

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 216 M.

DATED 17-2-99.

INDEXED.

[Despatch Abstract.]

Municipal Council. - Directing the Collector of Trichinopoly to pass orders on the objections petitions received against the election of Mr. Mys S. R. Rangaswami Aiyangar & K. S. Rangaswami Aiyangar as members of the Srirangam Municipal Council & report his decision to Government.

BACK PAPERS.

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

FURTHER PAPERS.

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En. 712	1899						

Local & Munl. (1899) Department

CURRENT No. 207^m

From R. H. Shipley Esq.
Collector of Trichinopoly.

Order No. 216 dated 17/2/99

Under No. 36 of the election
Rules issued in G.O. No. 1950 M,
dated 19th November 1898, the Collector
should pass orders on the objection
petitions in question and report his
decision to Government.

Ref. No. 99.

Dated 12th January 1899.

Received

Registered

Enclosures 8.

Spare copies.

1. R.
15/2/99

18 2 99

SUBJECT.

Reporting on the election of
M. R. Ry S. R. Rangaswami Aiyangar
and K. S. Rangaswami Aiyangar
as members of the Sirangam
Municipal Council.

Note.

The Election Rules came into force in Trichi-
nopoly on the 30th December 98.

To,

The Collector of Trichinopoly
with papers returned.
on 20/2/99

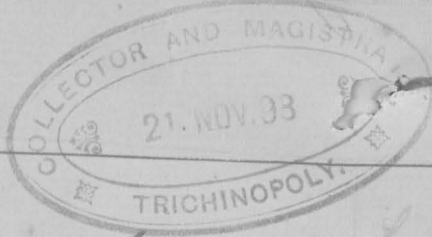
BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Report of Contested Municipal Election held in the Srirangam Municipality on the 19th November 1898.



City	Name of ward, if any.	Date of election	Number of registered voters.	Number of voters who exercised the privilege	Names of Candidates	Number of votes obtained by each.	Name of Candidate duly elected	Remarks
Srirangam Muni.	1. S. or Srirangam West ward.	19 th November 1898.	238	183	Mr. S. R. Rengasamiengar	92	Mr. S. R. Rengasamiengar	2 votes invalid
					" R. Chaga Raja Rao.	89		
Srirangam Muni.	2. S. or Srirangam East ward.	19 th November 1898.	288	208	Mr. K. S. Rengasamiengar	150	Mr. K. S. Rengasamiengar	1 vote invalid
					" J. Venivassachari	57		

Municipal Councillor's office,
Srirangam. 19th November 1898

M. Srinivasan
H. Seshadriengar
Chairman

D. No. 1254 of 1898.
Rev.

Head Quarters, Trichinopoly, 22nd December 1898

From Mr. M. Srinivasa Row Gann,
Deputy Collector,
Trichinopoly,

To The Collector,
Trichinopoly.

Sir,
With reference to your endorsement no. 1726 of 98 dated 5th December 1898 on the petition of J. Srinivasachariar objecting to the election of Mr. K. S. Srinivasam Aiyar as councillor for the 2nd ward of the Tiruvannamalai Municipality, I have the honour to report as follows:-

The petitioner has failed to show any valid grounds for setting aside the election. The first ground alleged by him is that the voters list is inaccurate. I submit it is not competent to the petitioner now to question its accuracy. Under rule 11 of the Election Rules framed by the Government under Section 250 of Act IV of 1884, the voters list is to be corrected by the Municipality and the Collector according to the procedure laid down in rules 7 to 13, and, subject to any such corrections, the list shall be final.

2. The petitioner cited instances to show

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that the voters' list had not been properly prepared — one being a case in which a graduate who was entitled to be registered as a voter was not entered in the list, one in which an individual who was not a full graduate and, as such, not entitled to be registered as a voter, was wrongly registered as a voter, and lastly the case of an individual who was said to be living on alms and not possessed of any of the qualifications under the rules to be registered as a voter.

Enquiry however shows that the individual in the last case pays a house-tax of

Rs 3 $\frac{3}{4}$ for house no. 210. As regards the

1st two instances, I did not think it necessary to make any further enquiries

to see if the petitioner's allegations were true as, under Rule 9 of the Election

Rules applications by persons entitled to vote and petitions objecting to the

entry of any name in the list should have been presented to the Chairman

within three weeks after the draft

s were affixed to the Municipal Office under Rule 8. It may however

be observed that the individual mentioned in the second case has

been

been rightly registered as a voter, as he is paying a house-rent of Rs 3 per month. So there is only one single case of an alleged qualified voter having been omitted in the list.

3. The petitioner admits that there was not practised at the election any fraud, bribery or intimidation. He, however, contends that two Councillors of the Municipality, viz. Messrs Srinivasaiah Nayudu and S. Ramaniya Aiyangar canvassed votes on behalf of the elected candidate, and that the latter also stood over his agent at the gate of the polling office to identify voters (i.e.) to see that persons not registered as voters did not go in and vote. Mr. Srinivasaiah Nayudu denies having canvassed votes on behalf of the elected candidate. Mr. Ramaniya Aiyangar admits having told some voters who came to consult him that they might vote for the elected candidate, and also admits having remained, with the Chairman, for a few hours at the gate of the polling office to identify voters. Vague evidence has been adduced to show that both these Councillors were canvassing votes on behalf of the elected candidate. There is nothing in the rules prohibiting Municipal Councillors from canvassing votes on behalf of

candidates at elections, and therefore the conduct attributed to the Councillors, even if true, does not invalidate the election. A feeble insinuation was made by the petitioners at the enquiry that these Councillors secured votes for his rival candidate by bringing undue influence to bear upon the voters. There is no satisfactory evidence adduced in support of this contention.

4. Mr. S. S. Rungaswami Aiyangar has secured an overwhelming majority of votes, viz., 150, while the petitioners have secured only 57 votes. I am of opinion that this objection petition is a frivolous one and deserves no consideration.

5. The objection petition and the record of enquiry are enclosed herewith as per list.

I have etc.

(Signed) M. Simivasa Row Gurn,

Deputy Collector.

(True Copy)

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Deputy Collector.

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D. Dis. no. 7 of 99.
Rev.

Head Quarters Deputy Collector's Office,
Trichinopoly, 17/6th January 1899.

From

Mr. M. Simivasa Row Gurn,

Deputy Collector,

Trichinopoly.

To

The Collector,

Trichinopoly.

Sir,

In reference to your endorsement, Ref. on Petition. no. 1722 of 1898 dated 3rd Dec-
ember 1898 directing me to enquire into and report on the petition presented by the voters of the 1st Ward of Srirangam Municipality objecting to the election of S. R. Rungaswami Aiyangar as Councillor of that ward, I have the honour to report as follows:-

2. The following are the chief grounds alleged by the petitioners for invalidating the election:-

(1) That the voters' list prepared last year is inaccurate and fraudulent, the names of many persons not qualified to vote being registered and the names of those qualified to vote being omitted in the list, and that some of the voters who have given their votes are minors.

(2) That, previous to the election

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mentro

voters for which Candidate they —
wanted to vote and managed to
get their votes on behalf of S. R.
Rungaswami Aiyangar.

3. Two witnesses have been
examined in respect of the first
ground, but their evidence fails
to establish it.

Fifth witness Doraiswami
Aiyangar was cited to prove that
he was not qualified to be regis-
tered as a voter as he is not paying
any house-tax, income tax or
profession tax. But he pays a
house-rent of Rs 5 per mensem
and is therefore entitled to vote.

Sixth witness Subramania Aiyar
was cited to prove that his grandson,
a minor, was registered as voter.
But it appears that the minor
is not entered as a voter, but the
witness, as his agent, is seen
to have entered the bills for the payment
of taxes for house and lands of
the

3.
the minor are issued in the name
of the witness as his agent.

I beg to submit that it is not
Competent for the petitioners now
to question the accuracy of the
voters' list which under rule 11
of the Election Rules has already
become final. The petitioners
have entirely failed to make out
that the list is inaccurate in
any way.

4. The allegation made in the 2nd ground
seems improbable. The evidence adduced
in support of it is very meagre and
unreliable. The 7th witness, S.
Krishnaswami Pillai, states
that he saw S. R. Rungaswami
Aiyangar inducing his (witness's)
neighbour one Balakrishna Pillai
to vote for him, threatening
that, otherwise, he would get
him assessed to income-tax.
S. R. Rungaswami Aiyangar

both has nothing to do with the income-
tax assessment and the witness's
Statement is on the face of it
absurd and untrue. The wit-
ness admits that he told a
lie to S. R. Rungaswami Aiyangar
when he promised to vote
for him, although he did not
intend to do so, and he actually
voted for the other Candidate.
No reliance can therefore be
obviously placed on his testi-
mony. The 8th witness Bala-
Krishna Pillai states that, on
the evening previous to the day
of election, S. R. Rungaswami
Aiyangar asked him to vote
for him and threatened
that, otherwise he would
have the profession tax imposed
on him. This Statement is at variance
with

4.
with the Statement of the 7th
witness who stated that the
threat was to impose income-
tax and not profession tax.
The 11th witness Kathaperumal
Muttayan states that S. R. Rungaswami Aiyangar threatened
his aunt that if she did
not vote for him, he would
punish her when he got Ma-
gisterial powers in connection
with plague. This Statement is
also absurd and there is no
other reliable evidence to sup-
port it. It is curious to note that
these three witnesses who pretend
to have been threatened by S. R.
Rungaswami Aiyangar and
leged, all gave their votes for

vott Nagaraja Row, his rival candidate,
in spite of his threats. The 12th
witness Maila Pillai states that
S.R. Rengaswami Aiyangar first
3. offered to pay him money to get
his (witness's) brother's vote for him
and that when he refused to
do so, threatened him saying that
he was going to be appointed Comm-
-Cillor for the plague and that he
would then charge him. This
Statement of the witness is not cor-
-roborated by any other evidence
and the witness himself admits
that he was not alarmed or fright-
-tened by the alleged threat.

The 13th witness ^{masi} Konan and 16th
witness Krishnaswami Konan
state that, a few days before
the election, S.R. Rengaswami
Aiyangar's brother took them
to

to the chairman who told them that
they should all vote for S.R. Ranga-
Swami Aiyangar and threatened
them that otherwise, they will get
into troubles when S.R. Rengaswami
Aiyangar gets magisterial powers.

The chairman examined as a wit-
-ness on behalf of S.R. Ranga Swami
Aiyangar denies having used any
such threats to any of the voters
and swears that he did not, either
in his private capacity or as chair-
-man of the Council or trustee of
the temple, bring pressure to bear
upon any voter to give his vote
for S.R. Rengaswami Aiyangar.
Considering the status in life of
these witnesses and the improba-
-bilities of their statements, I am
of opinion that their testimony
is not entitled to any weight and
that the allegation that there
was threat or intimidation practised

the election either by Rungaswami Aiyangar himself or by anybody else on his behalf, as stated, is entirely groundless.

5. 3rd ground:- The 11th witness Kattaperumal mettingan whose evidence has been referred to in connection with the 2nd ground, states that one Govinda Aiyangar alleged to be the agent of S. R. Rungaswami Aiyangar offered Rs 4 to him (the witness) to induce her to vote for S. R. Rungaswami Aiyangar.

The offer is said to have been made at the gate of the polling premises in broad day-light. This is highly improbable. It is admitted that there were present at the place police constables and also the agents of the rival Candidate and it is incredible that any such bribery was attempted to

openly

openly in their presence. Govinda Aiyangar is also said to have bribed one Nangapuram Sawni Aiyangar to give his vote for S. R. Rungaswami Aiyangar. This is attempted to be proved by the evidence of the 15th witness Dammaraaja Aiyar, a client of the rival Candidate, Nagaraja Dow. The witness says that payment was made at 9 A.M. near a Chattram which is about 30 yards from polling premises. He does not know the exact amount, but says that it was Rs 2 or 3. But both Govinda Aiyangar and Sawni Aiyangar who were examined by S. R. Rungaswami Aiyangar on his behalf as ^{his} agent and 2nd witnesses, deny this. Evidence has been adduced to show that S. R. Rungaswami Aiyangar himself bribed one Velayuda Asari by paying Rs 2 to him to secure his vote. Velayuda Asari who was examined on behalf of S. R. Runga

swami Aiyangar a... witness
denies this. The evidence of the peti-
-tioners 13th and 14th witnesses Masi
Konan and Periyathambi Konan
that S. R. Rungaswami Aiyangar
brought Velayuda Asari to their
former of them after paying the
- bribe in order to persuade him
Co (Velayuda Asari) to vote for him is
the improbable. After the payment
to of the money, if true, there was ob-
- viously no necessity for any persua-
- sion by Masi Konan. The State-
- ment of the 12th witness Mailla
f Dillai that S. R. Rungaswami ai-
- yangar and his brother offered to
pay him money (exact amount
not mentioned) to induce his (wit-
- ness's) brother to give his vote for him
is unsupported by any other evidence.
The witness says that he is a rich
land well to do ryot paying Rs 1200
to Government. It is extremely
to improbable that S. R. Rungaswami
Aiyangar would have offered to pay
bribe

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bribe to such a person. This payment
of bribe by S. R. Rungaswami Aiyangar
himself and his offer to pay the bribe
to 12th witness are not also specifically
mentioned in the petition, the al-
- legation in the petition being that
his agent Govinda Aiyangar paid money
to voters. The allegation that a sum
of Rs 10 which S. R. Rungaswami
Aiyangar owed to the petitioner Krishna
Konan was returned by S. R. Runga-
swami Aiyangar's brother giving a
Chit to the cloth merchant Rama Row
(the 2nd witness) to induce him (Krishna
Konan) to give his vote and secure
other votes is supported by the evidence
of only one single witness, viz. Krishna
Konan himself. The cloth merchant
Rama Row, simply speaks to the sale
of the cloth to the petitioner at the re-
quest of S. R. Rungaswami Aiyangar's
brother. He denies that there was any
sent by Krishnaswami Aiyangar. The
fact that a cloth was sold to the petitioner
at Krishnaswami Aiyangar's request

continued at 7¹/₃₀ A.M. and lasted
till 4 P.M. with the short interval of
25 minutes at about 2 O'clock (vide the
evidence of the polling officer). Considering
all these circumstances, the State-
ments of 3rd and 9th witnesses that
they were prevented from voting for
Nagaraja Row on account of the
polling officer's absence are in my
opinion entirely false.

(b) The witnesses who speak in sup-
port of this allegation are the 7th and
11th witnesses, Krishnaswami Pillai
and Kattaperumal Muttayyan, ab-
solutely referred to. They are contra-
dicted by Govinda Aiyangar and
Shakravarti Aiyangar, witnesses stand
for S. R. Rungaswami Aiyangar,
and the polling officer (the petitioner's
witness) denies also having spoken to
S. R. Rungaswami Aiyangar's agents,
alleged.

(c) The 10th witness Krishnaswami Pillai
states that when he was in the polling
room

9.
room and had just finished signing
the vote paper, two other voters came
in and that he remained in the
room while they voted and he
pretends to have seen for which
Candidate they voted. The polling
officer swears that he did not allow
more than one voter at a time in
the polling-room. That the statement
of this witness is unreliable is evi-
dent from his another statement,
viz, that in stead of putting the
voters' paper folded in the ballot-box
himself, he kept it on the table and
that the polling officer took it up
and that he (the witness) did not
care to see that it was put into the
ballot-box.

(d) The polling officer admits that,
in the case of illiterate voters, he ask-
ed them for whom they intended
to vote in order to instruct them
which name in the voting paper
should be scored out. He denies the
intimation made by the 4th witness

10.
Chinnama haick that he scored out
the name of Nagaraja Row for whom
he wanted to vote. The polling officer
also denies having told the 7th witness
Krishnam Pillai that his vote for
Nagaraja Row was one vote thrown
away and having advised him to
vote for S. J. Rungaswami Aiyangar
who had got a large majority.

The polling officer, Mr. Tiruvengada
Chariar, is a nominated Councillor
of the Municipality. The evidence
shows that the unsuccessful candi-
date, Mr. Nagaraja Row requested
him to accept the appointment of
polling officer and the chairman
swears that he appointed him as
he thought his appointment would
be unobjectionable. Mr. Tiruvengada
Chariar belongs to the tungalai sect,
while S. J. Rungaswami Aiyangar
is a vadagalai. He is a native of
and, although he has
been in the place since 1894,
is acquainted with most of the people
at

10.
at the place and, according to the re-
sult of my private enquiry, he is
unconnected with any of the factions
which are admittedly existing in
the station. He is a respectable
railway employee drawing a
salary of Rs 100 a month. I have no
hesitation in saying that all the
insinuations made against him
in the petition and in the evidence
are reckless and entirely found-
less. I attended the elections in
the morning and was present in
the evening when the ballot box
was opened. There was no complaint
made that the polling officer had
conducted himself in the manner
now alleged.

7. It is a well-known fact that
there are two factions - tungalai
and vadagalai - in Srirangam.
S. J. Rungaswami Aiyangar, the
elected Councillor, is a vadagalai
and the chairman, Mr. Seshadri
Aiyangar is also a vadagalai. There

Encl -

DESPATCHED *Inclined by Collector's*
 DISTRICT MAGISTRATE'S OFFICE,
 Dated 12th January 1899.
 16 JAN. 1899

R. H. Shipley Esq.,

COLLECTOR AND DISTRICT MAGISTRATE OF

LOGAL & MUNICIPAL DEPT. *Trichinopoly*

To

THE ~~CHIEF~~ SECRETARY TO GOVERNMENT.

Local, and Municipal DEPARTMENT.

Madras

SIR,

I have the honour to report that the term of Councilorship of Mr R. S. P. Gun-
-faswami Aiyangar do.
Rangaswami Aiyangar do. in the Sri-
-rangam Municipal Council ex-
-pired on the 21st October last,
and an election was held on the
19th November 1898 to fill up the
2 vacancies, and they were both
re-elected.

re-elected.

2. Two petitions of objection against the elections were received, and the reports of the ^{mm} Head Quarters Deputy Collector ~~reports~~ thereon show that there is no reason to annul the elections.

3. I request that Government may be pleased to gazette their names as Councilors.

4. The objection petitions and Copies of the reports of the Head Quarters Deputy Collector thereon, together with the list of existing Councilors are herewith submitted.

I have the honour to be,
Sir,
Your most obedt Servt,

Mundakur
To Collector.

[Signature]

When given for copying
When copied
When signed
When signed 18/2

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READ AGAIN G.O. No.
189

DATED

CURRENT No.

ENCLOSURE TO C. No.

OF GOVERNMENT

A A A A A A A

OF GOVERNMENT.

MENT WITH DIET.

ARE NOT FILED UP, BEING MEANT FOR DESPATCH
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