

Local & Munl. (1899) Department.

PRINTED.

G.O., No. 758 M

DATED 26/5/99

INDEXED.

RECEIVED

[Despatch Abstract.]

Election Rules.

Ordering, with remarks, the publication in the Fort Saint George Gazette of a notification regarding the election of Mr. R. R. P. M. Mailasam Pillai, as Chairman of the Tirunelveli Municipality, and the publication in the Fort Saint 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, and stating that the proposed addition will be taken into consideration on or after the 1st August 1899.

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.

Recd.

Enclosures

Regd.

1899.

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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 Tinnevely 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 Tinnevely, 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 Tinnevely 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 Tinnevely 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 Tinnevely 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'Moon.

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Government (1899) of Madras.
LOCAL AND MUNICIPAL.

Proof for approval

Stroke off as revised
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31/5/99

Recd.

Enclosures

1899.

Regd.

Spare copies

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

MAY.

Directing
Election Rules.

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The Collect
Gazette

to the effect of
the words "a Councilor" shall
be substituted for "a member"

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

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

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3. The following notification will be published in the *Fort St. George Gazette* 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.)

for Ag. Secretary to Government.

To all Chairmen of Municipal Councils.

"Collectors.

Gazette.

Exd. W. D'Mohr.

Local & Munl. (1899) Department.

CURRENT No. 1319-A-11

From

A. Sankara Kumaran Pillai and
two others, Councillors of
The Tinnevely Municipality.

Order

No

Dated 10th
Received 13th
Registered ..

May 1899

Enclosures nil
Spare copies ..

SUBJECT.

Praying that for reasons
stated the election of
Mr. P. M. Hailasam Pillai
an ex-councillor, as chairman
of the municipality may
be vetoed.

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V.R.
13/5/99

The Collector
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the words "a Councillor" should
be put in the margin

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Government {1899} of Madras.
LOCAL AND MUNICIPAL.

Recd.

Regd.

1899.

Enclosures

Spare copies

Gazette Part I A

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 Tinnevely 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 Council promulgated in G.O., No. 214 M., dated 7th March 1888.

3/6

3. 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 Memorandum.

Notification.

His Excellency the Right Honourable the Governor in Council is pleased under Section 14 of the 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. 17th March 1888. No 214. M. S. 11. and to give notice that the proposed addition will be taken into consideration on or after the 1st July 1899 -

To Rule 3. of the Rules promulgated in G.O. 17th March 1888 No 214. M. S. 11. the following words shall be added -

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

M
19.5.99.

Chairman's Office 30/5/99
Secretary's Office 6/6/99

To All Chairmen of Municipal Councils
Collectors
The Superintendent Joint P.W.
Gazetted 15/5/99
3/6/99

Municipal

LOCAL AND MUNICIPAL DEPARTMENT.

NOTIFICATION.

His Excellency the Right Honourable the Governor in Council approves, under Section 14 of the Madras District Municipalities Act, 1884, of the appointment by election of the under-mentioned gentleman to be the Chairman of the Municipal Council of the Municipality of Tirunelveli.

M. R. P. Kailasam Pillai Avaragal

Local & Munl. (1899) Department.

CURRENT No. 1305m

Note.

I have also seen the accompanying petition. The petitioners are however wrong. Even if the rules did say that the Chairman was to be a Councillor. They cannot overrule the Act which allows the Chairman not to be a Councillor.

Misc

Order

Mr From
17-4-99

The Collector
Tinnevely

The objection raised against the election of Mr P. M. Kailasam Pillai as Chairman of the Tinnevely Municipality, being as observed by the Collector untenable, his name will be notified in the Fort Saint George Gazette.

2. The omission of the words "a Councillor" from the form appended to No. 3 of the rules for the Election of Chairmen Municipal Councils issued in G.O. No. 411, dated 7th March 1888, is unnecessary. These words can be scored out whenever a nominee is not a Councillor.

V.R.
13/5/99

MA
16/5/99

Dis 840 No.
8/5/99

Dated 5-5-99
Received 11-5-99
Registered -
Enclosures one
Spare copies nil

SUBJECT.

Election of Mr P. M. Kailasam Pillai as Chairman of the Tinnevely Municipality.

I don't think a form in a rule that has the force of law can be modified except by Govt. The rule may be modified by a footnote to the effect that the words "a Councillor" shall be scored out.

The Collector Tinnevely
Gazette

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Enclosure to No. 540 8/4/99

Proceedings of the Municipal Council, Tinnevely passed at --
the special Meeting held at the Municipal Office on Thursday
the 20th. April 1899.

No.2.

Present.

D.C. Waller Esquire, Revenue Divisional Officer and Ex-Officio
Chairman.

M.R.Ry. Sriniva P.N. Venkatachalam Aiyar Avergal.

.. P.V.Venkatasami Pillai Avergal, Tahsildar.

.. Mahomed Mahomedudin Sahib.

.. C.S.Subramania Pillai Avergal.

.. C.Sadagopa Pillai Avergal.

.. Kaviraj Nelloyappa Pillai Avergal.

.. T.S.Pichumany Aiyar Avergal.

.. Kumarasamia Pillai Avergal.

.. S.P.Kanthimathinada Pillai Avergal.

.. Vairavan Chettiar Avergal.

.. A.Sankarakumar Pillai Avergal.

.. A.Anandacharlu Avergal.

.. Thirumalakumarachari Avergal.

.. T.K.Tirumalaiyappa Pillai Avergal.

I. Read letter No.501 dated the 3rd. March 1899 from the
Collector of Tinnevely requesting to convene a Meeting on
this date for the election of a Chairman for the SA Council.

Two candidates viz, M.R.Ry.P.M.Kailasam Pillai and M.R.Ry
T.S.Pichumany Aiyar Avergal were nominated for election.

M.R.Ry.P.M.Kailasam Pillai Avergal secured 9 votes and
M.R.Ry.T.S.Pichumany Aiyar Avergal 5 votes. The former is ---
consequently elected.

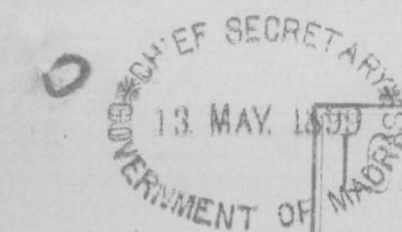
(Signed) D.C.Waller.

Ex-Officio Chairman.

(True Copy)

S.T.T.

For Ag.Collector.



To

His Excellency Sir Arthur Elibank Havelock.

G. C. M. G., G. C. I. E. Governor in Council

Fort Saint George, Madras.

The humble memorial of the three undersigned members of the Tinnevely Municipal Council, contesting the validity of the election, as their chairman, of Mr. P. M. Kailasam Pillai an Ex-councillor

MOST RESPECTFULLY SHOWETH:—

1. That your humble memorialists petitioned to the Collector of Tinnevely, requesting him to report to Your Excellency in Council, under rule 8 of the rules framed by the Government for the election of chairman, mentioning in the said petition the following eight grounds & that thereupon the Collector, your memorialists learn, has dismissed the petition which he has no jurisdiction to do under the said rules.

2. On the 20th April, the Tinnevely Municipal councillors met for the election of their chairman and Mr. P. M. Kailasam Pillai the Ex-chairman was elected by a majority of votes.

3. The election of the said Mr. P. M. Kailasam Pillai is invalid in law.

4. The said Mr. P. M. Kailasam Pillai was not a member of the Municipal Council at the time of the said election and therefore not qualified to be admitted as a candidate for the office.

5. Section 14 of the District Municipalities Act 1884, as amended by Act III of 1897 enacts that the Governor in Council may direct the Municipal Councillors to appoint their chairman by election in accordance with Such rules and conditions as may be prescribed. And rule 3 of the rules dated 7th March 1888, 17th December 94 and 30th August 1898 framed under Section 250 (1) (b) of the said Act for the election of chairman and still in force, provides that every candidate for the office of chairman shall be nominated by at least 2 councillors in the following form.

Municipality of _____

We, the undersigned, nominate _____ a councillor as a candidate for the office of chairman etc, etc, etc.

And by section 250 clause 3, the rules made and forms framed under that section [which provides for the rules & forms for the election of chairman] have the force of law.

1305/m/99

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6. Thus by the said form, which has the force of law and which governs such elections according to Sect 14, the candidate should be a councillor to be qualified to stand for the chairmanship.

7. There is nothing inconsistent in this interpretation with the Act, for all that Sect 14 says is, that even outsiders may stand, provided the Government by their rules permit such a thing. And the Government has not yet thought fit to state that outsiders may be elected chairmen. Section 14 is carefully qualified in respect of its authorization of the election of any person for the chairmanship, and that qualification is that election must be in accordance with such rules and conditions as may be prescribed by the Governor in Council and these rules do not permit an outsider to come in.

8. It may be said that the said form was framed, before the Act IV of 1884 was amended by Act III of 1897, and that as the amending Act provides for the election of an outsider, any person otherwise qualified may be elected. But it must be remembered that the said Act III of 1897 is only an amending Act, and not an independent Act, and that the wording of the Section 14, as it now stands, says that the Governor in Council may direct the Municipal Council to appoint their chairman by election subject to his approval and *in accordance with such rules and conditions as may be prescribed.* Accordingly, the rules and the forms having the force of law do, not only not contemplate the election of a non-councillor as chairman, but expressly declares as per form quoted above and by implication as per rule 4 [c] [d] of the said rules that a councillor alone could be elected as chairman. The rules framed by the Governor in Council on August 30, 1893 do not amend or modify the said form though, if the Governor in Council wished, that an outsider may come in, the words "a councillor" could have been omitted in the form.

Thus it is clear that the Government have not thought fit to open the door for an outsider to step into the Municipal chair.

9. These observations lead to the conclusion that the form of recommendation adopted on behalf of Mr. P. M. Kailasam Pillai's election is legally invalid as he was not a councillor at the time of his election [neither is he one now] and therefore an unqualified candidate.

10. Further, the said section 14 as modified by the said amending act is only an enabling & permissive provision as may be seen from the statement of objects & reasons & from the speeches of the honourable members.

Your memorialists humbly pray, therefore, Your Excellency in council will be graciously pleased to cancel the Election, if our interpretation is correct.

10th May
1899

A. Yankarathumaru Pillay
S. S. Pichumony
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1st copy sent to Press. 26-5-99
turned for signature. 2-6-99
shipped in print. 3-6-99

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Show proof please soon
MRB
26/5

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[Handwritten notes at the bottom of the page, including "1899" and other illegible scribbles.]