor M.R.Ry Sunjeevi Pillai Avargal.

.*. No. 3 withdrew h

V. A. Nandayar
Chairman

For Acting Collector

Ref on Dis

No. $\frac{510}{M.C.}$ of 1898

Enc. one.

Tanjore Collector's Office,
17th November 1898

LOCAL & MUNICIPAL DEPT.
[illegible] 3579 M

From J. Twigg Esquire
Acting Collector of Tanjore

To The Secretary to Government
Local and Municipal Department
Madras.

Sir,

I have the honour to submit herewith the report of an Election held at Tanjore on 24th September 1898, to fill up a vacancy in the Pookkara Street Ward of the Tanjore Municipality. M.R.Ry K. Sanjeevi Pillai Avargal the outgoing Councillor has been re-elected by a majority of votes. A petition was put in by two merchants of Tanjore objecting to the validity of the Election of the aforesaid

Candidate

1/3579/M/98

Candidate on the ground that his appointment as a Councillor would be opposed to clause (g) of sub section (1) of Section 10A of the amended District Municipalities act, inasmuch as his Cousin Mahalingam Pillai and brother-in-law Sundaram Pillai are Contractors to the Municipality and that consequently he cannot but be interested in their Contracts. Though the petition was not a regular objection petition under the Election Rules, I considered it necessary to make some enquiry. The Divisional Officer reports that M.R.Ry Sanjeevi Pillai

avargal

avargal is a divided dayadi of the Municipal Contractor Mahalingam Pillai and that the other Contractor Sundaram Pillai is a distant relative of his, being the divided brother of his deceased sister's husband; but that so far as he can learn, M.R.Ry Sanjeevi Pillai avargal has no pecuniary interest in the Contracts. However undesirable it may be that a Councillor should be a relative of Municipal Contractors, such relationship does not seem to constitute a legal disqualification.

In these circumstances, I recommend

that

that the election may be Confirmed.

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

Hanumantha Rau
For Acting Collector

Local & Munl. (189) Department.

CURRENT No. 3601 M

From ThanakKodi naikKar.
Tanjore.

Order

No.

Dated 20-11-98.
Received 22-11-98.
Registered
Enclosures 5
Spare copies.

SUBJECT.

Requesting that the papers enclosed may be perused before ~~passing~~ final orders are passed on the election of Mr. Sanjivi Pillai as a councillor of the Tanjore Munlty.

29/11

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Asar

Compami

easurement form

anjore Municipality

ne of work [illegible]

Agency by which the work is executed } [illegible] X

X X

X Net value of work done since last certificate } Rs 93 —

(Sd) [illegible] Contractor

(Sd) M. Appa
Overs

Passed for payment for Rupees ninety three and annas two on
rets Dated 9.3.98

(Sd) V. A.
Chq

X X X Check measuring officer's cer

X X X

certified that the work was duly check m

(Sd) [illegible]) Twenty
to d. d

ayar

(True Copy)

(Sd

opied by K. Sreenivasa Iyengar

Compared by L. Olaganada Pillay

Copy applied for 22.10.98

Copy given 26.10.98

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(dates)

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The copy bears the seal of Tanjore Municipal Office

Manager

Asary	Vandikara St;	813	13	"
Company Pillay	Sella Pill		4	7
Coplan Pill	"		10	2
				2

.PWD.

Measurement form

Tanjore Municipality

Name of work [illegible]

Agency by which the work is executed } [illegible]

X X X X

Net amount to be paid to the contractor — } Rs 257-5

(Sd) M. Appadur
overseer

(Sd) [illegible]
contractor

Passed for payment for Rupees and fifty seven and annas the meeting dated 1. 10 97

(Sd) C. Muru
Chairman

X X X X

Check measuring officer) Twenty

certified that the work was duly che to d. d on dates)

[illegible]

(Sd) [illegible]

Chec [illegible]

(True Copy)

dates)

(Sd) M. A 98

Copied by K. Sreenivasa Iyengar

compared by L. Olaganada Pillay

asuring officer

Copy applied for 22.10 98

Copy given 26 10 98

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Seal of Tanjore Municipal Office

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Corpamy Pillay	Sella Pillaiyar Covil St.	757	4	7	
Coplan Pillay	Servaikaran St.	628	10	2	
Cina Pillay	Kilaskara St.	573	8	2	PWD
nana Pillay	Dabir Kulum Road	527	12	„	
am Kothan	Police Ramasamy naick lane	401	11	9	
ala Row	Meana Sahib-mulai	381	15	6	
inadaier	Parasurama Agraharam	332	11	11	
malingam Pillay	Pariaari Kara St.	319	2	3	
adivelu Pillay	Kavaskara Street	276	12	9	
minada Pillay	Ganacer cote lane	251	8	„	
a Pillay	Vadakkuvasal road	235	1	6	
Muthusamy Naidu	Dabir Kulum Road	229	14	„	
Sami Row		221	8	3	
Sundram Pillay	Sevan Kovil St.	211	6	„	

(Sd) [illegible]
Contractor

[illegible]
Overseer

Passed for payment for Rupees (29-6-„) Twenty nine and annas six only as per reto d.d 29.3.98

(Sd) V. A. Vandayar
Chairman

X X X X

Check measuring officer's certificate

X X X X

Certified that the work was duly check measured by me on (dates) 25-3-98

(Sd) [illegible]
Check measuring Officer

(True copy)

opied by K. Sreenivasa Iyengar
mpared by L. Olaganada Pillai
y applied for 22.10.98
y given 26-10.98

(Sd) M. Agnisawmy
Secretary Ml: Council

Intld
Manager

The copy bears the seal of Tanjore Municipal Office

To

THE COLLECTOR of TANJORE.

Sir,

In continuation of our petition to the Collector, dated 2-10-98, objecting to the legality of the election of a Mr. Sanjivi Pillai as Municipal Councillor, we beg to submit as follows:—

1. The Collector has called for a report on the issues raised ~~in~~ on our petition, namely, (1) whether the said Mr. Sanjivi Pillai is related to the Municipal Contractors, Messrs. Mahalingam Pillai and Sundaram Pillai, by tie of blood, (2) whether the said Mr. Sanjivi Pillai has any pecuniary interest in the contracts with the Municipal Council entered into by the said contractors.

2. In regard to the first issue whether the said contractors are relatives of the Councillor elect, it was admitted at the enquiry by Mr. Sanjivi Pillai himself that they are his relatives.

3. In respect of the second issue it is evident from the nature of the question itself that it is not possible to offer any direct proof. No man will admit that he derives some profit from contracts made with the Municipal Council when he knows that the Municipal Act (Section 260) has made it a Criminal offence.* At best all that can be done is to point to indirect and circumstantial evidence, and the probabilities of the case which, it will be seen presently, are very strong.

Councillor ?

1. A certified copy of some of the bills† for work done by the said contractors is hereto annexed (vide Exhibit A). It will be seen that Mr. Sanjivi Pillai has checked and counter-signed them.‡ A few words by way of explanation are here necessary to show what importance is attached to a Councillor's signature to a bill. When a bill comes up before the Council for sanction, the only question asked is whether it has been checked and counter-signed by a Ward Councillor; and if the clerk in waiting replies in the affirmative, it is at once passed. In these circumstances any one can easily conceive what great power a Councillor has for good or for evil. It is unnecessary for us to dwell on the extent to which the power might be abused when the Ward Councillor and the contractor are relatives. It is a speciality of this particular case that the Ward Councillor had not the good sense to decline the work of scrutinizing and supervising for the contractor is a relative of his. If he had declined, no doubt the reason that the contractor is a relative of his. If he had declined, no doubt the council would have requested some one else to do the duty. It is a good and wholesome ~~prace~~ practice among public servants (and every Municipal Councillor, be it re-

---

* If any Municial Councillor or servant of a Municipal Council is, otherwise than with the permission in writing of the Collector of the District, directly or indirectly interested in any contract made with the Municipal Council, he shall be deemed to have committed an offence under Section 168 of the Indian Penal Code.

† Some more nearly a dozen for each year may be had, but the cost of getting them is more than we can offered. afford

‡ Mr. Sanjivi Pillai has been a Councillor three times before.

membered, ~~in~~ is a public servant) that when a case is brought before them for enquiry in which the parties are blood relations, or in which he directly or indirectly has any interest, he reports it to his superiors and requests them to have it transferred to some one else. The fact that in this case Sanjivi Pillai has been eagerly seizing every such opportunity proves his interest. The needle has undoubtedly deflected in the wrong direction.

2. A certified copy of the list of Municipal Contractors (for 97-98) shewing the value in money of contracts given to them is herewith sent (Exhibit B) Mr. Mahalingam Pillai heads the list with Rs. 1932. The next contractor gets work only for Rs. 1061. It must be stated in fairness that a part of Municipal Contracts is given on the tender system, and the rest distributed on no principle. The large sum that has fallen to Mr. Mahalingam Pillai may be partly due to chance, and partly to a permanent and unceasing cause, viz., that presence and influence of Mr. Sanjivi Pillai in the Council. The effect due to this cause may not be seen from day to day, but a long course of observation has brought it to light, and gives its amount, just in the same way as the temperature of a place due to the sun alone may be ascertained by taking the average for many days, though each day will present variations due to meteorological changes which may strike at first as fortuitous.

If it be argued that, as a large portion of the contracts is let on the tender system, any other contractor can, by bidding for a sum considerably less than the estimate amount, monopolize the whole, we say that the mere fact that they do not, is proof positive that in the case of Mr. Mahalingam Pillai there is not the same strict supervision which exists in the case of others. The next document is an example in point.

3. Resolution of the Council dated 30-6-98 (Exhibit C) runs thus.—

"The contractor is warned not to remove debris without permission in future"

Now any misbehaviour or malversation‡ on the part of the contractor is passed over with a warning. Mr. Sanjivi Pillai, it is note-worthy to observe, was present at the meeting ! Is there no link of causation here ?

4. At the enquiry before the Deputy Collector it was elicited that Messrs. Mahalingam Pillai and Sundaram Pillai were admitted as contractors only subsequent to the election of Mr. Sanjivi Pillai as Councillor.

Originally Mr. Mahalingam Pillai was a petty cloth merchant, and the other was a ~~servant~~ dependant of Mr. Sanjivi Pillai doing him miscellaneous service. Obviously they had no previous training for the profession.*

5. When Dr. Nailer was Chairman he called on Mr. Sanjivi Pillai to inform him whether the said contractors ~~are~~ is his relatives. But there was no provision in the old act (section 10 A. of the Act of 97 is a new provision) under

---

* A similar case in which one of two partners in a trade (not shareholders in a Joint stock Company) is a Councillor, and the other a contractor, will soon be reported.

○ Excluding pipe, Firewood oil and gravel Contractors, Mr Mahalingam Pillai is the first among P. W. Contractors.

†. The next, Subrama Kothan lives in Mr Sanjivi Pillai's Street.

‡ Mr Mahalingam Pillai was asked in this case to show cause why

which he could have dealt with the matter, and so nothing was done by him. The evil has now increased, and is assuming alarming proportions. Mr Sundram Pillai was admitted contractor subsequently.

6. On one other point we should like to make a remark. The word interest in section 10 A. may be taken in a general sense ; where it means pecuniary interest, the epithet is joined to it, as in section 30, clause (3).*

7. Enough has been said to warrant the conclusion that Mr. Sanjivi Pillai's election may be set aside under sections 10 A. +17 of the Act.

(Signed) Thanakoti Naiker

(") Sinna Ganapathi Pillay

(True Copy)

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* No Municipal Councillor shall vote on any question coming before the Council for consideration in which he has any pecuniary interest.

1
3601/m/98

To

The Secretary to the Government
of Madras
Local and Municipal,
Madras.

22 NOV 98

3601/M

Thanakkodi Naikkar, residing in
Manambuchavady, VIth Ward, Tanjor
Municipality, Tanjore……… Petitioner

Sir

1. Objection was taken to the election of one Mr. Sanjivi Pillai by me and another merchant. The petition was referre to the Deputy Collector for report who summoned us and took down our evidence on the 24th October, 1898. Then on the 27th two witnesses produced by Mr. Sanjivi Pillai were examined privately behind our back without giving us an opportunity to cross-examin them. We next submitted a printed petition in which we set forth all our arguments. The Deputy Collector in forwarding his report does not refer to any of the facts in our petition. He ignores it altogether.

2. The Collector in his report to Government merely endorses the views of the Deputy Collector, and says nothing of the facts or arguments in our petition. The documents filed by us have been kept back here without being sent to.

Q = Copy heading only.

To

The Secretary to the Government
of Madras
Local and Municipal,
Madras.

22 NOV 98
MUNICIPAL DEPT
3601 M

Thanakkodi Naikkar, residing in
Manambuchavady, VIth Ward, Tanjore
Municipality, Tanjore. ...... Petitioner

Sir

1. Objection was taken to the election of one Mr. Sanjivi Pillai by me and another merchant. The petition was referred to the Deputy Collector for report who summoned us and took down our evidence on the 24th October, 1898. Then on the 27th two witnesses produced by Mr. Sanjivi Pillai were examined privately behind our back without giving us an opportunity to cross-examine them. We next submitted a printed petition in which we set forth all our arguments. The Deputy Collector in forwarding his report does not refer to any of the facts in our petition. He ignores it altogether.

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3601/M/98

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3601/m/98

To

The Secretary to the Government
of Madras
Local and Municipal,
Madras.

22 NOV 98

3601 M.

Thanakkodi Naikkar, residing in Manambuchavady, 4th Ward, Tanjore Municipality, Tanjore ...... Petitioner

Sir

1. Objection was taken to the election of one Mr Sanjivi Pillai by me and another merchant. The petition was referred to the Deputy Collector for report who summoned us and took down our evidence on the 24th October, 1898. Then on the 27th two witnesses produced by Mr Sanjivi Pillai were examined privately behind our back without giving us an opportunity to cross-examine them. We next submitted a printed petition in which we set forth all our arguments. The Deputy Collector in forwarding his report does not refer to any of the facts in our petition. He ignores it altogether.

2. The Collector in his report to Government merely endorses the views of the Deputy Collector, and says nothing of the facts or arguments in our petition. The documents filed by us have been kept back here without being sent to

Q = Copy heading only.

Government in the oy
they are not wanted for forming an
opinion. However I have sent copies
of them to enable you to judge whether
the objection under the act (not under
the election Rules) has any validity.

I, therefore, request that you will be good enough to give them a perusal before passing final orders. The Election is invalid under section 10(A) clause (g) of the Municipal Act, and may be set aside under section 19.

I beg to Remain
Sir
Your most obedient Servant

Tanjore
20th November
1898

Government in the [illegible] og
they are not wanted for forming a[illegible]
opinion. However I have sent copies
of them to enable you to judge whether
the objection under the act (not under
the Election Rules) has any validity.

I, therefore, request that you will be good enough to give them a perusal before passing final orders. The Election is invalid under section 10 (4) clause (9) of the Municipal Act, and may be set aside under section 19.

I beg to Remain
Sir
Your most obedient Servant

Tanjore
20th November
1898

When given for copying
When copied
When examined } 189 .
When signed

READ AGAIN G.O., No. , DATED
189 .

CURRENT NO.

ENCLOSURES TO C. NO.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.