Date taken out.	For what purpose.			Initials of Referencer.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

[L. & M.
2,000—28 [illegible] 97.]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 407 M.

DATED 18-2-98

INDEXED.

DESPATCHED

[Despatch Abstract.]

Munl. Council.

Ordering with remarks that the election of M.R.Ry. A. Sitarama aiyar as a member of the Madura —— 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.

NOTIFICATION.

UNDER Section 10 of the Madras District Municipalities Act, 1884, the undermentioned gentlem~~e~~an ha~~ve~~s been duly elected a Municipal Councillor~~s~~ of the Municipality of Madura. :—

M. R. Ry. A. Sitarama Aiyar Avargal

Col. 4342 M

Gazette Part I. A

3

VR
18/2/98

Local & Munl. (1897) Department.

CURRENT No. 4342 M

From

The Collector of
Madura

Rol. **No.** 2077 of 1897
M.P.

SECRETARY TO GOVERNMENT LOCAL & MUNICIPAL DEPARTMENT

Dated 15th December 1897

Received 17-12-1897

Registered 17-12-1897

Enclosures 8

Spare copies

Secy.

Mis.
Order, No. 407 M. Mis. d/ 18/2/98

The Govt. agrees with the Collector in considering that the objections raised against the election in question fall to the ground, as M.R.Ry. Sitarama Aiyar was qualified as a candidate on the day of the election and as the allegation of bribery and corruption has not been proved. The petition of objection is accordingly rejected and the name of the successful candidate will be published in the Fort St. George Gazette.

2. The date on which the vacancy occurred should have been reported as required in Govt. memorandum No. 451. dated 11th July 1890. This information should invariably be furnished in future.

(From orders.) H. 1
18.2.98

V.R.
17/2/98

SUBJECT.

Reporting on a petition objecting to the election of Allu Sitaramayyar as Councillor for the 9th ward of the Madura Municipality.

B.O.

To the Collector of Madura (with enclrs. ve
Gazetted 22/2/98 — O.W.P. 21/2/98

Col. 4342 M

Gazette Part I. A

3

VR
18/2/98

Local & Munl. (1897) Department.

CURRENT No. 4342 M

From

The Collector of
Madura

Roc. **No.** 2077 of 1897
M.P.

SECRETARY TO GOVERNMENT
LOCAL & MUNICIPAL DEPARTMENT

Dated 15th. December 1897

Received 17-12-1897

Registered 17-12-1897

Enclosures 8

Spare copies

Secy.

Mis.
Order No. 407 M. Mis. d/ 18/2/98

The Govt. agrees with the Collector in considering that the objections raised against the election in question fall to the ground, as M.R.Ry. Sitarama Aiyar was qualified as a candidate on the day of the election and as the allegation of bribery and corruption has not been proved. The petition of objection is accordingly rejected and the name of the successful candidate will be published in the Fort St. George Gazette.

2. The date on which the vacancy occurred should have been reported as required in Govt. memorandum No. 451. dated 11th. July 1890. This information should invariably be furnished in future.

(From orders.) H. I
18. 2. 98

V.R
17/2/98

SUBJECT.

Reporting on a petition objecting to the election of Allu Sitaramayyar as Councillor for the 9th ward of the Madura Municipality.

B O

To the Collector of Madura (with enclrs. re
Gazetted 22/2/98 Despd. 21/2/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 18

Current No. 3538 of 189)
Genl
Date 6/10/7

Local & Munl. (1897) Department.

G.M.

CURRENT No.

Enclosure no 3
In a letter
From
the Collector of
Madura
Roc. no 2077 of 97
Dated 15th Decr. December 1897

Chairman's Report on the election of the 9th ward.

From The Chairman Delegate
Municipal Council
Madura.

Order

No. 51

Dated 5th October 1897.
Received
Registered
Enclosures
Spare copies

COLLECTOR'S OFFICE
6 OCT 1897
MADURA

SUBJECT.

Reporting the result of election held in the 9th ward on the 4th October 1897.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

3/4342 M of 1897

Copy of Communication Disposal No 2230 of 1897 Dated. 25th November 1897 from M.R.Ry T. Sesha Aiyar Avergal, Deputy Collector, Madura Dn to the Collector of Madura

Enclosure No 6

In a letter from The Collector of Madura

Rol. No 2077 of 97 M.P.
Dated 15th December 97

Copy of the Dy Collector's Report:

With reference to your Reference on Current No 2077/M.P. dated 19th October 1897 I have the honor to submit my report on the result of the enquiry into the objection to the election of Allu Sitaramayyar as a Councillor for the 9th ward.

2. The election is objected to on two grounds:-

(1) that the resignation of Allu Sitarama Aiyar's Councillorship in the 4th ward not having been accepted, he was not qualified as a Candidate for election.

(2) That intimidation and bribery were practised at the election.

3 The first objection is a frivolous one - Allu Sitaramayya tendered his resignation of his Councillorship on the 15th September 1897 which reached the Collector on the 18th idem but as his three years' term of office expired on the 17th, the Collector Considered it unnecessary to accept the resignation. The nomination was made on 13-9-1897. The first list

of nominations was published on the 18th September and the final list on the 29th September 1897 and the election took place on the 4th October 1897. The provisions of Section 10.A of the Municipal Act do not operate to invalidate the nomination as contended by the petitioner.

4. As to the 2d objection several witnesses were examined. Chokkalingam Pillai 6th witness states that he was sent for by the Chairman-Delegate Venkatasalu Naidu and asked to vote for Counter-petitioner but on his informing him that being a merchant he should vote for petitioner he was told to go away to the village without voting for either and was promised remission of profession-tax. He did not therefore attend the election. The profession tax, the witness hears has been since reduced by Mr Fischer from Rs 25 to Rs 8. The 10th witness Mayandi Pillai who voted for petitioner states that a Brahmin bill-collector and Kannaiyaram Pillai of the Municipal office with some others including Venkatasalu Naidu, who, he was informed was Chairman, went to his shop at 7 p.m. on the day preceding the election and asked him to vote for

for Counter-petitioner on pain of the planks over the drain in front of his shop being removed. He got a notice to remove the planks, whether before or after election he is not sure. The 11th witness, a grocery shopkeeper, also states that municipal servants, Goomdasami Naidu, Kolandasamy Aiyar and some others made a similar threat and that he abstained from voting through fear. The 1st witness states that some person, who said, he belonged to the Municipality asked him to vote for Allu Sitaramayya promising remission of assessment and threatening that assessment will be increased if the witness voted for petitioner. The witness petitioner did not vote for either. The second witness states that some municipal servants, a Sahib and a Nayudu, asked him to vote for Counterpetitioner and threatened that some harm will be done to him if he did not do so. The witness, however, did not heed the threat and voted for petitioner. He says his tax was raised after the election from Rs 3 to Rs 8 and he has put in an objection. The 3rd witness Naina Rowther says that Goomdasami Nayakkar of the Municipality, [illegible]

sept. 9

him to vote for Counter-petitioner on promise of remission of tax. His tax was reduced from Rs 8 to Rs 2. He does not know for whom he voted, but he is illiterate. The fact can be ascertained from the voting papers. The 4th witness who was no voter and the 5th witness merely say that they were asked to vote for Counter-petitioner by some Municipal Servants. The 8th witness states that someone he does not know who, asked him to vote for Counterpetitioner, that he was afraid that some harm would happen to him and therefore did not give his vote for any.

5. The Counterpetitioner examined the Chairman and the Municipal Servants concerned to prove that they did not interfere with the election. Petitioner's 2d, 3d, 5th, 6th & 11th witnesses admit in cross-examination that they belong to the Trade association to which petitioner also belongs and on that account it is contended that they are interested witnesses.

but to which Counter petnr refused to join

On the whole, however, it seems to me clear that intimidation and bribery were practised.

6 I return the petition and other papers and submit the records of enquiry

M. Tirumal [illegible]
For Collector
15.12.97

1 / 4342 M of 1897

Enclosure 7

In a letter

From
The Collector of
Madura

Rol. No. $\frac{2077}{M6}$ of 1897
Dated 15th December 1897

List of Records:

List of material records forming Enclosu
to letter No. Rol $\frac{2077}{M6}$ of 1897 dated 15th December
from the Collector of Madura to the Secretary to
Government, Local and Municipal Departme
Madras.

Number . . . Description of paper.

1. Petition of Annamalai Chettiar objecting to the election of Allu Seetharamayyar as Councillor for the 9th ward of the Madura Municipality. - - -
2. Resignation of Allu Seetharamier of his Councillorship for the 4th ward of the Madura Municipality - - -
3. Report dated 5th October 1897 of the Chairm Municipal Council Madura on the electi of the 9th ward.
4. Certificate of the polling officer of th election of the 9th ward, dated 4th October
5. Notes of evidence of the witnesses for bo the sides (12 pages) dated 18th November (
6. Copy of report of the Deputy Collector Madura Division on the result of enquiry into the petition of objectio Dis No. 2230 of 97 dated 25th Novembe

For Collector
15.12.97

8/4342 M of 1897

Rol. No 2077/M.I of 1897
Enclosures 6 and a list.

Madura Collector's office
15th December 1897

LOCAL & MUNICIPAL DEPT.
CURRENT No. 4342 M

From
~~J. Twigg Esquire~~
Collector of
Madura

To
The Secretary to Government
Local and Municipal Department
Madras.

Sir,

Under Rule 37 of the Election Rules I have the honor to report as follows on a petition objecting to the election of Allu Sitharamayyar for the 9th ward of Madura Municipality on 4th October 1897.

2. The Enquiry was made by the Divisional officer a copy of whose report is enclosed.

3. It is first urged that Counterpetitioner was not qualified as a candidate, as he was still a Municipal Councillor when he was nominated on 13th September. His term of office expired on the 17th September, so that on the day of election — the 4th October — he was not disqualified.

4. The next objection is that intimidation and bribery were employed. After briefly recapitulating the evidence, but making no attempt to

discuss

discuss it, the Divisional officer says "On the whole however it seems to me clear that intimidation and bribery were practised".

5. There has been great party-feeling about this and other elections, and I have not the slightest doubt morally that intimidation and bribery (threats of taxation and promises of remission) have been practised. What Municipal Subordinates will do to forward the cause of one who is acceptable to the powers that be is seen from the incident of the substituted nomination form reported in my letter Roc. no 2063/MP of 97 dated the 6th December 1897. But it will not do to dispense with strict proof. What we are offered here is a number of unconnected and unsupported statements, contradicted of course by the opposite side. What is wanted is one case thoroughly established.

Cri. 4237/M/97

6. Of the 8 witnesses who speak of threats or promises, two did not vote through fear, and one in hope of reward — three remained uninfluenced and voted for petitioner — one does not know how he voted, and one was not a voter. There is no corroboration.

7.

7. Bribery is punishable under the Amended Municipal Act, and intimidation under the Penal Code. In my opinion an objection on the score of bribery or intimidation should take the form of a prosecution as a rule, and in any case some such proof as would be required in a Criminal Court should be demanded before an election is upset.

8. For these reasons I beg to recommend that the objection be disallowed and the successful candidate who polled 227 votes to his opponent's 94 declared to be elected.

I have the honor to be,
Sir,
Your most obdt. Servt.
Winn
Collector

vw
14.12.97

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O., No. , dated 189 .
Current No. 4342. L of 1897, dated from the
Current No. of 189 , dated from the

SUBJECT Election of a Municipal Councillor. Madura.

H. M.

FOR ORDERS.

At an election held on the 4th October 1897 to fill up a vacancy in the 9th ward of the Madura Municipality, M.R.Ry. A. Sitarama Aiyar was elected by a majority of votes. The validity of this election has, however, been questioned on the grounds:—

(1) that Sitarama Aiyar being a Municipal Councillor at the time of his nomination, his resignation not having been accepted on that date, he was not qualified as a candidate for election under clause (d) of subsection (1) of Sec. 10. A. of the Act and

(2). that intimidation and bribery were practised at the election.

2. The nomination of Sitarama Aiyar under Rule 18 was made on the 13th September 1857. The list of nominations under Rule 19 was published on the 18th Septr. and the list of valid nominations under Rule 20, on the 29th Septr. 97

while the election took place on the 4th October. Sitarama Aiyar resigned his Councillorship on the 15th Septr. 97, but his resignation did not reach the Collector before the 18th idem; and as the term of his office expired on the 17th Septr. the Collector considered it unnecessary to accept the resignation. It will thus be seen that Sitarama Aiyar was a municipal Councillor on the date of his nomination as a candidate, but he was not so on the date of publication of the nominations or on the date of election viz the 4th of Octr. 97. In G.O. No. 3 M dated 4th Jany. 1898, it has been held that the disqualification of the candidate at the time of publication of the schedule of valid nominations cannot invalidate his election, provided the disqualification had been removed on the date of election. Following this ruling, therefore the objection which has been raised to the election on this score falls to the ground.

Vide page flagged A

Yes - & at any rate it is one of those wretched technical objections which if encouraged would bring us to a staff of revising barristers etc.
H. T.

2. As regards the second objection, the Divisional Officer says "On the whole, however it seems to me clear that intimidation and bribery were practised". The Collector also observes as follows:- "There has been great party-feeling about this and other elections, and I have not the slightest

Vide para. 5 of his letter flagged B.

---

transferred to [illegible]

C.F. 73.

DEPARTMENT.

Paper taken out of the Records from the charge of the Referencer.

Press / Miscellaneous / Routine No. ——, dated —————— 19 .

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
26/11/36	MRo 13 VII	[illegible] [illegible]			28/2/38 ms 28/2/38 ms	-

RM

C.F. 73.

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

elections, and I have

slightest

"slightest doubt morally that intimi-"dation and bribery (threats of "taxation and promises of remission) "have been practised." He thinks however that it will not do to dispense with strict proof in such matters and that the present case has not been thoroughly established by the evidence, which consists of a number of unconnected and unsupported statements, contradicted by the opposite side. As bribery at elections is punishable under the amended Municipal Act and intimidation under the Indian Penal Code, the Collector is of opinion that an objection on the score of bribery or intimidation should take the form of a prosecution ×as a rule, and, in any case, some such proof as would be required in a criminal case should be demanded before an election is upset. The Collector's view, however, does not appear to be correct. Und rule 36 of the Election rules, the va dity of an election can be questio on the ground that "bribery or in midation was practised at an elec and rule 36 requires that al

Vide Section 10.B.

× Even with this qualification, he no doubt went too far. He is right of course in requiring reasonable proof.
W.T.

in G.O. no 1876.M. C.
8-12-90

objections shall be made to the Collector within 15 days of an election. The rules authorize the Collector to enquire into such objections and the Goverment to pass orders thereon, which shall be final. Intimidation, like all other criminal acts, is punishable under the Indian Penal Code, but as it vitiates the proceedings if practised at ~~such~~ elections, the rules provide that such elections shall be set aside, leaving the offender punishable in the ordinary course under the Criminal law. Simi-larly Section 10 B. of the Municipal Act as amended, renders corrupt practices at elections penal, merely as an addi-tional precaution to what is pro-vided by the Election Rules, and it does not, therefore, appear that objections to an election should, as a rule, take the form of a prosecution, as ~ viewed by the Collector.

3. It has now to be considered whether intimidation and bribery at the election question ~~has~~ have been established. The buty Collector thinks that it is clear t these were practised, but the lector is of opinion that the case has been thoroughly established. The others on the point is summarised

Section 503 I.P.C.

Please see below.
H.T.

Vide. para. 5 of the Dy: Collector's letter.

. para 5 of the Collector's letter. B

in paragraphs 4 and 5 of the Deputy Collector's letter. The Collector says that there is no corroboration of this evi-dence; but the only way in which this can be corroborated is by cir-cumstantial evidence and if it is shown that the taxes were remitted and raised and notices issued, as alleged by some of the witnesses and that some of the voters were made to abstain from voting either by threat of injury or promise of reward made by the Chairman-delegate, it is submitted that there would then be sufficient proof of bribery and inti-midation to warrant the cancellatio of the election. As this does not appe to have been enquired into either by the Divisional Officer or the Collector, it is submitted that the Collector may b asked to enquire and report on the truth of these allegations.

V.R
8/2/98

The Depy Collr's opinion is void of weight. He baldly sets out the Evce & then merely adds "On the whole however it seems to me clear that intimidation & bribery were practised".

2. The Evce comes under two heads

FOR ORDERS.

first that the Chairman-Delegate, finding that the 6th wit. was determined to vote for Petnr. offered to remit his Rs. 25 music-tax if should absent himself from the town. There is no corroboration of any kind; & the charge I submit must be dismissed - ~~I cd wish the Chairman Delegate would prosecute the man for Defamation~~

3. The second head is that the Chairman-Delegate & two or three Bill-Colls. canvassed for Counter-Petnr. with promises & threats. Of course when one canvasses, one affects to believe in terrible calamities if the other side shd be successful "Your trade will be ruined". "You will have dear gas" etc. etc.

4. The threats or inducements said to have been held out, were,

See abstract of Evce.

to 1st wit. "Assessment would be increased".

to 2nd " . "Some injury will be

3rd " "Said that I may get remiss of assessment".

10th " . } The plank over his dra
11th " . } would be removed.

5. I can only say that

every canvass in which such arguments[x] are used, is to be declared invalid, we shall never get an election through.

[x] I regard them as arguments, partly distorted by the writs

6. Besides, as the Coll. says, even these things have not been proved.

7. I suggest that the objections may be over-ruled.

H. T.
10. 2. 98

12/2/98

[L. & M.
200—23-9-97]

Abstract of Evce.

~~NOTE FOR THE~~

Unimportant.

1st wit. Some unknown person, saying he belonged to the Municl, promised remission of asst if he voted for ~~Abbi~~ Sitarama Ct ~~one candidate~~ (Counter-petnr), alleging that asst wd be increased if he voted for Annamalai Ct ~~another~~ Petitioner (Secy Traders' Assocn)

2nd wit. Member Traders Assocn. was told if he did not vote for Sitarama Chetti some injury would be caused him; by "Municipal Bill Collr. Sahib", called Komberi Nunkkan & a Naidu; (again) wit doesn't know what appt the Sahib holds — nor whether peon or bill-collr. — Shop servants were present.

3rd wit. Member T.A. Govindasami Nayakkan of Municl office asked him to vote for Sitarama Ct, & said he might (sic) get remission of asst. — Doesn't know for whom he voted.

Unimportant.

4th wit. Municl peons & bill collrs asked him to vote for Sitarama Ct.

5th wit. Bill Collr Govindasami Nayakkan asked him to vote for Sitarama Ct. Member T.A.

6th wit. Bill Collr. Nayakkan asked him to vote for Sitarama Ct, & took him to Chairman Venkatasalu Naidu. On hearing him determined to vote for Annamalai Chetti, Chairman offered remissi

denied when first examined.

of Municl. tax Rs.25 if he shd. go away. – Member T.A. – Has no wit. of his movements.

Unimportant

7th wit. Both candidates solicited him.

8th wit. Was solicited for both by others.

9th wit. Counter-petnr. Says he had declined to join T.A. Repudiates charges.

10th wit. Some Municl. office people (among whom were Venkatasalu said to be Chairman, a Brahman Bill Collr., & Kannayiram Pillai of the Municl. office) solicited vote for Counter petnr., saying he wd. benefit by it, otherwise the plank over his drain wd. be removed. – Only knew the bill collr. & Kannayiram Pillai as it was ~~dark~~ night.

Chairman delegate denied.

11th wit. Was told, ~~if~~ unless he voted for Counter petnr. the plank over his drain wd. be removed; was told by Govinda Naidu & Kolandasami Ayar who both collect taxes. – Member T.A. – No wit. when he was asked.

For Counter-Petnr., the Chairman delegate Venkatasalu, & the Mahomdn. Naidu Bill Collr. contradict.

Given for copying
copied
examined
igned 19/2
189 .

AGAIN G.O., , DATED
189

Y No.

URPS TO C. No.

F GOVERNMENT .. .. .. A A A A A A A

F GOVERNMENT.

E WITH DITTO.

S 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.