

Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 1097M.

DATED 3-8-97

INDEXED.

[Despatch Abstract.]

Munl Council Agreeing with the
Sub-Collector and the Collector of Madras in
their views as regards the preparation of the
list of voters in the Dindigul Municipality
and ordering, with remark, that the election of
of ~~Mr. R. J.~~ Shaik Muhammad Ibrahim Rooster
as a member of the Dindigul — be notified

BACK PAPERS.

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

FURTHER PAPERS.

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Local & Munl. (1899) Department.

CURRENT No. 2009m

dep

Hm

Order *NO 1097* *miss* *23/8/99* *MA 18 M* From The Collector of Madras

The Government agrees with the Sub-Collector and the Collector in Con-

Lab. No. 1748 of 99

Sidering that the irregularity in the preparation of the list of voters referred to by the Petitioner was not such as to affect materially the accuracy of such lists.

The petition of objection will accordingly be rejected and the name of the successful Candidate published in the Fort Saint George Gazette.

2. A Statement in the form prescribed in G.O. No. 690 M, dated 22nd June 1899, showing the result of the election, should have also been submitted.

Dated 24th July 1899.

Received 27 JUL 1899

Registered

Enclosures Three

Spare copies nil

SUBJECT.

Requesting early orders on an objection petition presented under the sec. 34 of the Municipal Election Rules by a candidate at the election held for the IV ward Divisagul Town.

P.R.
29/7/99

Depd. 5/8/99

Hm

The Collector of Madras

20.10.99

BACK PAPERS.

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0.1990	mof 98		
0.1991	mof 99		
4991	nuis	1039	nuis
570199		2101/199	

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NOTIFICATION.

UNDER Section 10 of the Madras District Municipalities Act, 1884, the under-mentioned gentleman has been duly elected a Municipal Councillor of the Municipality of *Diindigul*.

M.Ry. Shaikh Muhammad Ibrahim Ravuttal
awar

Municipal

CURRENT No. 2009 M.

G.O. No. _____ M. 9

FORT SAINT GEORGE GAZETTE—

PART I-A.

Proc. III to Madras Cases letter
Case no. 1748 of 1899 of 24-7-99.

Proceedings of the Collector of Madras
dated 22nd July 1899.

Read petition of Asanasan Rowther
under Rule 34 of the election Rules

" Report of the SubCollector of
Dindigul dated 19th July 1899.

The Petitioner was a Candidate for
the IV Ward Dindigul, and obtained
26 votes while Sheik Mahomed Ibrahim
Rowther obtained 30 votes.

2 He raises the following objections.

(a) Under rule 35 (b), that the elected candidate was not at the time of election duly qualified as a Candidate because in Sessions Case no 46 of 1898 in which the Candidate was a witness, his character has been found defective so as to unfit him to be a Municipal Councillor.

In this Sessions Case Mahomed Mahidthan Rowther brother of the elected Candidate was accused of forgery and fabrication of false evidence.

The High Court confirmed the conviction of the Sessions Court against the

11. Mahomed

This accused, under sections 109-193 and sentenced him to suffer 6 months Rigorous Imprisonment and to pay a fine of Rs 200. The High Court considered that it was proved that the accounts produced by the accused were fabricated, to show payment of a rent of Rs 10 to another person, and that the accused instigated the fabrication.

Mahomed Ibrahim Rowther as 8th Prosecution witness deposed that he & his brother the accused, used to pay the rent and obtain receipts.

The Petitioner argues that the Candidate is liable to prosecution for his false evidence and fabrication in that Case, and that an application has been made to the Sessions Court for sanction to prosecute him.

It is not stated when such an application was made. The judgment of the High Court was delivered on 7th November 1898 so that there has been ample time already to apply to the Sessions Court, if Petitioner had thought fit.

The judgment of the High Court implies that the Prosecution witnesses

who deposed that rent was paid by the accused have given false evidence in that case, but no order is passed by the High Court that this witness or any other Prosecution witness should be prosecuted on this charge.

I cannot therefore uphold the objection to the election, that the candidate was disqualified under Rule 6(d) of the Election Rules.

3. The Second objection is that material and serious irregularity occurred in the preparation of the List of Voters for the ward in that the names of several persons eligible to be voters have been omitted.

This is an objection under 35(d) of the Rules and the matter will be referred to Government for orders.

The Sub Collector reports that the names of three persons who had died were included in the List of Voters published on 31st December 1898.

It does not make the least difference to the result of the election - whether these names were included or not.

Presumably

Presumably they were electors in 1898 and their names were not reported for erasure either before or after 31st December. The petitioner has proved that two persons Kanda-swami Asari and Ramaswami Nair paid Profession Tax of at least Rs 2 for 1898-99 before the list was published in December 1898.

These persons were entitled to be entered in the list, and they should have applied to the Chairman before 1st February 1899. Because they failed to have their names entered, it can hardly be said that any serious irregularity occurred. In fact, it is an error which must occur in almost every list of voters. The total number of voters is 82.

Another person Kathamalai Nadeem is reported to have paid the profession tax in January 1899.

As these are the only cases in which names have been omitted, and provision is made in the Rules to have such errors rectified if the Voters apply, I do not

Consider any irregularity occurred.

(Signed) J. G. D. Partridge
Ag Collector

(True Copy)

8/12

J. G. D. Partridge
Ag Collector

I have the honor to be
Sir

Your Most Obedt Servt.

J. D. W. L. L. L.
Sg Collector

When given for copying _____
When copied _____
When examined _____
When signed 4/8 } 189

READ AGAIN G.O. No.
189

, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DETAIL

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN FINAL.

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