

Local & Muni. (1899) Department.

MISCELLANEOUS.

G.O., No. 1384 M

DATED 20-9-99.

INDEXED.

DECEASED

[Despatch Abstract.]

Municipal Council

Ordering, with remark, that
the election of certain gentlemen
as members of the Mamargudi
— 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.

NOTE FOR THE Secretary

Please see pencil addition made to the draft order, which is submitted for the Secretary's approval. A fair copy of the order, as altered, is also submitted for the Secretary's signature.

V.R.
14/11/99

W
11/11/99

Venkatarama Aiyar as a member
be considered as having been
elected. His name will be

W.R.
14/11/99

Accordingly he published in the Pat Saint George's Gazette together with the names of the other two successful candidates.

To The Collector of Tanjore
with enclosure
dated 26/9/99. Sept 21/9/99

LOCAL AND MUNICIPAL DEPARTMENT.

189

from the Collector of Tanjore
from the Mr. V. Venkatarama Aiyar

SUBJECT.

Election of a Municipal Councillor
Namargudi

REMARKS.

In his Proceedings dated 9th August 1899, the Collector of Tanjore is set aside the election of Mr. Venkatarama Aiyar, as a member of the Namargudi Municipal Council on the ground that at the time of election he was not qualified

to be a Candidate - vide 33 (b) of the Rules for the Conduct of elections by the town area & hole, issued in G.O. No. 1950 M. dated 19th November 1898. Mr. Venkatarama Aiyar contends (vide his petition No. 2248M) that he is eligible for registration in the list of persons qualified to be elected, under No. 4 (b) of the Election Rules, in as much as he had paid a profession tax of Rs. 8 on the 2nd May 1898 (i.e.) in the financial year to which the

list relates and long before the publication of the list by the Chairman (i) on the 1st January 1899, and that it is not open to the unsuccessful Candidate to question his eligibility to the profession tax of Rs 8. The Collector, while admitting the validity of the latter objection, observes that as the profession tax of Rs 8 paid by M. R. Venkatarama Aiyar was the tax payable by him for the year 1897-98, and as he had not paid his profession tax for 1898-99 at the time the list of persons qualified to be elected was drawn up viz. 1st January 1899 and as the tax to be paid in the current financial year (cf. Rule 4(b)) in order to give qualification, is the tax for that year, his claim cannot be allowed. It is however not clear whether the profession tax in the current financial year occurring in Rule 4(b), ~~relates only to the period~~ ^{can be held to apply restrictively} during which the tax should be paid, or to designate the period to which the tax paid relates.

V.R. 9/1/99 The M. order is final under Rule 34. and his ruling is hereby according to the intention of the rules. It is humbly suggested that it be upheld - & the M. order be set aside. The M. order may be set aside.

to have been elected

Wt. 8 x 99

Yes M. 9.9.99

NOTIFICATION.

UNDER Section 10 of the Madras District Municipalities Act, 1864, the under-mentioned gentleman has been duly elected a Municipal Councillor of the Municipality of

Tanjore Mammajudi

M. R. S. M. Venkatarama Aiyar
Avargal

M. R. R. Rajappa Aiyar
Avargal

M. R. S. S. Sivaravelu Odayar
Avargal

Municipal

CURRENT No. 2224 M.

2481 9.89

G.O. No. _____ M.

FORT SAINT GEORGE GAZETTE—
PART I-A.

No. 1384 mms
20. 9. 89

(2)

gazettes 26/9/89

Local & Munl. (1899) Department.

CURRENT No. 2224 M.

From

The Collector
of Tanjore

Ref on C No. 258 88
me 88

Dated 9th August 1888

Received 19 AUG. 1889

Registered —

Enclosures 5x

Spare copies nil.

DESPATCHED

17 AUG. 1899

SUBJECT.

Submitting for orders the
report of the election held
at Mannafudi on 1st June 88,
the objection petition put in
by Messrs S. M. Venkatrama
a is and — one of the unenclosed
Candidates at the said
election and the records
of enquiry

29-7-88
Chandra

1st June 1899

431.

156. x

Names of Candidates

Chap. votes
obtained
by each

Names of
Candidates
Only
Elector

Remarks

2. 3 Vacancies caused by the taking of
one of 3 Councillors Rajappaiyar, Saigara
velu Saayar and S. Vankatramaiyar were
now filled up by the same Gentlemen now elected

* Out of 156 Votes 7 Rejected.

Municipal Office,
Mannam Street.

1625

(Enclosure)

(Signed)

Reana an allua Alloa

From

~~W~~ Alfred

AD
6m

BACK PAPER

G.O.	No.	Department.	Date.
1950	may 28		
1904	may 28		
171	may 28	16. 2. 94	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Refon Cur
No 518 388

Deputy Collector's Office
Camp VeSarammiam 30 Jul 99.

From Mahomed Khadir Nawaz Khan Sahib
Khan Bahadur

Deputy Collector of Mannarjudi Division.

To The Collector of Tanjore.

Sir, Adverting to your Refon Current No 258
dated 14 June 1899, I have the honour to
enclose the records of my inquiry on the
petition put in by S. M. Venkatarama
aiyar, objecting to the election of S. Venka-
tarama aiyar to a seat in the Municipal
Council Mannarjudi.

2. The petition raised 5 —
objections of which he with drew one
The other objections are

(1) there was such an irregularity
in the preparation of the list of voters
and of persons qualified to be elected

as

2224/m/99

as to affect materially the accuracy of the list (33 d. of the Election rules).

(2) that S. Venkatarama Aiyar was not fit to be registered as one eligible for Election as Councillor (4. b.)

(3) that he was not qualified as a Candidate at the time the Election was held. (33. b.)

(4) that he was subjected by Competent authorities to orders implying a defect of Character and his entrance in the Municipal Council is likely to bring the Municipal Administration into Contempt. (Section 19 Cl. para 4 of the Municipal Act)

3. Objection No. 1. On S.

Venkatarama Aiyar's own admission, it is clear that the registry of his name as a money lender liable to pay

a tax of Rs 8 was an error and irregularity. He had a shop which he closed in 1898. In the following year, he got himself registered as a money lender in order, as he himself admits that he may become eligible for Election. He was not and is not a money lender properly so called and the transactions which he quotes are not in the nature of money lending, Most of them being the outstandings of his closed shop. The amount alleged as due to the family is Rs 4,000, while the debt due is Rs 8,000, thus showing that his name was improperly registered as a money lender liable to pay a tax of Rs 8. To be liable to this amount, he or his family should be able to make an

income

income of Rs 200 a month.

4. Nº 2 The lists were prepared on 1st January 1899 and the election was held on 1st June 1899. S. Venkata-ramaiyar did not pay the tax for the year till after the election was over (2nd June 1899) and the financial year had elapsed. He says he paid within the financial year (May 1898) the tax of the previous year and this satisfies rule Nº 4 (b) while —
petitioner contends that the payment contemplated by the rule is payment for the financial year during which it is paid. I am inclined to think that the petitioner's contention is right, but am not sure on the point.

5. Nº 3 On S. Venkataramaiyar's own statement, it is clear he was not qualified. He was not a money-lender in the proper sense of the word. His family was deeply in debt and was not in a position to expect any funds like the income which would make him eligible. Further a month before the election S. Venkatarama aiyar entered into a partition with his brothers with the result that he received for his one-third share some house property and a debt of Rs 4000.

6. Nº 4 The incident referred to is this. In 1893 when S. Venkatarama aiyar was a Municipal Councillor the Council sanctioned his prosecution for

for having an interest in a
Municipal Contract and the Govern-
ment approved of the sanction. S. Venkataramamayar resigned his seat
in the Council as the means of
stopping the prosecution. I am not
sure that this circumstance can
be said to be one calculated to bring
the Municipal Administration into
contempt; but it seems to me un-
necessary to consider this question
as S. Venkataramamayar's Election
must fail on other grounds.

I have etc.

(Signed) Khadi Navaz
Collector

(True Copy)

For A. S. Collector

1171 m
16/2/94

92 1004 m
31-7-94

Refon Car No 258
ML 888

Proceedings of the Acting Collector of Tanjore.
Dated 9th August 1899.

Read petition dated 5th June 1899 put in
by M R Ry S. M. Venkataramamayar
an arbal petitioner the validity of
the Election of M R Ry S. Venkatarama-
ayar arbal - one of the successful
Candidates at the Election held
at Mannarudi on 1st June 1899
to fill up 3 vacancies on the Council.

Read this office reference thereon dated
14th June 1899 to the Deputy Collector
Mannarudi Division

that Officer's report Refon Car No 578
of 1899 dated 30th July 1899 and the
records received therewith.

At an Election held on 1st June
1899, there were ten Candidates for three
vacancies on the Mannarudi Municipal
Council. The petitioner M R Ry

S.

2224/any 99

S.M. Venkata Ramaiyar avaral one of the
unsuccessful Candidates Questions The
Validity of the Election of M.R. Ry S. Ven-
kata Ramaiyar avaral and asks
that his Election shall be declared
invalid and that petitioner himself
may be declared Elected in his stead.

2. The petitioner contends that
Counter petitioner was not qualified
as a candidate at the time of
Election, and also that he is by Character
not fit to be a Municipal Councillor.
It is further objected that the list of
voters and of persons qualified to be
Elected are materially inaccurate.

3. The Counter petitioner —
Claims Qualification under Rule 4 (b)
(of Rules for Conduct of Elections by the
Town

Town as a whole). He got himself registered
as a money lender in Class VI, simply
in order to qualify himself for Election, though
he is not a bona fide money lender
and never got anything like the income
of Class VI. It would not however
be open to me to go behind the fact of
payment of a profession tax of Rs 8,—
had payment in fact been made. It
appears however that he had not paid
his profession tax for 1898-99 at the time
the list of persons qualified to be Elected
was drawn up viz January 1st 1899 —
in fact he did not pay it till June 2nd
the day after the Election. He claims
that he paid in May 1898 the profession
tax for 1897-98 and was therefore qualified
for registration, but the tax to be paid
in

in the current financial year to give
qualification is clear the tax for that
year, and his claim cannot be allowed.
I find that the Counter petitioner
was not qualified to be registered,
and that he was not qualified
at the time of Election and declare
his Election invalid.

4. There is no occasion to say anything
about the objection to the Counter petitioner's
Character, as until the rules are
amended it is only the order of a
Criminal Court that can be taken into
consideration on a petition of this
kind, and there was no such
order in the present case.

(Signed) J. Twiss
As Collector

(Enclosure)

For
As Collector

1/2224/ny/99

Ref on Cur

No. 258
M⁴
2nd 6.

FROM

TANJORE, COLLECTOR'S OFFICE,

Camp,

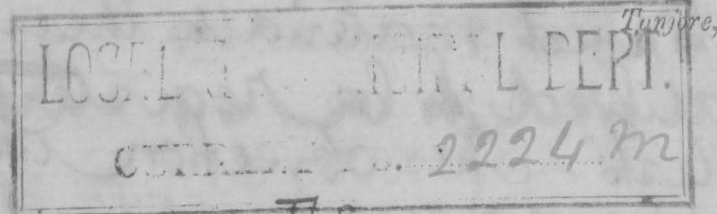
9 August

18879.

J. Twiss
ESQUIRE,

As Collector,

To



The SECRETARY TO GOVERNMENT,
Local & Municipal DEPARTMENT,

Madras.

SIR,

I have the honour to forward herewith the
following papers

- (1) Report of the Election held at
Mannarkudi on 1st June 1899.
- (2) Petition put in by M R R
S. M. Venkarama Aiyar
Avarak Questioning the Validity
of the Election of one of the
successful Candidates, S. Ven-
karama Aiyar Avarak
- (3) The records of Enquiry made
by the Deputy Collector Mannarkudi
Division.
- (4) Copy of that Officer's Report
Ref on Cur No 578 of 1899
dated 30th July 1899. —

In

29-7-99

In the petition, one of the grounds of objection is "that there was such an irregularity in the preparation of the list of voters and of persons qualified to be elected as to affect materially the accuracy of the list". This objection was not ^{pressed} ~~presented~~ and no evidence was offered, and I therefore submit that it may be disallowed, and that at the election of the two successful candidates MRRy R. Rajappaiah and MRRy Singaravelu against whose election no petitions have been presented, but whose elections would have been invalid had the above objection been ^{pressed} ~~presented~~ to a successful issue, may now be ordered to be published

in

in the Fort. Saint George Gazette.

2 In my proceedings dated 9th August 1899, Copy of which is enclosed, I have found the election of the Counter petitioner MRRy S. Venkatarma Aiyar avarfal invalid. He was third at the poll with 138 votes, and the petitioner came fourth with 6 votes. I beg to be instructed whether the petitioner should be declared to have been elected, or whether a fresh election should be held.

I have the honour to be
Sir
Your most obed^t servant

K. V. S.

Acting Collector

20

Department.

From

THE COLLECTOR OF

Tanjore,

To

THE

SECRETARY

TO GOVERNMENT,

DEPARTMENT,

Madras.

Dated

Despatched

Received

189

No.

ENCLOSURE.

Subject.

Local & Muni. (1899) Department.

CURRENT No. 2248m

From

S. Venkataramier

Mannargudi

No.

Order

Dated 11th August 1899

Received } 23rd August 99

Registered

Enclosures 1

Spare copies nil

SUBJECT.

Praying that for reasons stated his election as a councillor of the Mannargudi Municipality may be confirmed.

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

From

S. Venkataramier

one of the elected Municipal Councillors
on 18th June 1898 in
Mannargudi Municipality

To

The Deputy Collector
Mannargudi Division

Sir,

I beg to request that you will be good
enough to order me to be present at the inquiry
of the Chairman and others if any and also on
the examination of certain records regarding
the objection petition presented by S. M.
Venkataramier against my election as a Councillor
on the 18th June 99. I request that you will please
allow me to question the petitioners on certain
points touching the petition and his sworn
statement on the date of inquiry to be
hereafter conducted and also allow me
to file certain testimonials touching my
character which he has impugned in the
last para of his petition. and in con-
clusion I beg to request that you will please
allow me to submit my arguments in
writing for confirming my election.

I beg to remain

Yours most respectfully

(True copy) (Signed) S. Venkataramier

29-7-99

From

S. Sankataramier

one of the elected Municipal Councillors
on the 18th June 1899 in

LOCAL & MUNICIPAL DEPT.

CURRENT No. 2248 M

The Secretary

Local and Municipal Dept
to The Government of Madras
Madras

Sir,

I beg to submit herewith my arguments for
confirming my election held on the 18th June 1899
as the Divisional officer has denied me the
opportunity of submitting the same and has
submitted his report of the inquiry to the
Collector. He has expressly told me at the
Tortoise Pond Camp when he took my statement
that he would postpone the final hearing of
the inquiry to some date in August as the
petitioners wanted to examine the Chairman
and others and to call for certain records from
the Municipal office to prove the contents of his
petition. In the meanwhile I have also
addressed him on the 29th July 99 requesting
therein to have me present at the date of
inquiry and to allow me to put in my
arguments in writing. He did neither summon
me nor send me a reply to my letter. (Vide copy of
the letter enclosed).

The petitioners, a candidate questions my election
as Councillor under rule no 33 (h) of the election
rules

rules that I have not fulfilled the conditions imposed upon by Rule no 4 (b).

I meet his objections thus. I fully conform to the provisions of Rule no 4 (b) as I have paid a professional Tax of Rs 8 on the 2nd May 1898 within the financial year to which the Councillor list relates and long before the publication of the list by the Chairman (c) on 1st January 1899.

To question my eligibility for taxation of Rs 8 by the petitioners is unwarranted and opposed to law. Rule no 4 (b) demands only payment of

Professional Tax of Rs 8 and more for a person to be registered in the Councillor's list. But gives no room for any body to question the eligibility of taxation. Further either the petitioners or any body is competent to question the assessment of a legally constituted body as the Municipal Council.

If the eligibility of a person to be assessed to Professional tax can be questioned at any time and by any individual then there will be no finale for contention and I can prove to the satisfaction of Government that 2 out of 479 persons assessed professional tax in this Municipality nearly 400 are not eligible for taxation.

For instance the marginally noted persons are glaring examples. They will admit their non eligibility in more than one way. And in how many appeals the Council have concurred to their requests. Now I ask the Government whether they are ineligible when registered as voters.

Ponnusami chetty Rs 4
Ranganatha Pillai Chairman Rs 8
Ranga Thama ayyangar Rs 8
Kobadar Kupppai Rowther Rs 8
Vairathalinga Mudali Rs 4
Subramanyam Pillai Rs 4
Thuppusami Pillai Rs 8
Venkatachalam chetty Rs 4
Arumugam Pillai a Councillor Rs 8
Sankaradasa a dyer - Rs 12
Ramasami Sankar - Rs 8

Voters and Councillors list because they have pleaded their ineligibility for taxation in their appeal petition and if registered in the list and such registration not valid according to law? If not valid their voting at the election will become null and void. Then the election will have to be cancelled under rule 33 (d) and fresh rules defining clearly the principles of taxation and registration of voters and of persons to be elected will have to be issued before another election would be held. For the self same objection will have to be raised in the case of candidates contesting in those elections as well as to the correct preparation of the list under rule 33 (d).

Name	assessed	remitted	the marginally noted persons are assessed
1. Ramalinga Mudali	8	4	Professional Tax and their names
Subba Raja Pillai	4	3	have been registered in the Voters
Sankaramurthy ayyar	8	4	and Councillor's list. But they
Gopala Dikshitar	8	4	have preferred their appeal
Ramasami do	8	4	to the Council in the month of
Veelakanda do	8	4	March 99 and the Council have
Ramasami Kanna	8	4	remitted wholly or partially admitting
hadri Kal	8	4	their ineligibility which disqualifies
2. Sankaradasa	12	8	them either to be registered in the
Ramasami Raja	2	1	voters as in the Councillor's list as
Gopala chetty	2	1	the case may be. But these names
Inganam do	2	1	are retained in the list because
Chithambasa	2	1	there is nothing in the rule authorizing any one
Palkani			to remove those names when once they have

assessed. This holds good in my case also. There is no provision to remove my name from the list as I have been assessed and paid.

Under rule no 2 and 4 a list of persons entitled to vote and qualified to be elected as Councillors was published by the Chairman.

under rule no 6 on the 1st January 99. The objections raised under rule no 7 against the list were duly disposed of by the Chairman and no appeal was made to Collector under rule no 9. Then the rule came into operation from 1st April 99 and it shall continue in operation for 12 months. The rule no 7 clearly lays down that objections had to be taken within a specified time after the publication of the list. But if the accuracy of the list may be questioned at any time then the word "final" need not be introduced in the legislation under no 8 to show the final and the non-questionable nature of the list. Therefore my eligibility or otherwise cannot be questioned under this rule. (Post see Rule 33(h))

Then a question may be asked "What is the meaning of the rule 33(h)" This may be legally answered thus: - That the dis-qualification contemplated under rule 5 existed at the time of nomination to any of the Candidates nominated under rule no 15 and provided also that no objection was taken under rule no 19 then only an objection may be taken by any of the Candidates against the elected

Councillor

Councillor possessing such disqualification. I do not come under any of the category of rule no 5 from (a to g).

The petitioner has not even touched during the course of inquiry, the other objections of his petition.

In view of the above circumstances I earnestly request that you will please move the Government to send for the records and to go through them in the light of arguments adduced above and confirm my election.

I beg to remain
Sir,

Your most obt servant

Sd/- Subramanyam
11/8/99