

Local & Munl. (189 9) Department.

MISCELLANEOUS.

G.O., No. 1330 M.

DATED 13-9-99.

INDEXED

DESPATCHED

[Despatch Abstract.]

Munl Council Stating that Govt
sees no reason to interfere, as requested
by the Collector of Bellary regarding the
Cancellation of a resolution of the Bellary
— electing Mr. R. V. Prinnivasa Rao as
voting delegate.

BACK PAPERS.

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

FURTHER PAPERS.

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

Ref
Local & Munl. (1899) Department.

Local & municipal

CURRENT No. *23457m*
310

From

The Collector
of Bellary.

Order *N^o 1330* *Munis 7/13/7/99*
his

*The Govt has no reason to
interfere.*

/From orders/

N. Dis No. 556

Dated 28th August '99.

Received 29 AUG 1899

Registered *20* 4th Sept 99.

Enclosures *Ref 4.45*

Spare copies

SUBJECT,

Voting delegate

Stating that the pro-
cedure adopted by the M.C.
Bellary in selecting the
candidate for voting delegate
was ~~wrong~~ *not* proper and
suggesting that the election
of M. R. R. Srinivasa Rao
may be cancelled
and the Council directed
to hold a fresh election.

The Collr. Bellary. Do
Sept 14/9/99

10/7/99

To

WA 6.12 99

23457m
310

6/9

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Chairman.

CR No 1085
10.8.99

Bd

10 viii 98

Bellary Collector's Office,

Reg. No. 726

12 AUG. 1899

Refer CR No 1085
10.8.99

Forwarded as
requested by the
Councillor

O. Ramesh Rao

10/8/99 Chairman

Bellary,
10th August 1899.

The Collector

of
Bellary.

Thro. The Chairman, Municipal Council
Bellary.

The petition of A. Aguniah, Municipal
Councillor, Bellary,
humbly sheweth -

1. That your petitioner is a Municipal Councillor
of the Bellary Municipality. That there was
a meeting of the Municipal Council of Bellary
held on the morning of the 8th August 1899 for
the purpose of nominating a Candidate for
ultimate selection to the Legislative Council
of Madras and also for the purpose of appointing
one of the Municipal Councillors as a voting
delegate for that purpose.
2. That after the nomination of a Candidate
for membership to the Legislative Council,
the Council proceeded to choose the voting delegate.
The names of these Councillors namely, M. R. Ry.
K. Srinivasa Rao Garu, M. R. Ry. K. Ranga Rao Garu
and of your petitioner was proposed, M. R. Ry.
K. Ranga Rao Garu withdrawing, votes were taken

Regarding

regarding the two Councillors. In the poll that took place M.R. Ry. N. Spinnivasa Rau Garu secured 9 votes and your petitioner 11 votes. The names of the Councillors who voted were also recorded in the minutes of the meeting. It was accordingly resolved that your petitioner was elected as voting delegate.

After the above resolution was passed -3 and duly recorded in the minutes of the meeting, a question was raised that the above said resolution was null and void as the Chairman M.R. Ry. P. Rama Rau Garu and Councillor Abdool Karim Salih had voted for both the Candidates (i.e.) M.R. Ry. N. Spinnivasa Rau ^{Garu} and your petitioner.

This matter was discussed in an -4 informal manner and without the proposition being moved or seconded and without ascertaining the views of all the Councillors present, it was recorded that the said resolution was null and void. As two of the Councillors had voted for both the Candidates.

Now petitioner submits that the present 5 given is clearly untenable as the voting by the two Councillors for both the Candidates does not affect either injuriously and is only tantamount to their having abstained from

from voting on the occasion. Further a resolution of the Municipal Council can only be cancelled or modified after three months from the date thereof at a Special Meeting by not less than one half of the sanctioned number of Municipal Councillors (Section 30, clause 6 of the Municipal Act.)

6 - That after recording that the resolution appointing petitioner voting delegate is null and void, the Municipal Council proceeded to appoint a voting delegate not as in the former case by a poll but by a secret ballot and then passed a resolution that M.R. Ry. N. Spinnivasa Rau Garu was elected voting delegate.

7 - Petitioner respectfully submits that this resolution of the Municipal Council is illegal and invalid. And as the Municipal Council consists of a number of educated gentlemen who may be presumed to know the provisions of the Municipal Act - By it is impossible to get any redress from the Council itself.

8 - The power to rectify such illegalities and irregularities rests in your honor under Section 35 of the Municipal Act.

9 - Petitioner prays that the minutes of the proceedings of the Municipal Council may

Rule 1 & 2 of Municipalities
Act -
This is a violation of
the provisions of the Municipal Act.

may be sent for and the resolutions
 declaring the appointment of petitioners
 as voting delegate null and void and
 appointing M.R. Ry. A. Spinnivasa Rao
 as voting delegate not being legally
 carried be cancelled.

C. Anniah
 Municipal Councillor.

4
 2345/99

received
 to 10/8/99
 Sundib in
 Divisional office
 registered by
 10/8/99
 To
 Taken up
 11/8/99

Belary 9th August 1899
 Refon CR No 1085
 10-8-99

The Chairman
 Municipal Council
 Belary.

Let

We the undersigned Municipal
 Councillors do hereby express our
 dissent from the undermentioned
 resolutions recorded in the minutes
 of proceedings of Municipal Council

(1) The resolution declaring the appointment
 of Mr. R. Ry. A. Anniah as Municipal
 Councillor null and void. This was
 formally proposed or seconded nor put
 before the meeting and vote taken on the
 matter. Besides the Municipal Council has
 no power to pass such a resolution under
 Section 30 clause b.

(2) The resolution appointing Mr. R. Ry. K.
 Spinnivasa Rao as voting delegate. This is virtually
 cancelling the resolution appointing Mr. Ry.
 A. Anniah as voting delegate.

This is clearly illegal under section 30 clause b

Refon CR No 1085
 11-8-99

Forwarded to the Revenue Officer
 in charge of Division, Bellary under
 section 31 Clause 2 of the Municipal
 Act.

A copy of the meeting proceedings dated
 8th instant follows.

11-8-99

We have the honor
 to be Sir.
 Your most obt. Servants.

B. P. Thich
 M. Reddy
 K. S. S. K. K. K.
 11/8/99

REVENUE DEPARTMENT.

No. _____

BELLARY HD. QR. DY. COLLECTOR'S OFFICE.

Enclo. _____ Camp Bellary
12th August 1899.

From M. Ravi Varma Raja
HD. QR. DEPUTY COLLECTOR,
BELLARY.

To
THE Collector of
Bellary

SIR,

I have the honor to forward herewith a minute of dissent from 4 municipal Councillors, received through the Chairman, regarding the election of voting delegate.

I was present when the election took place and beg to state what happened. Three names having been proposed and seconded, the 3rd nominee withdrew. The two other names were put to ^{the} vote by show of hands. It was found that 11 voted for one candidate and 9 for the other. As the total no. of Councillors present was 20, and the two candidates did not vote, it was clear that there was some irregularity in the voting. A poll was thereupon taken and it was discovered that two Councillors voted for both candidates.

3
2345/24/99

Supposing that they had voted only for one candidate, there would have been either a tie which would result in the election of Mr. Srinivasa Rao, with the Chairman's casting vote, or Mr. Munaya would have been elected by 11 against 7. As the first vote was thus found to have been irregularly taken and was inconclusive, another vote was taken. This time the members wished it to be by ballot. The result of it was that Mr. Srinivasa Rao got 11 votes and Mr. Munaya 7. Mr. Srinivasa Rao was then declared duly elected.

In recording the proceedings the Chairman makes it appear as if, upon the withdrawal of Mr. Ranga Rao, Mr. Munaya was at once declared elected. This is incorrect. What was actually done was to take votes. The Chairman then announced the figures, which he seems to regard as tantamount to declaring Mr. Munaya elected. A poll was demanded, as soon as the figures were announced with the result that the voting was found to be irregular. The Council did not declare any one elected but when the Chairman announced the number of votes on each side, at once took action to see whether the votes were properly taken. Before the election

business was completed, it was not correct to say that any member was elected. A very similar incident took place in the Viceregal Legislative Council during the revision of the Criminal Procedure Code. It would appear that when an amendment was put to the vote, His Excellency the President made an error in counting the votes and declared it lost. A poll being taken, the error was discovered and the amendment was declared carried. The discovery of the error was not regarded as a fresh legislation but merely as the correct interpretation of the first vote.

In these circumstances I do not think the provision of Sec 31(2) applies to this case; any more than if, the Chairman, in counting the votes, included the votes of some visitor who was not a Councillor, and when the error was pointed out ^{corrected} and as a consequence, the result of the vote was also altered.

I have the honor to be,

Ses,

Your most obedient servant

McKean

Head Dr. J. J. J. J.

2/12/11

not voting in their favor. The first or
the main proposition was carried unanimously.
Then three councillors were proposed
for voting delegate one after another,
here also the second and the third were
treated as amendments, the last proposition
being in favor of Mr. K. Rungas Rao Garu,
who before putting the proposition in
his favor he votes withdrew. - The proposition
in favor of Mr. A. Miniah Garu was
put to votes. He obtained eleven votes.
Thereupon I announced that Mr. A. Miniah
Garu was elected as eleven councillors
voted in his favor out of twenty present
two of whom not voting and entered
in the proceedings "Mr. A. Miniah
Garu is elected voting delegate" and
before entering the number of votes he got.
Mr. M. Ravi Varma Rajah Aregal asked
for taking votes in favor of Mr. K.
Greenivasa Rao Garu. I asked why it
should

DE. 99.
should be done; he said it was to see how
many would vote for Mr. K. Greenivasa Rao Garu.
I did so. He got nine votes including the votes
of two councillors who voted for Mr. A. Miniah
Garu also. Mr. M. Ravi Varma Rajah Aregal
asked me to record the votes in favor of each.
I did so and ^{said} Mr. A. Miniah Garu got the
majority i.e. 11 against 9. Mr. M. Ravi Varma th.
Rajah Aregal said that if the two votes of
councillors who voted for both be counted in
favor of Mr. K. Greenivasa Rao Garu only
there would be a tie each getting 9 votes and
the poll was therefore invalid. No objection
was raised by any of the councillors at the time
and it was accordingly so decided and by
consent a ballot was then taken. The result
was Mr. K. Greenivasa Rao Garu got eleven
votes and Mr. A. Miniah Garu got seven
votes and Mr. K. Greenivasa Rao Garu was declared
elected and the final resolution was recorded.
The above is the substance of what actually occurred
to the best of my recollection. -

From

Phama Rao
M. R. Ry. B. K. Santaya Garu, A.
Chairman Secretary, Municipal Council,
Bellary.

To

The Collector
of Bellary

Dated
Despatched
Received

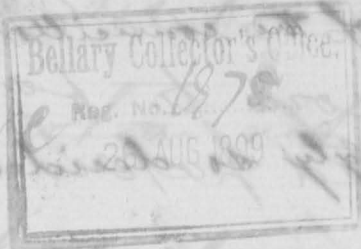
Aginst 1899.

Ref. CR No. 1085

Enclosure. 2

SUBJECT.

Reporting in detail the
Sum and Substance of what
actually transpired at the
Meeting held for the Election
of a Voting Delegate -



3. - At the time of the proceedings
I did not understand that a
final and completed resolution
was recorded electing M. R. Ry.
A. Muniach Garu as Voting
Delegate but took it in the
view of the precedent referred
to by M. R. Ry. in Ravi Varma Rajah
Anerghal -
4. - After the final resolution
was recorded and declared
valid by A. Muniach Garu said
he had objection in this matter
and upon suggestion by M. R. Ry.
in Ravi Varma Rajah Anerghal
he said he would put in
a dissent -
5. - The original letters are
herewith returned -

I have the honour
Sir
your most obedient servant

B. K. Santaya
For Chairman

25.8.99

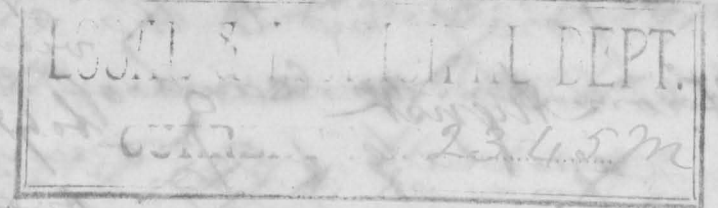
2345/99

FROM

E. A. Elwin Esquire

COLLECTOR OF

BELLARY.



TO

THE Secretary to Government
Local and Municipal Deptt.
Madras.

SIR,

In continuation of my footnote
dated 27th instant forwarding
the report of the Bellary Municipal
Council regarding the election of
(a) a candidate for nomination to
the Legislative Council and (b) one
of its member as a voting delegate,
I have the honour to forward the
marginally noted papers and state
as follows.

2. It will have been seen from the
report of the proceedings of the Municipal
Council, a copy of which accompanied
the Chairman's letter to Government,
that the procedure observed in selecting
the candidates was rather peculiar. The
names of all the candidates proposed were
not put to the vote at one and the same
time and the number of votes obtained by

Each

1. Petition from M. R. Ry. A. Muniach Garu d/10.8.99.
2. Minute of dissent d/19.8.99 from 4 Municipal Councillors.
3. Divisional Officer's letter forwarding the above d/20.9.99.
4. Remarks of the Municipal Chairman on the above dated 13.8.1899.

no. ref. on C. 1085
25.8.99.

each recorded, but the name of the person first proposed was taken as the proposition and the subsequently proposed names as amendments, votes being taken for the amendments before going to the original proposition. In the case of the selection of a candidate for nomination to the Legislative Council, three candidates were proposed, the third and then the second not having secured the votes of a majority of the Councillors present the original proposition was then put to the vote and the Honorable Mr. Jambulingam Mudaliar was unanimously elected. The same procedure was observed in the selection of a candidate as voting delegate. Three names were proposed in succession, viz those of M. R. Ry. K. Srinivasa Rau farm, M. R. Ry. A. Munaiya farm, and M. R. Ry. K. Ranga Rau farm. The last named candidate withdrew his candidature and the proposal in favour of M. R. Ry. Munaiya farm being the only amendment was put to the vote with the result that he obtained the votes of 11 out of the 20 councillors present. The Chairman declared him duly elected, but before the vote of election was completely entered in the minutes of the proceedings it was proposed that vote should be taken in
favour

favour of M. R. Ry. K. Srinivasa Rau farm also: this was done with the result that he received votes including those of two Councillors who had previously voted for M. R. Ry. Munaiya farm. It was then urged that if these 2 Councillors had only voted for M. R. Ry. Srinivasa Rau farm and not for M. R. Ry. Munaiya farm, the candidates would have received an equal number of votes. The previous poll was thereupon declared invalid, and a ballot being taken it was found that M. R. Ry. Srinivasa Rau farm had secured 11 votes and M. R. Ry. Munaiya farm only 7. The former was therefore declared elected.

2. M. R. Ry. A. Munaiya farm and four other Councillors objected to the election of M. R. Ry. K. Srinivasa Rau farm on the ground that as the resolution electing him cancelled a former resolution of the same meeting the proceedings are invalid under Sec. 30 clause 6 of the District Municipalities Act. The Revenue Divisional Office and the Chairman are of opinion that

that a complete resolution
declaring M. R. Ry. A. Munaiya
Jani elected as voting delegate
not being recorded, the subsequent
proceedings were only the rectifi-
cation of a mistake in the
recording of votes - and not the
cancellation of a former reso-
lution.

3. It seems to me that the
subsequent proceedings for the
election of a voting delegate
were carried on under a mistake
as to the procedure adopted till
then, for the amendment in favour
of M. R. Ry. Munaiya Jani having
been carried, the original propo-
sition ought not to have been
taken into consideration at all
under the system described at
the beginning of para 2 supra,
as the resulting election of M. R. Ry.
K. Srinivasa Rau Jani seems to
be of doubtful validity. I suggest
that that election may be cancelled
and the Municipal Council directed
to hold a fresh election.

I have the honour to be,

Sir

your most obedient servant

28/9/99
For Collector

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O., No. , dated 189
Current No. of 189, dated
Current No. 2345 of 1899, dated 28th August from the Collr. of Bellary

SUBJECT.

Cancellation of a resolution of
the Bellary Municipal Council.

FOR ORDERS.

Under Section 35(1) of
the Madras District Municipalities
Act, as amended, the Governor in
Council can cancel a resolution
of the Municipal Council, if such
resolution "has not been legally
carried or such resolution... is
in excess of the powers conferred by
law or the execution of such re-
solution... is likely to cause
obstruction, injury or annoyance
to any person lawfully employed,
or danger to human life, health or
safety, or is likely to lead to a riot or
an affray." It does not appear
that the resolution in question
can be said to fall under any
of these heads, so as to justify the
its cancellation.

its Cancellation.

1/2
6/19/99

Submitted that this is
not a case for your interference.
The Chairman virtually ruled
that the first taking of votes was
irregular & had to vote later in
another way. It cannot be said
that the final resolution was in
any sense illegal.

M
9.9.99

Better say that
I see no reason
to interfere.

HT 10.9.99.

When given for copying _____
When copied _____
When examined _____
When signed _____ 15/9

189

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.
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