Local & Munl. (189) Department.

PRINTED.

G.O., No. 1195-m

DATED 18/8/89

FILED.

[Despatch Abstract.]

Election rules. Relating to
remarks the publication in the
Toronto St. George & all Dt. Gazettes
of a notification making an addition
to no 3 of the rules for the
election of chairman of municipal council
stating that the revised rule shall come
into force in each Dt 3 months after its first
publication in the Dt. Gazette in English
in the vernacular language of the Dt.

[illegible]
Ref.
1

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1899} of Madras.

LOCAL AND MUNICIPAL.

Enclosures

Reed. } 1899. *Spare copies*

Regd.

G.O., No. 1195 M., 18th August 1899.

AUGUST.

Election Rules.

Ordering, with remarks, the publication in the Fort St. George and all District Gazettes of a notification making an addition to No. 3 of the rules for the election of Chairmen of Municipal Councils, and stating that the revised rule shall come into force in each district three months after its first publication in the District Gazette in English and in the vernacular language of the district.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following paper :—

G.O., No. 758 M., dated 26th May 1899.

ABSTRACT.—Ordering, with remarks, that the election of M.R.Ry. P. M. Kailasam Pillai as Chairman of the Tinnevelly Municipality be notified, and directing the publication in the Fort St. George and all District Gazettes of a notification proposing an addition to No. 3 of the rules for the election of Chairmen of Municipal Councils promulgated in G.O., No. 214 M., dated 7th March 1888.

READ—also the following papers :—

From the Chairman, Municipal Council, Cocanada, dated 4th July 1899, D. Dis. No. 5—C.M.

From the Chairman, Municipal Council, Tinnevelly, dated 5th July 1899, Ref. on Gov. Cur. No. 84.

ORDER—No. 1195 M., dated 18th August 1899.

In the Government Order read above, an addition which it was proposed to make to No. 3 of the rules for the election of Chairmen of Municipal Councils issued in G.O., No. 214 M., dated 7th March 1888, was published for information and criticism under section 256 (1) of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897. The letters read above are the replies received.

2. The Municipal Council of Cocanada has no objection to the proposed addition, but the Chairman and the Municipal Council of Tinnevelly consider that the object of the amendment will be better served by the omission of the words "a Councillor" from the form appended to Rule 3, than by the addition of a foot-note as proposed, as the retention of the words "a Councillor" will give rise to a misapprehension that all Councillors are as a matter of right entitled to stand as candidates for the Chairmanship, although they may not be qualified to be Municipal Councillors under section 10-A of the Act, as required by proviso (i) to section 14 (1) (*b*). The Government, however, does not consider that this contention is valid. The proposed addition is therefore confirmed and the following notification will be published in the *Fort St. George Gazette* in English and in all District Gazettes in English and in the district vernaculars :—

NOTIFICATION.

Under section 250 (1) (*b*) of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, His Excellency the Governor in Council is pleased to add the following foot-note to No. 3 of the rules for the election of Chairmen of Municipal Councils, promulgated in G.O., No. 214 M., dated 7th March 1888. The revised rule shall come into force in each district three months after its first publication in the District Gazette in English and in the vernacular language of the district.

"*Note.*—The words 'a Councillor' shall be struck out when the person nominated is not a Councillor."

[Ref. 1]

3. The Translators to Government will furnish the necessary translations of the above notification, and the Superintendent, Government Press, will print the required number of copies in English and in the vernaculars and forward them to the Collectors for publication. Each Collector will report the date of publication in the District Gazette.

(True Extract.)

M. HAMMICK,
Ag. Secretary to Government.

To all Collectors.
„ all Chairmen of Municipal Councils.
„ the Tamil Translator to Government.
„ the Telugu „ „
„ the Malayalam „ „
„ the Canarese „ „
„ the Superintendent, Government Press.
Gazette.
Editors' Table.

Exd. C. M. Thumbuswamy.

[Ref. 1]

TTMENT.

Government {1899} of Madras.

LOCAL AND MUNICIPAL.

Recd. / Regd. } 1899. Enclosures / Spare copies

G.O., No. 1195 M., 18th August 1899.

AUGUST.

Election Rules.

Ordering, with remarks, the publication in the Fort St. George and all District Gazettes of a notification making an addition to No. 3 of the rules for the election of Chairmen of Municipal Councils, and stating that the revised rule shall come into force in each district three months after its first publication in the District Gazette in English and in the vernacular language of the district.

[L. & / 25]

530—19-12-98.

LOCAL AND MUNICIPAL DEPARTMENT.

Read again G.O. No. 758 M, dated 26 May 1899
& C. Nos. 1829 & 1929 M of 1899.

SUBJECT:

Amendments of the rules for the election of Chairmen of Municipal Councils

ORDER. No. 1195-M of 1899

In the Government order read above, an addition, which it was proposed to make to No. 3 of the rules for the election of Chairmen of Municipal Councils issued in G.O. No. 214, M, dated 7 March 1888, was published for information and criticism under section 256 (1) of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897. The letters read above are the replies received.

2. The Municipal Council of Cocanada has no objection to the proposed addition, but the Chairman and the Municipal Council of Tinnevelly

Consider

Consider that the object of the amendment will be better served by the omission of the words "a Councillor" from the form appended to Rule 3, than the addition of a footnote as proposed, as the retention of the words "a Councillor" will give rise to a misapprehension that all Councillors are as a matter of right entitled to stand as Candidates for the Chairmanship, although as required by Proviso (i) to sec 14 (1)(b) of the Act they may not be qualified to be Municipal Councillors under Section 10. The Government, however, does not consider that this contention is valid. The proposed addition is therefore confirmed and the following notification will be published in the Fort St George Gazette in English and in all District Gazettes in English and in the district vernacular:-

Notification

Under Section 250 (3)(b) of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, His

His Excellency the Governor in Council is pleased to add the following footnote to No. 3 of the rules for the election of Chairmen of Municipal Councils promulgated in G.O. No. 212 R dated 7th March 1888. The present rule shall come into force in each district three months after its first publication in the District Gazettes in English and in the vernacular language of the district.

"Note. The words "a Councillor" shall be struck out when the person nominated is not a Councillor."

3. The Translators to Government will furnish the necessary translations of the above notification, and the Superintendent of Government Press, will print the required number of copies in English and in the vernacular and forward them to the Collectors

collectors for publication. Each
collector will report the date
of publication in the District
Gazette.

t.A
5/9/99

4th Sept 99

To.

All Collectors.
All Chairmen, Municipal Council

The Tamil Translator to Govt 3
" Telugu " " 3
" Malayalam " " 4
" Canarese " " 3
" Superintendent Govt. Press 2

Dept 1/9/99

Gazetted 5/9/99
2/9/99
Editor's Table

Extract from the Proceedings of the Municipal Council, Cocanada,
passed at its Meeting held
on Saturday the
18th July 1899.

PRESENT:

* * * *

1 M.R.Ry P. Sitaramayya Pantulu Garu M. A., } officiating chairman
2 " Rao Bahadur P. Punniah Pantulu Garu } Councillor
3 J. Leyckhander Esquire do.
4 Captain G.W. Wicks do.
5 Reverend H. H. Laflamme do
6 G. H. White Esquire do.
7 Pakhoda Dada Sahib do.
8 M.R.Ry G. Venkataratnam Garu do.
9 " B. Somayajulu " do. do.
10 " Rao Bahadur B. Venkataratnam Garu do. do.
11 " B. Ramamurty Garu do. do.
12 " V. Padmanabham Garu B.A., do. do.
13 " P. Chittayya Garu do. do.
14 " K. Perraju Garu do. do.
15 " B. Pallamraju Garu do. do.
16 " P.A. Rajajee Garu do.
17 E.A. D'Cruz Esquire

5 Read G.O. No. 784 M., dated 3d June 1899 8 99
regarding Election rules.

The Council has no remarks to offer.

(Sd) P. Sitaramayya.
officiating chairman.

(True Extract)

Municipal office
Cocanada 18th July 1899 } 3-9-99 officiating chairman

Extract from the Proceedings of the Municipal Council, Cocanada,
passed at its Meeting held
on Saturday, the
1st July 1899.

PRESENT:

* * * *

1 M.R.Ry P. Sitaramayya Pantulu garu M.A., officiating Chairman
2 " Rao Bahadur P. Purniah Pantulu garu Councillor.
3 J. Lotchlanser Esquire Do.
4 Captain G.W. Wicks Do.
5 Reverend A.F. Layflamme Do.
6 G.H. White Esquire Do.
7 Fakhoda Dada Sahib Do.
8 M.R.Ry G. Venkataratnam garu Do.
9 " M.V. Somayajulu garu Do.
10 " Rao Bahadur B. Venkataratnam garu Do.
11 " B. Ramamurty Garu Do.
12 " N. Padmanabham Garu B.A Do.
13 " P. Chittayya Garu Do.
14 " K. Perraju Garu Do.
15 " B. Pallamraju garu Do.
16 " P.A. Rajagiri garu Do.
17 E.H. D'Cruz Esquire Do.

—

3. Read G.O No. 758 M., dated 26th May 1899 regarding Election rules.

———o———

The Council has no remarks to offer.

(Sd) P. Sitaramayya
officiating Chairman

(True Extract)

Municipal office
Cocanada 1st July 1899 } Do 3.7.99 officiating chairman

NT.

D.Dis No- 5/CM of 99. Municipal office.
Cocanada 4th July 1899.
Despatched 5th July 99.

From

M.R.Ry P. Sitaramayya Bantulu Jamindar,
officiating Chairman, Municipal Council,
Cocanada.

To

The Secretary to Government,
Local and Municipal Department,
Madras.

Sir.

Referring to G.Os No's 758 M. and 784 M., dated 26th May and 3rd June 1899 respectively, regarding election rules, I have the honour to report that the Council has no remarks to offer.

2 Two copies of Council's resolutions are herewith submitted.

I have the honour to be,
Sir,
Your most obedient servant,

P. Sitaramayya
4.7.99
officiating chairman.

Local & Munl. (1899) Department.

CURRENT No. 19299

Order

From The Chairman
Municipal Council
Tinnevelly

Reference No. 24088

Dated 5th July 99

Received

Registered —"—

Enclosures 1

Spare copies nil

SUBJECT.

Submitting remarks on the amendment proposed in the rules for election of Chairman

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[Ref. 1]

5,000—29-9-08.

TMENT.

Extracts from the Proceedings of the Municipal Council Jaffna passed at the meeting held in the Municipal office on Monday the 26 June 1899 No 7

Present

M.R.Ry P. M. Kailasam Pillai Esqr Chairman

" Sinnatamby Kumarasamy Esqr

" Arunachalam Esqr

" P. Veerakathipillai Esqr

" C. Abraham Pillai Esqr

" C. Sangappa Pillai Esqr C

" Kumaraswamy Pillai Esqr

" J. L. Pieris Esqr

Mohamed Mohamedhadjiar Esqr

" M. C. Veerakathipillai Esqr

" A. Sanmugam Esqr

Para XI Read G.O. No 758 dt 26 5.

The Council is of opinion that the object of the amendment will be unmistakably secured if the word Councillor in the form in rule 3 be struck off altogether. It is quite possible that a person actually on the Council may not be qualified to be a Councillor under section 10A, when he seeks to be elected as Chairman in which case he will not be eligible to stand as a candidate for Chairmanship

(Signed) P. McKailaeam Pillai
Chairman

P. McKailaeam Pillai
Chairman

Ref on Govt Memo No 8548/29

Tuticorin Municipality
27.5 July 1929

From

The Chairman
Municipal Council

To

LOCAL & MUNICIPAL DEPT.
07 AUG 1929
19299

The Secretary to Government
Local and Municipal Department
Madras

Through the Revenue Divisional Officer
and the Collector of Tinnevelly

Sir,

With reference to GO No 758 Mil Dated the 20th May 1899 proposing an addition to rule No 3 of the rules for the election of Chairmen, I have the honor to state that if the word 'Councillor' in the forms in rules be retained and if only a foot-note be added as proposed, one may think

1929/Mis/99

think that all Councillors are, as a matter of right entitled to stand as candidates. Section 14 provides clause 1 requires that a candidate must be qualified to be a Councillor under section 10 A, and under section 14 clauses 1 and 2, a Chairman is liable to be removed, if at the time of his appointment, he was not qualified to be appointed a municipal Councillor. It is quite possible that a person who is actually on the Council when he seeks to be elected as Chairman may not be qualified to be a Councillor on that date under section 10A; as for instance, a person who resided within the municipal limits or within 2 miles thereof on the date of his appointment as Councillor and who

who continues to be so, may not possess the qualification to be appointed a Councillor when he seeks to be elected as Chairman, by reason of subsequent change of his residence to a place more than 2 miles distant from the municipal limits. Such a person is in my opinion not entitled to stand as a candidate for the office of Chairman, though then actually on the Council. I therefore think that the word Councillor in the form in rule 3 may be struck off altogether and that no footnote is necessary The Council is of the same opinion and a copy of its resolution is here with forwarded.

I have the honor to be
Sir
Your most obedient Servant

V. M. Raiasamuthiri
Chairman

B.

[Ref. 4]

5,000—29-9-08.

TMENT.

Government {1899} of Madras.

LOCAL AND MUNICIPAL.

Recd. } 1899. *Enclosures*

Regd. } *Spare copies*

G.O., No. 758 M., 26th May 1899.

MAY.

Election Rules.

Ordering, with remarks, that the election of M.R.Ry. P. M. Kailasam Pillai as Chairman of the Tinnevelly Municipality be notified, and directing the publication in the Fort St. George and all District Gazettes of a notification proposing an addition to No. 3 of the rules for the election of Chairmen of Municipal Councils promulgated in G.O., No. 214 M., dated 7th March 1888.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following papers :—

From E. SCOTT, Esq., Acting Collector of Tinnevelly, to the Secretary to Government, Local and Municipal Department, dated 5th May 1899, D. Dis. No. 840-Gl. Rev.

In consequence of the expiry of the three years' term of M.R.Ry. P. M. Kailasam Pillai Avargal, Councillor of the Tinnevelly Municipality, on the 23rd March 1899, the office of Chairman held by him fell vacant under section 17 of the Municipal Act, and a special meeting was held on the 20th April 1899 to fill the vacancy.

2. At the meeting, M.R.Ry. P. M. Kailasam Pillai Avargal obtained more than half the number of votes of the members then on the Council, and was declared to have been duly elected, and I have the honour to request that the election may be notified by Government.

3. A copy of the Proceedings of the Council relating to the election is enclosed.

4. A petition objecting to the validity of the election on the ground that M.R.Ry. P. M. Kailasam Pillai Avargal was not a municipal councillor on the day of election was received by me within the period fixed in the election rules, but was rejected after enquiry, as section 14 of the Municipal Act permits a council to elect as chairman a person who is not a councillor. The petitioners contended that from the wording of the form in rule 3 of the election rules the person nominated must be a councillor, but as the Act is quite clear on the point, this contention is of no value. However, the words "a councillor" in the form in rule 3 should, I would suggest, be struck out.

From A. SANKARAKUMARU PILLAI and two others, Councillors of the Tinnevelly Municipality, dated 10th May 1899.

ORDER—No. 758 M., dated 26th May 1899.

In the opinion of the Government, the objection raised in the case of the election of M.R.Ry. P. M. Kailasam Pillai as Chairman of the Tinnevelly Municipality is untenable. The usual notification of the result of the election will therefore be published in the *Fort St. George Gazette*.

2. As the present wording of the form attached to rule 3 of the rules for the election of Chairmen of Municipal Councils is to some extent misleading, His Excellency the Governor in Council considers that the rule should be amended by the addition of a foot-note making it clear that persons who are not councillors are eligible as candidates for the office of Chairman under section 14 (*b*) (ii) of the Municipal Act.

3. The following notification will be published in the Fort St. George and all District Gazettes :—

NOTIFICATION.

His Excellency the Governor in Council is pleased, under section 256 (1) of Madras Act IV of 1884, to publish the following draft of a proposed addition to the rules for the election of Chairmen of Municipal Councils, promulgated in G.O., No. 214 M., dated 7th March 1888, and to give notice that the proposed addition will be taken into consideration on or after the 1st August 1899.

To rule 3 of the rules promulgated in G.O., No. 214 M., dated 7th March 1888, the following foot-note shall be added :—

"The words 'a councillor' shall be struck out when the person nominated is not a councillor."

(True Extract.)

M. HAMMICK,
Ag. Secretary to Government.

To all Chairmen of Municipal Councils.
" Collectors.
Gazette.

Exd. W. D'Moss.

[Ref. / 4]
5,000—29-9-08.

...RTMENT.

...gst copy sent to Press. 19-8-99

Returned for signature. 21-8-99

...atched in print. 1-9-99
2-9-99

...AD AGAIN G.O., No. 750m DATED 26-8-99—Q

...URRENT No. 1809 & 1929n—Q

NUMBER OF COPIES REQUIRED. { Order complete. 260 / Letter only. / Order complete with Letter.

ENCLOSURES TO C. No.

Proofs please
18/8/99

ORDER OF GOVERNMENT A..

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—

A = Print in full
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.