BACK RS.

14-6-19 √
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[L. & M.
1,000—24-6-98.]

Local & Munl. (1899) Department.

PRINTED.

G.O., No. 784 M.

DATED 3/6/99

INDEXED.

[Despatch Abstract.]

Election Rules

Ordering, with remark, the publication in the Fort St. George Gazette of the election of Mr. Rego as a member of the Municipal Council, Cannanore, and of a notification proposing to make certain additions to and alterations in Nos. 35 & 36 of the rules for the conduct of the elections by wards, and Nos. 33 & 34 of those for the conduct of elections by the town as a whole issued in G.O. No. 1950 M. dt. 19-11-98; and requesting the Collr to call upon Mr. Rego as soon as his election is notified to show cause why he should not be removed from the Municipal Council under section 19(1)(iv) of the Act.

14-6-19

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. } 1899. *Enclosures*

Regd. *Spare copies*

G.O., No. 784 M., 3rd June 1899.

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GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—again the following paper :—

G.O., Mis. No. 243 M., dated 21st February 1899.

Abstract.—Informing, with remarks, the Collector of Malabar that he is himself competent to pass final orders on the objection petition received against the election of Mr. Rego for a seat in the Municipal Council of Cannanore, and requesting him to decide on the validity of the election and report the result to Government.

Read—also the following paper :—

From G. W. DANCE, Esq., Collector of Malabar, to the Secretary to Government, Local and Municipal Department, dated Calicut, 18th March 1899, No. D-40 M.

In reply to G.O., Mis. No. 243 M., dated the 21st ultimo, I have the honour to state that the rule referred to therein had not escaped my notice. I intended to convey to the Government that, so far as I was concerned, I had rejected the petition.

2. If I am right in considering that, as the rules now stand, they do not provide for a candidate for a seat on a Municipal Council being disqualified by reason of his being likely to bring the administration into contempt, or because his being in office is dangerous to the public peace, and that they do not prevent the re-election of a candidate who has been removed from office by Government for either of these reasons, then I submit that the simplest plan will be to defer the publication of Mr. Rego's name in the *Fort St. George Gazette* until the rules have been altered. He may, in the meantime, be called upon to submit his explanation as required by section 19, clause (iv), of the Municipal Act.

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2. His Excellency the Governor in Council, however, considers that Mr. Rego, while he held the office of Chairman of the municipality, was so obstructive and inefficient, and in the case of Sultan Musa Ali Raja of Cannanore so wanting in ordinary courtesy that his holding the office of municipal councillor is likely to bring the municipal administration into contempt. The Collector should, therefore, as soon as his election has been notified, call upon Mr. Rego to show cause why he should not be removed from the Municipal Council under section 19 (1) (iv) of the Act.

3. The Collector's suggestion to amend the election rules so as to invalidate the election of a person who is likely to bring the municipal administration into contempt, or whose being in office is dangerous to the public peace or order, commends itself to Government, and the following notification will be published in the Fort St. George and all District Gazettes :—

NOTIFICATION.

Under section 250 (1) (*a*) of Act IV of 1884, as amended by Act III of 1897, it is proposed to make the following additions to, and alterations in, Nos. 35 and 36 of the rules for the conduct of elections by wards and Nos. 33 and 34 of the rules for the conduct of elections by the town as a whole, issued in G.O., No. 1950 M., dated 19th November 1898. Any objection or suggestion that may be made in respect of these additions and alterations by any person interested therein will be considered on or after the 15th August next :—

Add the following as clause (*d*) to No. 35 of the rules for the conduct of elections by wards and No. 33 of the rules for the conduct of elections by the town as a whole, the present clause (*d*) being numbered as clause (*e*)—

> "(*d*) that he is likely to bring the municipal administration into contempt, or that his being a municipal councillor is dangerous to the public peace or order."

and substitute the following for the last sentence of No. 36 of the rules for elections by wards :—

> "In the case of petitions under rule 35 (*d*) and (*e*), the Government will itself pass orders."

and the following for the last sentence of No. 34 of the rules for elections by the town as a whole :—

> "In the case of petitions under rule 33 (*d*) and (*e*), the Government will itself pass orders."

4. The Superintendent, Government Press, will print the required number of copies of this notification and forward them to the Collectors for circulation with the District Gazettes.

(True Extract.)

M. HAMMICK,
Ag. Secretary to Government.

To the Collector of Malabar.
,, all other Collectors.
,, all Chairmen of Municipal Councils.
,, the Superintendent, Government Press.
Gazette.
Editors' Table.

Exd. W. D'Moss.

Proof
7-6-99

260

Government (1899) of Madras.

LOCAL AND MUNICIPAL.

Proof for approval

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

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(True Extract.)

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Editors' Table.

Exd. W. D'Mon.

Municipal

G.O. 784 M
3-6-99

Gazette Part I A

NOTIFICATION.

Under Section 10 of the Madras District Municipalities Act, 1884, the undermentioned gentleman has been duly elected a Municipal Councillor of the Municipality of Cannanore :—

Mr L. B. Rego.

Municipal

CURRENT No. ______ M.

G.O. No. 784 M.
3/6/29

FORT SAINT GEORGE GAZETTE—
PART I-A.

LOCAL AND MUNICIPAL DEPARTMENT.

G.O. 784 M
3/6/29

C.No 908.M.

HM

SUBJECT:

Election of Mr. Rego, as a Councillor of the Cannanore Municipality.

FOR ORDERS:

A

In his letter disposed of in G.O. No.243 M., dated 21st February 1899, the Collector of Malabar reported that Mr. L.B. Rego was elected by a majority of votes as a Councillor for the B ward of the Cannanore Municipality on the 14th November last, that a petition was received on the 22nd idem from one of the rival candidates, alleging that Mr. Rego’ election had been secured by intimidation that the Sub-Collector who was ordered to inquire into the petition considered tha the charge of intimidation was not prove and that he (the Collector) agreed with the Sub-Collector. But he pointed out that Mr. Rego’s continuance in Office a a Municipal Councillor would be not on

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dangero the public peace, but was also likely to bring the Municipal administration into contempt. As, however, there was no provision in the election rules to set aside his election on these grounds, he stated that the only course open to Government, in case it agreed with him as to Mr. Rego's unfitness, was to gazette Mr. Rego as duly elected and then to remove him under Section 19 (1) (IV) of the District Municipalities Act, and he suggested that the election rules might be amended so as to provide for such contingencies in future. In its Order thereon, No.243 M., dated 21st February 1899, the Government stated that under No.36 of the revised election rules issued in G.O. No.1950 M., dated 19th November 1898, the Collector was himself competent to pass final orders on the objection petition presented against the election of Mr. Rego and requested him to decide upon that objection and report the result to Government, in view to the publication of the name of the successful candidate in the Fort Saint George Gazette; and it was pointed out that the proposal to remove Mr. Rego from the Municipal Council might be e-submitted after his election had been otified.

B

2. In his letter read above, Collector states that he has now ued a Proceedings dismissing the petin presented against the election of

C

Mr.

Mr. Rego and points out that, if he is right in considering that the existing election rules do not provide for a candidate for a seat on a Municipal Council being disqualified, by reason of his being likely to bring the Municipal administration into contempt, or because his being in office is dangerous to the public peace, and that they do not prevent the re-election of a candidate who has been removed from office by Government for either of those reasons, the simplest plan will be to defer the publication of Mr. Rego's name in the Fort Saint George Gazette until the rules have been altered; and he suggests that in the meantime Mr. Rego may be called upon to submit his explanation as required by Section 19 (1) (IV) of the District Municipalities Act.

in G.O. 1950 M
19-11-98

D

3. The validity of an election can be questioned only on any of the grounds enumerated in Rule 35 of the Election Rules and the Collector is right in considering that there is no provision in the rules for setting aside the election of Mr. Rego on any of the grounds referre to by him. But nothing can be gained by postponing the publication of Mr. Rego's election until the rules are amended, as suggested by the Collector, for, any amend ment of the Election Rules which may be made hereafter cannot have retrospectiv effect, so as to invalidate the electio of Mr. Rego. There is therefore no ot

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altern than to notify the election of Mr. Rego, and then to remove him from the Municipal Council under Section 19(1) (IV) of the Act, if his continuance in Office is, in the opinion of the Governor-in-Council, dangerous to the public peace or order, or likely to bring the Municipal administration into contempt.

4. In paras 3 to 9 of his letter disposed of in G.O. No.243 M., dated 21st February 1899, the Collector has attempted to show that Mr. Rego's appointment as a Municipal Councillor is objectionable on the grounds above specified. Mr. Rego was Chairman and Councillor of the Cannanore Municipality from March 1893 to May 1897, and the Collector states that as Chairman he was inefficient and even perverse. He hardly replied to references from higher authorities and delayed submitting to Government the Municipal administration reports and the audit reports of the Accountant-General. The administration of the Municipality under him was in such a discreditable state that the Government had to warn the Council that its elective privilege would be withdrawn if a marked improvement was not soon effected. He exercised no supervision over the work of his subordinates, with the result that a sum of Rs.2,706 was misappropriated by them. The accounts of the Municipality fell in such hopeless confusion, that a special auditor had to be entertained

A

vide page 2 of G.O. $\frac{1381.M}{12-10-98}$ E

& G.O. No $\frac{1644 M}{21-9-98}$ F

G

para 5 of G.O. $\frac{1798 M}{24-10-96}$

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I

for 1895-96 and G.O. No.36
March 1898.

Vide the Collector's report in G.O. $\frac{1139.M}{10-5-97}$

J

Mr. Rego deliberately selected a site for a new Mappila burial ground which he knew would be distasteful to the religious feelings of the Mappilas and seriously proposed to force them to use it—a step which, if it had been allowed to be taken, would have led to a Mappilla outbreak. The Collector therefore considers that Mr. Rego's continuance in Office is likely to bring the Municipal administration into contempt and is dangerous to the public peace. In this connection it was also be observed that the Government ~~censured~~ viewed with grave displeasure the c of Mr. Rego towards Sultan Mus Al of Cannanore, which, it considred characterized by a marked want of and in one instance apparently by tention to annoy him, the Col once porting on the matter as foll r a

Vide G.O. $\frac{1683.M}{28-7-97}$ K

See G.O. $\frac{1059}{3.5.97}$ M

Vide para 3 of the Collector's letter in the above G.O. L

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Under section 19 (1) (iv) of the Act, a person may be removed from the Munl. Council, if his continuance in office is, in the opinion of the Govr. in Council, dangerous to the public peace or order, or likely to bring the municipal administration into contempt; and on the analogy of this section, it is thought that the power of deciding upon objections taken under the Election rules on these grounds should be reserved to Govt.

ASA

It seems to be desirable that the power of passing orders on such petitions should be reserved to Government, and it is submitted ~~that~~ The following may be substituted for the last sentence of No.36 of the rules for elections by wards and a corresponding alteration made in No.34 of the rules for elections by the town as a whole:-

" In the case of petitions under Rule 35 (d) and (e), the Government will itself pass orders."

The amendments above referred to, will, it is believed, be sufficient to prevent the re-election of persons who have once been removed from the Council for either of the reasons specified in the proposed Rule 35(d), and it is unnecessary to make separate provision for this in the Election Rules as suggested by the Collector. Further under Sub-Section (2) of Section 19 of the Act, the Governor-in-Council may prohibit the reappointment or re-election of persons once removed from the Municipal Council for a definite period.

V.R
10/5/99

It seems doubtful whether Mr. Rego as a mere Member of the Council, not Chairman can do sufficient amt of harm to justify his being removed. However he is undoubtedly a mischievous man & may get up factions & give trouble –

Mr Rego's election should be notified.

His conduct when chairman was so obstructive & inefficient & in the case of Sultan Ali Raja so offensive that I think his holding the post of M.C. may properly be held to bring Munl. administn. into contempt. He should therefore be called on to show cause why he should not be removed under Sec. 19 (iv).

ASA 26.5.99.

[L. & M.]
150—19-12-98

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in proceedings :—

Again G.O., No. dated 189

Again G.O., No. 243 M dated 21st May 1899.

Current No. 908 M of 1899, dated 18th March, from the Collr of Malabar.

" " " 189 , " " "

" " " 189 , " " "

P.S.

ORDER No 784 M of 3-6-99

C

The Collector is right in considering that under the election rules the election of Mr Rep as councillor of the Cannanore Municty. cannot be set aside on any of the grounds referred to in para 2 of his letter. But nothing ~~can~~ will be gained by postponing the publication of Mr Rep's election until the rules are amended as suggested by the Collector, for ~~any~~ no amendment of the election rules which may be made hereafter ~~cannot~~ can have retrospective effect so as to invalidate the election of Mr Rep. There is therefore no other alternative than to notify his election, and his name will accordingly published in the Fort St George Gazette.

the Governor

2. H.E. the Governor in Council however considers that Mr Rejo's conduct while he held the office of Chairman of the Municipy. was so obstructive and inefficient and in the case of Sultan Meer Ali Rajah of Cannanore so ~~offensive~~ wanting in ordinary courtesy (vide G.O. No. 1683 M. dt 28-7-97) that his holding the office of Municipal Councillor is likely to bring the municipal administration into contempt. The Collector should therefore, as soon as his election has been notified, call upon Mr Rejo to show cause why he should not be removed from the Municipal Council under section 19(1)(iv) of the Act.

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348 M

Notification

(The following additions and alterations (proposed) in the rules for the conduct of elections in municipalities issued ~~under~~ in G.O. No. 1950 M. dt 19-11-98 are published under section 256(1) of the Act IV of 1884 as amended by Act III of 1897.) Any objection or suggestion that may be made in respect of these additions and alterations by any person interested therein will be considered on or after the 15th August ~~10~~ next:—

Add the following as clause (d) to No 35 of the rules for the conduct of elections by wards and No. 33 of the rules for the conduct of elections by the town as a whole, the present clause (d) being numbered as clause (e),—

"(d) that he is likely to bring the Munl. administration into contempt, or that his being a Munl. Councillor is dangerous to the public peace or order."

and

Substitute the following for the last sentence of No. 36 of the rules for elections by wards, ~~and~~ for the last sentence In the case of petitions under Rule 35(d) and (e), the Gov will itself pass orders"

And the following for the last sentence of No. 34 of the rules for elections by the town as a whole,—

"In the case of petitions under Rule 33(d) and (e), the Court will itself pass orders."

(From order)

-99
v.

3°

BG
30-5-99

Madras office
Jmd
Verify before issue.

* 4. The Superintendent, Govt. Press, will print the required number of copies of this notification and forward them to the Collectors for circulation with the District Gazettes.

Dispd
Please send the time for sending the notification to the gazette
CR
2/6/99

To
The Collr. of Malabar; with Enclos. retd.
" All other Collrs.
" " Chairmen of M.C.s
" Supt. Govt. Press + 2
Gazette 15/6/99
& Editors' Table
Oup. 16/6/99

Reference 78/M. 99.

Proceedings of the Collector of Malabar.
Dated 18th March 1899.

Read again letter from the Chairman Municipal Council Cannanore, No 2275 dated the 14th November 98, reporting on the election held in the B-ward of the Cannanore Municipality on the above date and requesting that the name of the successful Candidate Mr L. B. Rego, may be published in the Fort St: George gazette.

Read also (1) petition presented by Mr Uppot Raman one of the unsuccessful Candidates at the election dated the 21st November last questioning the validity of the election.

2) Letter from the Sub Collector dated the 12th January 99 No 18/D. Dis. 99 reporting on the above petition.

And (3) G.O. No 243-M. Mis dated the 21st February 99.

From the petition read above it is observed that the two specific complaints of the petitioner are. (a) intimidation practised on a goldsmith Daru, a voter.

b) The giving of a bribe in the shape of a cloth to another voter (an old woman —

named Kunhi pennu), the Culprit in each case being a Head Constable who was present outside the polling booth at the time of the election

2. With regard to the first complaint, Goldsmith Dar, who was examined by the Sub Collector denies ~~that~~ any intimidation was practised on him by the Head Constable.

3. With regard to the other Complaint, the only evidence produced by the Petitioner is that of a relation of his, who says he heard Kunhi pennu say to Head Constable Borges as he went away "Don't forget to give me the cloth you promised, I have voted as you asked" to which Borges said he would do so. This evidence alone amounts to nothing as it is uncorroborated by the evidence of the old woman whose attendance the Sub Collector reports "Could not be produced in spite of issue of summons".

4. The evidence of the other witnesses examined by the Sub Collector is of a general character. The fact that Petitioner failed to make a complaint to the polling officer who asked both Candidates just before closing time whether they had any objection or Complaint tells strongly against him. In these circumstances, I dismiss the petition.

Sd) G. W. Dance
Collector
18-3-99.

(True Copy)

J M Evans
for Collector

No 2275
15-11-98

Municipal Offi
Cannanore Dated 14th Novbr 189

From
Mr. R. Ry. T. Kunjambu avl
Chairman
Municipal Counci
Cannanore

COLLECTOR
16 NOV. 1898
MALABAR

To
The Secretary to Governmen
Local and Municipal Depa

Thro.
The Collector of Malabar

Sir,

I have the honour to report that an election was held to day to fill u a vacancy which occurred in B ward on 3rd October 1898, consequent on the resignation of Mr. R. Ry. K. Krishnan Av of his office of Councillor.

Four candidates were nominated for election namely Mr. R. Ry Arukandiyil upot Raman avl. Mullanday Abdul Kade Saheb. Mr. L. B. Rego and Mr. R. Ry onden Kelan avl. The last gentleman's nominatio was held invalid on the ground tha his name was not included in the regist of candidates eligible for Councillorshi as he was the Shroff of this office un

15
908/m/29

23rd August 1898, though he was su ended from 1st December 1897 being Susp ted for malpractices – Of the three o er candidates Mr R. Ry Arukandiyil v. t Raman Avl obtained 41 votes, Mulla ay Abdul Kader Saheb none and Mr L. B. Re 88 votes. I therefore request that the name of Mr L. B. Rego may be publishe in the Fort St. George Gazette.

A Statement in the form prescribed in G. O. No. 690 M dated 22nd June 1888 is herewith submitted.

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

Chairman,
Municipal Council, Cannanore.

Statement of the election held on the 14th Nov 1898 (G. O. n° 690 m of 22nd June 1888)

name of Municipality	name of ward if any	Date of election	no of registered voters	no of voters who exercised the privilege	Names of Candidates	number of votes obtained by each	Name of candidate duly elected	Remarks
Cannanore Municipality	B.	14th November 1898	217	129	1. Mkkhy Arukandiyil Uppot Raman avl 2. Mullanday Abdul Khader Sahel 3. Mr L B. Rego	41 0 88	Mr L. B. Rego	

Municipal Office
Cannanore 14th nov 1898

260

14
521/m/99

will itself

Rule 33

13
908/m/99

13
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908/m/

521/m/99

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ued for signature. 12-6-99

patched in print. 15-6-99

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- Order complete with Letter.

G.O., No. 243M. DATED 21st February 99. —— P.
189 .

No. 908.M. — A.

Show proof please
CR
3/6/99

OSURES TO C. No.

ER OF GOVERNMENT .. A ..

TTER OF GOVERNMENT.

TATEMENT WITH DITTO.

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