

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 1543 M.

DATED 19-10-99.

INDEXED.

[Despatch Abstract.]

Munl. Council.

Recording letter from the Collector
of Malabar, cancelling the election
held in the C ward of the Tellicherry
Municipality

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Munl. (1899) Department.

CURRENT No. 2570 m

From
 This Order No 1543 mms 27.10.99
 The Collector of
 Malabar.

Recorded. 12.10.99
 No. D 156 M 99

V.R.
 21.10.99

12.10.99

Dated 27th September 1899.

Received 2 OCT. 1899

Registered 3rd Oct. 99

Enclosures

Spare copies. nil.

SUBJECT.

Submitting for the information of
 Govt Copy of the Collector's Proceeding
 Cancelling the election held in
 the C. Ward of the Tellicherry
 Municipality -

12/10/99

21/10/99

BACK PAPERS.

G.O.	No.	Department.	Date.
	1950.	1950.	
	539	13-4-99	
	1339	13-7-99	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Malabar Sub Collector's Office,
Camp Calicut, 15th September 1899.

To,

The Collector of Malabar,
Calicut

Sir,

In reply to your endorsement dated 29th July 1899 on petition No. 18 dated 24.7.99, I have the honor to report as follows:-

2. I examined Essoo [petitioner] and his opponent Biran Kutti, the polling and identifying officers at the election and the Police Inspector of Tellicherry who was present at it. Also Messrs. K. Ramunni and P. Fort, Head Constable Tachu Mahomed, Kunukandi Kunhamad, Akkali Achyutan Velandi Othenan, G. Fernandez, P. Ahmad, K. Abdu and K. Kunti Moosa Called by Essoo. Also Messrs. J. C. Karayana Kurup, P. K. Kelappa Kurup, V. Karumakara Muneer and K. Tekhara Kurup, K. Mannan, Manayat Boker, C. Achyutan, J. Kuttiamoo, K. Raman Kydian, M. Kandan, K. Kannan Nayar, K. Kamsan Chandu, Manayat Boker, G. Kunti Raman Nayar, A. V. Dava, Mr. K. Krishna Nayar, and my Head Clerk Called by Biran Kutti.

3. Each party was allowed to cross examine the other's witnesses and to put questions to the witnesses examined by me.

4. I proceed with the charges in the petition. The first is that the polling officer refused to read and point out the names of Candidates for illiterate voters to enable them to score out the names of those for whom they did not wish to vote.

5. This objection is in my opinion willfully and absolutely false. Essoo, petitioner, says that two men whom he knows to whom the polling officer refused to show Essoo's name are Gonsalves and George Fernandez. Gonsalves is not examined, Fernandez says the polling officer read and pointed out the names of Candidates on the voting paper and left him to vote as he liked. This was done according to the polling officer in the case of every voter and I see no reason to doubt his word. There were only 4 invalid votes out of 188 votes recorded, which strengthens this view. The grievance which is at the bottom of this Complaint is the refusal of the polling officer to score out for illiterate voters the names of Candidates for whom they wish not to vote. This, though apparently the custom at previous elections, is not required of the polling officer under the election rules, and is indeed, a highly objectionable procedure as it at once destroys the secrecy of the ballot. There is not a little of evidence to support the allegation in para (6) that illiterate voters

voters left without voting being unable to ascertain the proper name on the ballot paper; and the account of the identifying officer Mr. Baker that he heard the polling officer say to one voter "you could vote against us, Can't you find out the name for yourself?" I gravely doubt, especially as he admits that the polling officer consulted him as to whether he should be justified in scoring out the names for illiterate voters.

6. The third Complaint is that one Changa Baker who recorded his vote was not the right man i.e. the registered voter. There are two Changa Bakers, uncle and nephew, known as Valia & Cheria. Valia has property in Maigilanjumam and Chali and has trade in hand carts on which he is taxed Rs 8½. He has thus every qualification for a vote in C. Ward and it is strange that he is registered as a voter if indeed if he is not. Cheria only pays profession tax of Rs 1 which is not sufficient to entitle him to vote. He pays 2 as a day rent for his shop but says he gives his land-lord Rs 1-4-0 in a lump at the end of the month making Rs 5 a month and on this property qualification he claims his vote. The whole thing is rather suspicious. Essoo objected to this man's vote at the election, Arin Kutti asserted that he was the person registered, and as the man's identity was attested by the loan Adigari or bill Collector, he was allowed to vote. This one vote would not have affected the result of

of the poll materially it is hardly relevant to this inquiry.

7. The most important allegation is the second, contained in paras (d) and (e) of the petition. Between 9 & 9.30 it appears Essoo, on account of his alleged intimidation sent for the police. His messenger reached the station at 9.30. Head Constable Dacheh Mahomed was sent on at once. He walked to the place and a quarter of an hour later the Inspector followed in a jukka. The Head Constable saw a crowd of people round the hedge, and in front of the gate a number of men with their arms linked, evidently to prevent people from passing in, and several persons who had come to the place went away through fear. 4 or 5 minutes later, the Inspector arrived. He says there was a crowd at the gate and he had some difficulty in getting in. His impression was that they were "passing voters in and keeping voters out." The Inspector cleared the crowd away and hauled all the voters into the polling book. Essoo's witness K. K. Annamahal (4) says he saw people there with linked arms saying "people who vote for Essoo must see us before they go." Atkabi Adegutan gives similar evidence, also V. Oduman, who says the obstructionists would not let Essoo's men pass. These witnesses identify the obstructionists as members of Osrian Kuthi's faction. Essoo complained at the time to the polling officer, but that officer naturally replied that he could not leave his own duties and go to keep order outside. Essoo also refused to

to sign the declaration that the election was conducted regularly, which Osrian Kuthi was willing to do.

8. Osrian Kuthi's 1st, 2nd, 3rd, 5th, and 7th, witnesses say they went to the poll to vote and saw no irregularity. They all however, left it by 8.30 AM. 10th says he was there from 8 till 9 and 11th must have left the place before 9. Their evidence is thus irrelevant as it is not alleged that the obstruction began so soon. 15th witness, the 3rd Candidate, who was there all along says he saw nothing of the kind. It is very significant however that he too refused to sign the declaration that the poll was fairly conducted. 4th witness, a master of the Tiruvangadi School says he "went near" the booth between 8 and 9 and stayed till 11 and saw no irregularity. No. 7 the ward bill collector says there was a crowd and some pushing among the voters to try and get in first but he saw no intimidation. No. 8 is so interested that I decline to discuss him. No. 17, a master in the Osremen College corroborates by saying that he went at 9.30 or so and stayed an hour and saw no intimidation or obstruction. No. 14 however, the former adigari of Tellicherry entirely denies this and supports the account that Osrian Kuthi's adherents and relations were preventing people from entering and saying "let us see who will vote for Essoo" until the arrival of the police. On the whole I see the strongest reason

9.

to conclude that from day 9.15 to about 9.45
when the police came, Arican Kutti's partizans
were obstructing and intimidating voters on the
opposite side. Dava appears to have been dis-
regarded throughout and in fact he got no
votes. It is highly probable that this intimidation
kept away respectable voters who were not of
the Arican Kutti faction and induced voters
who came to the place to return. How far
it influenced the votes recorded depends
on how far the voters believed in the secrecy
of the ballot.

10. With this are enclosed the petition
of Essoo and the records of evidence as per
index. The voting papers are sent separately.

I have etc.

Sd/- R. D. Austin
Asst. Sub Collector.

/True copy/

W. V. Rao

J. C. M. S.

25/70/31/99

Proceedings of the Collector of Malabar

D 156/99 Dated 27th September 1899

Read again petition dated the 24th July 99,
presented by Cheringandi Essoo Salib of
Tollicherry, questioning the validity of the
election held on the 15th July 99, in the
Board of the Tollicherry Municipality
under article 34 of the election rules.

Read also (1) letter n.o. 819 dated the 15th
Inst, from the Sub Collector of Malabar,
reporting on the above allegation petition.

And (2) Petition dated the 16th Sept:
presented by G. Essoo Salib, requesting
that, for reasons stated, a fresh election
may be ordered to be held.

The result of the Sub Collector's enquiry
shows that intimidation was practised
in order to induce persons to vote for the
successful Candidate.

2. The election of Beeraikutte Salib
is therefore declared null and void.

3. A fresh election should be held.

Sd/- G. W. Dance
Collector

LOCAL & MUNICIPAL DEPT.

CURRENT No. 2570 m

D 156 99

True Copy of the above Pro.

ceedings with Copy of the sub Collector's report submitted to the Secretary, Local and Municipal Department, for the information of Government under rule 36 of the election rules.

Mrs. A. S.

Calicut
18-9-99

for Collector

cc.

en given for copying _____
en copied _____
en examined _____ 189 .
en signed _____

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

MENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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IN ORIGINAL.

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