[L. & M. 2,000—12-8-98.]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 2121/98

DATED 12-12-98

REFERRED

[Despatch Abstract.]

Munl Council.

Ordering with remarks that the elections of certain Gentlemen as Members of the Hollow — be notified.

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 AND MUNICIPAL DEPARTMENT.

[L. & M.] 200—13-9-98.

Municipal election, Vellore.

Papers to be read in Proceedings:—

Again G.O., No. dated 189 ,

Again G.O., No dated 189 ,

Current No. 3150 h. of 189 8, dated 5th Octr. 98, from the Collector of Vellore.

" " " 189 , " , "

" " " 189 , " , "

Ins. ORDER. No 2121 mis dt 12/12/98

The Government does not consider that there are valid grounds for cancelling the election in question. The petition of objection will accordingly be rejected and the names of the successful candidates published in the Fort St George Gazette.

2. The Chairman's attention is drawn to the irregularities pointed out in paras. 18 to 20 and 22 of the Collector's letter, and he is requested to see that the Election rules are strictly followed in future.

3. With reference to paragraph 21 of the Collector's letter, it is observed that under Rr. 15 of the Election rules issued in G.O. Nr. 1876 m. dated 8th December 1890, there is no objection

E. to

to the votes being registered at more polling stations than one.

VR
9/12/98

2

To The Collector of Vellore
with enclosures retd

" " Chairman M.C. Vellore
with extract of paras 18 to 22 of the Collector's letter dated 14/12/98

Gazetted 13/12/98
14/12

LOCAL AND MUNICIPAL DEPARTMENT.

3

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 Vellore :—

M. R. Ry. T. V. Venkataramana Aiyar avl.

" Akula Penchalu Chetti garu.

" V. Venkatachalam Aiyar Avargl

" B. Venkatasubbayya Chetti garu.

" N. Suryanarayana Raogaru.

" Muhammad Abul Hussain Sahib.

CURRENT No. 3150 M. 7/98

G.O. No. 2127 M. dt. 12-11-98

FORT SAINT GEORGE GAZETTE—
PART I-A.

Gazettes 13th Dec. 1898.

Local and Municipal Department.

Municipal election in Nellore. Crl. 3/50.98.

For Orders.

At an election held in the Nellore Municipality on the 17th September 1898 to fill up six vacancies on the Municipal Council, there were twenty candidates of whom the following six who secured the largest numbers of votes were declared to have been duly elected:-

(1) T.V. Venkatrama Aiyar
(2) A. Penchalu Chetti
(3) V. Venkatachalam Aiyar
(4) B. Venkatasubbayya Chetti
(5) N. Suryanarayana Rao
(6) Muhammad Abdul Husain Sahib.

The validity of the election has, however, been questioned by P. Chenchal Rao and M. Venkatasubbayya Chetti, two of the unsuccessful candidates, on the grounds,

(1) that the order in which the names of the candidates were printed in the ballot papers differed from that in the list of valid nominations published under No. 20 of the election rules and

(2) that intimidation was practised at the election.

2. As regards the first objection, it is alleged that the names of the candidates were printed in the schedule of valid nominations published under rule 20 in the same order as in the list of nominations

nominations under rule 18, but that in the ballot papers the order was changed, the names which appeared as 14th, 2nd, 19th, 7th, 11th, 8th. and 5th in the list of nominations having been printed at the top consecutively and the remaining 13 names after them in succession, and that the fist six names in the ballot papers were those of the six successful candidates. The names of the two petitioners which were the 1st and 15th respectively, in the lists of nominations, were the 8th and 16th in the ballot papers, and the petitioner, Chenchal Rao, states that when he requested the voters to vote for him, he made them understand that his name was first in the list and that the voters agreed to vote for him stating that it was easy for them to do so as his name was first in the list, but that as his name was printed as the 8th in the ballot papers he lost all his votes. The Collector considers that it may fairly be surmised that this alteration in the order of the names was due to a conspiracy between some of the successful candidates who are pleaders, the proprietor of the Press in which the ballot papers were printed and the Manager of the Municipal office, and the grounds on which he has come to this conclusion are stated in paras. 5 to 11 of his report. From these paragraphs and from the evidence of the witnesses therein referred to, however, it will be seen that there is no direct proof of any fraudulent intention or of actual fraud on the part of any body; and although the fact of the first six

names

Enclosure 7. J.

Vide his petition Q.

Para. 11. of his letter

K. L. M.

Para. 12.

Vide depositions of Police Officers R.

of the successful candidates, the contradictory explanations of the alteration in the order of names given by the Chairman, the Municipal Office Manager and the proprietor of the Press afford grounds for suspecting fraud, yet they cannot be taken as conclusive proof of fraud. Moreover the Collector states that it is impossible to say whether or not the alteration in the order of the names resulted in any person voting contrary to his wishes, that the 1st petitioner, P. Chenchal Rao, is unable to prove that any person did not vote for him owing to the change in the order of the names and although it is in evidence that voters told the polling officers that they wished to vote for certain numbers in the ballot paper, yet this circumstance could not have affected the result of the election as the polling officers state that they took care to see that every voter understood for whom he voted before his ballot paper was handed in. Nor do the rules require that the names in the ballot papers should be in the same order as in the nomination list. It is therefore submitted that the Collector is right in his view that the election should not be cancelled on the mere ground that the names were printed in a different order in the ballot papers from that in the lists of nominations. The Collector, however, urges that as certain candidates through the conspiracy already referred

Para. 14. of his letter

and 39, and

knowledge of how the ballot papers were printed, which was not shared by all the candidates, had an unfair advantage over other candidates, it is for Government to say whether or not the election should be cancelled and observes as follows:-

Para 14.

" It cannot but be an advantage to a candidate, where the electorate is largely composed of illiterate and poorly educated individuals and where there are so many as 30 candidates for six vacancies, to have his name at the head or among the first few names of the ballot paper; and where the advantage has been obtained in an under-hand manner it seems hardly right that he should be allowed to profit by it."

There is, however, no evidence to show that any of the successful candidates had any knowledge of the alteration in the order of names in the ballot papers, and granting that all the successful candidates or some of them had this knowledge, yet seeing that the petitioners have not been able to make out that any person did not vote for them owing to the change in the order of names, this knowledge could not have given the successful candidates any advantage over the other candidates. This view gains support by the testimony of the polling officers that they took care to see that every voter understood for whom he voted before his ballot paper was handed in.

Enclosures Q & R.

R. M.

In these circumstances, it is submitted that the reason assigned by the Collector ~~above~~ above is not a valid ground for cancelling the election.

Para 15

3. As regards the charge of intimidation, there is, as observed by the Collector, little evidence to support it, although the facts summarized in paras. to 32 of his report go to show that there were many irregularities in the conduct of the election, chief of them being as follows:-

Para 18

(1) that the ballot papers were delivered to voters outside the polling room by the manager of the Municipal office instead of within the polling room by the polling officer, as required by Rule 34,

do

(2) that the village Munsiff was canvassing votes for some candidates, gave ticks on the ballot paper and directed voters to vote for those persons against whose names ticks were given,

do

(3) that the work of verifying whether the persons who presented themselves to vote had a right to do so or not was entrusted to the Manager of the Municipal office, instead of being done by the polling officer himself as required by Rule 37,

(4) that the Chairman had one of the clerks of the Municipal office in the polling room, where none but voters could be admitted under Rule 33, and allowed him to score out the names of the candidates for whom illiterate voters did not vote, while under Rule 34 the names should be scored out by the elector himself,

Para 21.

(5) that there were three polling stations at different parts of the town, instead of one as appears to be contemplated by Rules 32 and 39, and

(6)

(6) that the Chairman was himself the polling officer at one of the stations, which is contrary to Rule 32.

The Collector states that these irregularities together with those noticed in the printing of the ballot papers furnish good ground for cancelling the election and holding a fresh one. It is, however, observed that there does not seem to be any objection to having more polling stations than one, as No. 15 of the Rules for the election by the town as a whole (page 33 of G.O.No. 1876 M dated 8th December 1890) contemplates the fixing of " places " where votes shall be taken. The other irregularities, although serious in themselves, cannot vitiate the election, the validity of which ~~cannot be~~ can be questioned only on the grounds referred to in No. 34 of the election rules. It is therefore submitted that the petitions of objection may be rejected and that the names of the successful candidates ordered to be published in the Fort St. George Gazette. The attention of the Chairman may be drawn to the irregularities noticed by the Collector and he may be told to see that the election Rules are strictly followed in future.

The conduct of the Municipal Manager in connection with the printing of the ballot papers is highly suspicious and the Chairman may be asked to enquire carefully into the matter and report fully as to who was responsible for the irregularity, if not fraud, in printing them.

1.R
5/12/98

Local & Munl. (1898) Department.

CURRENT No. 3150 M ~~4056-46~~

From The Collector of Salem

Order

No. 2550 Eng of 98

Dated 5th October 1898

Received 12 OCT 1898

Registered

Enclosures 25

Spare copies

SUBJECT.

Reporting on the election to certain vacancies in the Nellore Municipal Council, held on 17th September 1898.

So far I agree in the views of this note, but this portion is not necessary
6/12/98

18/10.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

12 Statement shewing the 17th September 1895.

Enclosure A.

Name of Municipality.	Name of Ward, if any.	Date of Election.	Names of Candidates elected.	Remarks.
Nellore.		17th September 1895.	V. Venkatrama Iyer and.	
			Penchalachetty garu.	
			Venkatachella Iyer and.	
			Venkatasubbiah Chetty garu.	
			Poonjanarayana Row garu.	
			Abdul Hussain Sahib.	

D) N. S. Rangachariar.
Chairman.

4/. A. J. Campbell
Major
for Acting Collector.

13

LIST SHOWING THE PRESENT CONSTRUCTION OF THE Municipal ~~BOARD~~ COUNCIL OF Nellore

[Maximum number is]

Serial number.	Names of ~~Members~~ Councillors	Date of appointment or election.
1.	K. Narasimha Rao, Head Quarter Dy Collector	Ex. Officio
2.	Mr. A. J. G. Campbell. Assistant Collector	4th January 1898
3.	N. V. Rungachariu. Govt Pleader (Chairman)	22nd March 1898
4.	Mr. L. W. Pereira, Assistant Surgeon	27th may 1898
	Non-Officials	
5.	In R. Rq. Pathi Subbiah chetty Jaru	12th November 1898
6.	" Chundur Kotiah chetty Jaru	24th March 1899
7.	" M. Nawhari Rao Jaru.	5th may 1899
8.	" S. Subba Rao Jaru.	14th July 1899
9.	" Q. Varadiah Jaru.	17th November 1899
10.	The Revd D. Downie.	9th February 1897
11.	In R. Rq. M. Parthasarathy Naidu Jaru	16th February 1897
12 5 10	} Vacant.	

A. J. G. Campbell
for Acting Collector.

[ENG,; 31-3-96.]

25
31/50/my/98

14

NELLORE COLLECTOR'S OFFICE,
DATED 5th October 1898

No. 1550
Leg

From E. Scott Esquire,

Acting Collector of Nellore.

To the Secretary to Government
Local, Municipal department.

Sir,

LOCAL & MUNICIPAL
CURRENT No. B 1150/16

I have the honor to report under rule 35 of the Municipal Councillors election Rules for the conduct of electing by the Town as a whole on the election to Six vacancies in the Nellore Municipal council held on the 17th September 1898. The six vacancies were caused by the expiry of the three-years of the councillors named in the margin and the resignation of M. R. Ry D. Chenna Krishnayya Garoo on his appointment as Municipal Secretary, and were filled up by election in

1 M. R Ry. N. Suryanarayana Row Garoo
2 Nachiudin Ahmed Sahib, Khajia of Nellore
3 K. Kotayya Chetty Garu
4 M. R. Ry. V. Soma Sundara Pandalian Garoo
5 do D. A. Venkataramiah Garu

1/B 1150/M/98

accordance with the notification no 799 published in the Fort St George Gazette dated 9th November 1897 and G.O. no 2612 Mis: dated 24th November 1897

2. A copy of the Municipal Chairman's letter no 963/M dated 19th September 1898, giving the results of the election is enclosed. (Enclosure A). There were 20 nominated candidates, and out of 935 registered Voters 446 or nearly 48 per cent voted, which shows that the contest was keen. 12 of the Ballot papers were invalid. The following gentlemen headed the poll with the votes noted against each

1	M. R. Ry.	T. V. Venkatarama Iyer (a)	292
2	"	A. Panchalu chetty (b)	230
3	"	V. Venkatachellam Iyer (a)	224
4	"	B. Venkata Subbiah chetty (b)	197
5	"	A. Suryanaraina Row (a)	185
6	"	Mahomed Abul Hussain Sahib (c)	167

(a) Vakil
(b) Merchant
(c) Clerk
Executant (?) Voters

3 Two petitions (Enclosures B & C) were presented to me questioning the validity of the election, one on the 19th September by P. Chenchal Row, one of the unsuccessful Candidates, and the other on the 20th September by another of the unsuccessful candidates M. Venkatasubbayya Chetty.

A third petition was also received, but it was found to be pseudonymous.

4. Both the petitioners objects to the election on the grounds that the order of the candidates' name in the ballot papers differed from the order in the list published under rule 20.

(1) M. Venkatasubbayya Chetty further objects on the ground that voters were interfered with at the polling stations and prevented from voting

according to their own free will, or
in other words that they were
intimidated.

5. The first objection does not
at first sight appear to be one
deserving of any consideration; but
the facts elicited in an enquiry
held by me and in a preliminary
enquiry held by the Head or Deputy
will, I think, satisfy Government
that the alteration in the order of
the names was done with the in-
tention of affecting the results of
the election and was the result
of a conspiracy on the part of
certain of the successful candidates
and some others.

6. Enclosure D is a copy of the

Nomination list published under
Rule 20. It was the list published
under Rule 18 with manuscript
alterations where necessary; no separate
copies were printed as there was a
large balance of the printed lists
published under Rule 18. The original
manuscript copy of the list sent
to the printer from the municipal
office is enclosed, and the names were
entered in it, as stated before me
by the municipal Secretary, in the
order of nomination. The printed
ballot papers are enclosure F (1½ Pickup). The order of the names
differs, it will be observed, from
that in Enclosure D, and it is to be
noted that the first six of names

in the ballots papers are those
of the six Successful candidates.
There is nothing in the records of
the municipal office to show how
the ballots papers came to be
printed, and it also certain
that no manuscript copy of it
was sent from the municipal
office to the printer as was done
with the list under rule 18 and
as would ordinarily be done. All
that the printer can produce is
a printed proof copy (Exhibit G)
with an order to strike 600 copies
initialled by the Municipal Secretary
on the 15th September. Regarding this
the Secretary stated as follows

(Exhibit A): "I do not know
"who prepared the ballot papers. No
"copy was sent to the printer for
"proof from the office as far as I
"am aware. The proof was brought
"to me on the 15th at 8 A.M. when I
"was at Santhapet. The majority of
"the circle brought it. He got the
"paper from P. Subbarayan 1st D.C. despatch.
"I took it to the office, initialled it
"and gave it to a person who came
"from the printing office. I don't
"know why the names in the ballot
"paper were printed in the order
"in which they were. I don't know
"who arranged it" There was clearly
therefore some irregularity in the
printing of the ballot papers

which justifies suspicions.

The Municipal office manager also stated that he did not know who prepared the office copy of the ballot paper. As regards the proof he stated as follows. — (Enclosure 1): — " The proof was sent me at 9 A.M on the 15th. One of the press men brought it to. I was at home. I looked over it and putting a strike order on I sent it to the Sentary. I sent it through the Sanitary Inspector. I went out to find the Sanitary Inspector in order to give him the paper. I thought that as the press man was a boy he could not be able to find the Sentary. There was

no office that day as it was a holiday ..... I ordered 600 copies to be struck as there were 930 voters so as to have some balance. (Pressed on as to how he knew the number to be printed without reference to the voters' list & and the orders of his superiors). The chairman told me to strike 600 of each (ie 600 Telugu and 600 English). A few days previously the Chairman & I were talking in his house about this. I asked him if the ballot papers should be printed in diglott. He said it was not necessary). Some Telugu & some English ones might be printed. I went afterwards to the printer and told him to print the ballot papers. I did not tell him

in what form. I went on the
13th or 14th. I told him the papers
should contain the three headings
and the 20 names. I told him to
print them seperately in Telugu
and English. I told him to put
the heading "Ballot paper"
"number of vacancies 6," "Persons nomi-
nated". I gave him no paper
with these headings written. I
don't remember if the printer
took any note of it. I don't remember
where I told him. The printer
is Srinivasachary. My house is
a furlong from his. I am a friend
of his, not an intimate friend. I
have never before given a verbal
order to the printer to strike

forms or any matter. The printing of
the ballot papers was done altogether
without the knowledge of the Secretary
up to the time when the proof
ballot paper was sent to him.
There is an office copy of the
nomination list but none of the
ballot paper." This statement
which contains statements it is
impossible to credit, adds to the
suspicion that the ballot paper
was printed as it was with
some wider hidden object in view.
The Secretary who ought to have
passed the manuscript copy was
not allowed to have anything to do
with it, while by getting him to
initial the strike order of the

printed proof an attempt was
made to shift all responsibility
on him.

8 Lastly there is the statement
of the Proprietor of the printing
Press, R. Srinivasachary, as to the
printing of the ballot paper. He
says (enclosure 16) "I did not get
any samples from to copy. The
manager only told me on the 13th
or 14th to print the ballot papers
.... He told me to have three
headings "Ballot paper," "Number of vacancies,"
"Persons nominated" ---- . He told me
nothing about the order of the
names. I took no notes of his
instructions. I wrote nothing.

I was standing in front of my house
about 11 a m when he told me. I
composed on the 15th some portion myself
and one Ghouse sahib composed the rest.
I composed the English and he composed
the Telugu ---- I dictated the names
to the composer. It took me an hour
to compose. I commenced composing at 7
A m and sent the proof about 9 A m
to the manager. I sent the proof to
the manager to his house as it was
urgent. I got it back about 3 P.M.
A municipal peon brought it to. I
struck the papers the next day). It
took 2 hours to strike. The print
copies were delivered to the Municipal
office about 3 P.M on the 16th. I wrote
the names from memory (i.e when

he was composing the ballot paper).
I printed the names as they came in
to my mind ---- I did not refer
to any paper or to anything when I
printed the lists. I can write down
the names. (She then wrote down in
English & Telugu. Enclosures X_1 & X_2). I did
not compose the ballot paper on
the 14th as I did not know the Pres
would be closed on the 15th. I don't often
compose myself unless the matter is
very urgent ---- I am distantly
related to the Chairman."

9. To prove how false the statement
of this man is it will suffice to
compare the list published under
Rule 20 (enclosure D) and with the
names as written down by him

(enclosures X_1 & X_2). In the first place
the spelling of the names in X_1 & X_2
is precisely the same as in enclosure D.
Even a misspelling such as 'Kolandavelu'
for 'Kolandavelu' is reproduced. The
word 'Averghal' is also abbreviated
in enclosure F to 'Avl' where it
is so abbreviated in enclosure D, while it
is in full opposite to the same two
names in both. The spelling on the
other hand in enclosure X_1 is different.
'Kolandavelu' is correctly spelt; though
it is 'chetty' and not 'setty' as in
enclosure D; 'Streenivasa' is enclosure D
is written 'Srinivasa' the natural
way of spelling it & so on. Similar
remarks apply to the Telugu spellings in

9 & 17 in list D
& 12 & 18 in list F_1

the the three (same Exhibits D, F_1, F_2). There
I; alone would satisfy any one that
b- enclosure F_1 / F_2 were printed forms
b- (save D), but there is another fact
pr- which proves it equally conclusively.
th- If the first seven names in the ballot
e- paper are struck out of enclosure D
it will be found that the remaining
H- names in enclosure D stand in the
same order as the last 13 names
co- in the ballot paper. It is therefore
re- certain that the ballot paper was
printed from the list nomination
list and it therefore follows that
the order of the names was in-
tentionally altered in the ballot-
paper. This could only have been
done to affect the results, or

* In the telugu ballot paper (F_2) the 8th & 9th names are the 9th & 8th in the English ballot paper (F_1); otherwise there is no difference in the order of the names.

to give some advantage to certain
candidates.

10 I said before that I believed
that some of the successful candidates
were concerned in this alteration of
the order of the names. The facts
on which I based this belief are
the following. On the afternoon of
the 16th September, the day previous
to the election, the press Proprietor
R. Srinivasachary went to the Bar-
Library Room at the 8th Court and
there showed several copies of the
printed ballot papers. Three
Pleaders, one of whom is an
unsuccessful candidate, testified
before me to this fact —

(enclosure No. 2. P.) and the Press Proprietor admitted it (enclosure M.). It was there noticed that the order of the names in the ballot paper was different from that in the nomination list published. The Press Proprietor was asked about it, and two of the Pleaders state that he said he acted under instructions from the municipal office. Further all three Pleaders stated that when one of them wished to keep one of the papers, the Press-Proprietor was greatly put out and insisted on it being given up to him. One of them said (Enclosure P.) that he (the Press-Proprietor) spoke of the papers as

being confidential, and that therefore he could not let any one have one. The same Pleader, the unsuccessful Candidate further stated as follows:- as J. V. Venkatanarasa Iyer's name was first in the paper. I said there was a design (he had previously stated that when he saw the paper and noted the order of the names he remarked 'there was a design in it') as I knew that J. V. Venkatanarasa Iyer, A. Penchala setty, B. Venkatachellam Iyer, B. Venkatasubbayya chetty, Suryanarayana Rao and Mittadoddi V. Subba Rao were working in concert, and I found the first five names in the list were the names of the five of them

while the seventh name was the
name of the sixth. Abul Hussain's
name was sixth & I knew he
was working separately & I
remarked that T. V. Venkata rama
Iyyer Party had made a bargain
with Abul Hussain and shifted
Subba row down." Seeing that this
Pleader is an ~~an~~ unsuccessful candidate
it is ~~not~~ possible he has not
been very careful to state nothing
but the truth, and there are
several differences in the statements
of the 3 pleaders, but I am
inclined myself to believe that
he has given a true account of
what happened as far as he
can recollect. The Pres-

Proprietor has already stated admits
the production of the ballot papers
in the Bar-Library Room, but
he alleges that he pulled them
out from his pocket when acci-
dentally when taking out another
paper. Admittedly the occurence in
the Bar Library was about 4-30
or 5 P.M, while the ballot papers
were delivered to the officers of
office about 3 or 4 P.M and I
have little doubt that the Pres-
Proprietor, whose statements I have
shown to be unworthy of credit,
intentionally took the ballot papers
to the district court to show
to some pleader or pleaders there,
who were interested in the election,

there being several pleaders among the candidates. It is at the same time very likely as he says that he showed the papers by mistake in the Bar Library the persons present not being those to whom he had come to show them: He also admits that he was annoyed when the pleader refused to return one of the papers and says "I did not "like others to see the ballot paper "before the election. I thought it "was wrong. The order of the name "in the ballot paper had nothing "to do with my feelings. Mr. D. R. "Venkatarama Iyya who was "present said he understood "the order was for ousting men "like him."

11. I think therefore it may fairly be surmised that the order of the names in the ballot papers was the result of a conspiracy between the some of the successful pleaders, the Proprietor of the Press, and the Municipal Manager. The Chairman is a pleader and a relation of the Press-Proprietor, & it is difficult to believe that he was not cognisant of what was going on, though he stated before the Enquiry that the order of the names in the ballot papers was not brought to his notice until after the election and that the printing was done under the orders of the Secretary. According to the Municipal Manager the Chairman

himself gave instructions as to the
printing of the ballot papers.

12 Whether or not the alleged
in the order of the names resulted
in any person voting contrary to
their own wishes it is impossible
to say. The petitioner P. Chesbeb
Rao, whose name stands first
in the nomination list, states in
his petition that he asked
people to vote for him and that
they were instructed that his
name was first in the list.
He cannot however prove that
any person did not vote for
him owing to the change in the
order of the names and it is
of course difficult for him to

Worst likely that anything like this would have happened

prove it. There is
evidence (Enclosures G. R.) it is
true that voters told the Polling officers
of two Polling stations that they wished
to vote for certain numbers in the
ballot paper but both Polling
officers say that care was taken
to see that every voter understood
for whom he was voting before
his ballot paper was handed in.
I doubt therefore if the allegations
is one to which any importance can
be attached.

13. It is further not necessary that
the names in the ballot paper
should be in the same order as in
the nomination list and there is
nothing irregular in the
names being in a different order

I do not therefore think the election should be cancelled on merely for the reason urged by the Petitioner P. Chenchal Rao

14. It is however for Government to say whether or not the election should be cancelled for another reason namely, that certain candidates, through the conspiracy already referred to and through their previous knowledge of how the ballot papers were printed, which was not shared by all candidates, had an unfair advantage over other candidates. It cannot but be an advantage to a candidate where the

electorate is largely composed of illiterate and poorly educated individuals, and where there are so many as 20 candidates for six vacancies where his name at the head or among the first few names of the ballot paper and where the advantage has been obtained by a candidate in an underhand manner it seems hardly right that he should be allowed to profit by it.

15. As regards the charge of intimidation made by the petitioner M. Venkata Subbayya Chetty, there is little evidence to support it. There were 3 polling stations, one at the Municipal office,

another at Stone house pet at the Branch dispensary and a third at Rangarayakulapet, and the intimidation is alleged to have taken place at the two latter polling stations.

16. The Petitioner states that at Stonehousepet, Pratty Subbayya Chetty, who is one of the wealthiest and most influential merchants in the town, and a Municipal Councillor, used his influence with the voters at the polling place in a barefaced manner and he claimed that his conduct was such as to invalidate the election. The only evidence is that Pratty Subbayya chetty was inside the shandal in front of

the Polling Station throughout the day and that many voters consulted him before voting. (Witness No 5) V. Varadarajulu, the Hospital Asst, heard him tell some voters to vote for the first six names on the ballot paper and similar evidence was given by one V. Annajee Row, ex-clerk. (Witness No 7). It is hardly possible to say on this evidence that there was any intimidation, but I do not think that P. Subbayya Chetty should have been allowed to take up his position under the Pandal of the dispensary which was used as a polling booth.

17 As the Municipal office the petitioner M Venkatasubbayya Chetty alleges the village munsiff

interfered with the voters, and by using his influence as a village Mamiff with petty merchants who frequently come b his court in petty civil suits forced them to vote as he wished. There is no doubt that the village mamiff was outside the polling station throughout the day and not unfrequently within the compound and the Verandah of the Mamiffs office. He is not a voter himself and he admits that some persons asked him to get votes for them from his ryots and others. He also admits that he told some people to give votes to those who asked him for votes. One T. Srinivasa Chariar, a cloth merchant and an

unsuccessful candidate states as follows before the Head Gr Sy Collector (Enclosure 22) "The village mamiff used all his influence to get votes for one to give candidate in the ballot paper at one time, and one to four at another time ..... He arranged with his attendants, some of whom are gumastahs working under him, to take the voters by their Shoulders to the polling room direct so that they might not be interfered with by the candidate present." Beyond this there is no direct evidence of intimidation and it is for Government to say whether such conduct on the part of the village mamiff amounts to intimidation.

No

18 In support of this contention that there was intimidation the petitioner Subbayya chetty states in para 4 of his petition "Penci ticks made in general numbers of the ballot tickets will show how free voting was interfered with."

In a statement (Enclosure VI) made by him before the Head Qr Dy Collr he says "in the afternoon he (the village munsiff) stood at the gate of the Municipal office. He gave pencil dots on the ballot papers against certain name." V. Srinivasa charlu before the Head Qr Dy Coll stated (Enclosure VII) "The village munsiff gave ticks on the ballot papers against

voters and directed them to vote for those persons against whose names the ticks were given." It is a fact that there are marks against the names of certain persons in some ballot papers as shown in the margin and this coupled with certain statements made by the Chairman before the Dy Collector and the evidence already referred to will show that the system of polling at the polling office was altogether improper and contrary to the election rules.

60	ballot papers with dots or other marks in red ink		
31	Do	Do	in Black lead pencil
1	Do	Do	in Blue pencil
3	Do	Do	in Red pencil
20	Do	Do	in Black Ink
115			

The Statements of the Chairman

are the following (and herein R):—

" I told the manager to identify
" each voter as he came and write
" his number on the ballot paper &
" send him to the polling booth.
" I have no reasons to believe
" that the manager interfered with
" the voters in any way; on the
" other hand he complained again
" some candidates for interfering
" with voters. — In some cases
" illiterate voters said that they
" voted for certain numbers & some
" that they voted for the persons
" ticked off in the ballot paper.
" I told them strictly that unless
" they gave the names of the
" persons voted I could not take

their ballots. Whenever they could not
read I read the names to them and
retained those which they wanted
& scored out the rest." The manager
outside
was then sitting in the verandah
of the municipal office; he there
delivered ballot papers to the
voters and sent them on to the
room where the polling officer
was. It is a fact beyond doubt
(Vide Enclosure W)
that in the verandah where the
manager was came from time
to time several of the candidates
and also the village munsiff.
Taking this into consideration with
the fact that illiterate voters
entered the polling room with
the names of persons they wished
to vote for ticked off, necessarily

N.B.—

by others, it is difficult to hold that the votes were recorded with absolute ~~secrecy~~ secrecy or in a legitimate manner. Presumably under rule 24 it is the duty of the polling officer to give the ballot papers to voters inside the polling office or booth, while under rule 27 it is for the polling officer to satisfy himself that a person presenting himself to vote has a right to vote. This duty however the chairman left to the manager, whose conduct in connection with the printing of ballot papers shows he was keenly interested in the return of certain candidates.

noted. The Chairman has with him in the polling room a clerk of the Municipal office. He says (in answer to Q) he had him there to help the voters most of whom were illiterate in scoring out the names, a very few being able to read the ballot papers and score out the names themselves. Under rule 24 the elector must himself score out the names of the candidates for whom he does not vote, and the action of the chairman in allowing a clerk to do this was altogether irregular and must lead I think to the cancellation of the election.

But how can illiterate voters be expected to do this without the help of others. The Rule does not provide for the cases of such persons.

22.

Further under Rule 24 the clerk had no business to be

in the polling booth. It is also
to be noted that before the
Head Or Clerk one V. Giriraw
B.A a voter and Magesterial clerk
in the Collectors offis, stated ~
(enclosure b) that when he was
striking out the name of one of the
candidates M. Viraraghaverow,
on the ballot paper, a clerk in
the polling room, presumably
the clerk already refered to, ex~
claimed "dont you remember what
"the manager asked you about
"Madhwapati Viarag-hava now just
"before?" The truth of this statemt
I do not doubt for a moment, and
if the clerk dared to attempt to ~
interfere thus openly with an ~

an educated voter, there is no knowing
what advantage he may have ~
taken of illiterate voters, whose
ballot papers were at this ~
mercy.

20. On another ground too I consider
the election must be cancelled. Under
the rules the Chairman cannot be
a polling officer. Under Rule 22 he
must appoint a member of the ~
Council to be the polling officer.
The rules clearly prevents him from
appointing himself, and having
regard to the various duties of
the Chairman under the Rules
such as those under rules 28 & 30,
there are good reasons why

the Chairman should not be the
polling officer.

21 There is also another objection
to the election. Under the rules
there is no provision for more than one
polling station (vide rules 22 & 29),
and the Chairman in having three
such stations acted irregularly.
This fact does not however seem
one of great importance.

22 In conclusion I consider
that the delivery of ballot papers
to voters outside the polling room
contrary to rule 24, the making of
marks on ballot papers by persons
the voters by persons other than

voters themselves in contravention of
rule 22, the presence of a clerk
in the polling room contrary to
rule 22 the scoring out by this
clerk of names on the ballot papers
for illiterate voters contrary to
rule 24, the delegation to the
manager of the duty of ascertaining
that the persons presenting them-
selves have a right to vote con-
trary to rule 27, and the Chairman
himself acting as a polling officer
contrary to rule 22 make the
election invalid. The facts
connected with the printing
of the ballot papers for
also I consider good grou

55

for holding a fresh election.

23. A statement showing the present constitution of the commit is enclosed.

I have the honor to be

Sir

Your most obedient Servant.

Cuff Campbell

For Ag Collector

[L. & M. 28]

12,000—22-10-

LOCAL AND MUNICIPAL DEPARTMENT.

When given for copying
When copied 12-12-98
When examined
When signed 18/12

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.