

ORDINARY MS.

G.O., No. 8

Dated 2nd Feb. 1895

INDEXED.

[Despatch Abstract.]

IMPERIAL LEGISLATIVE COUNCIL.

Requesting the non-official Additional Members of the Madras Legislative Council to meet on the 15th instant after the conclusion of the Legislative Council meeting, and recommend a gentleman for nomination to the -- vice Honourable V. Bhashyam Aiyangar resigned.

Printed in G.O. 11-12-20-2-95

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 {1895} of Madras. LEGISLATIVE.

MISCELLANEOUS.

Recd.

Regd.

} 1895.

Enclosures

Spare copies

G.O., &c., Nos. 11, 12, 20th February 1895.

FEBRUARY.

Imperial Legislative Council.

Soliciting the orders of the Government of India as to the interpretation of rule V (a) of the rules for the nomination of Additional Members to the—, and asking whether voting by letter can be allowed.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—again the following paper:—

G.O., Mis. No. 8, Legislative, dated 2nd February 1895.

Read—the following paper:—

From J. M. MACPHERSON, Esq., Officiating Secretary to the Government of India, Legislative Department, to the Chief Secretary to the Government of Madras, dated 24th January 1895, No. 160.

The Hon'ble V. Bhashyam Aiyangar, B.A., B.L., Rai Bahadur, who was appointed to the Council of the Governor-General for the purpose of making Laws and Regulations on the recommendation of the Non-Official Additional Members of the Council of the Governor of the Presidency of Fort St. George, having tendered his resignation of his seat as an Additional Member of the Governor-General's Council, and his resignation having been accepted by the Governor-General, I am directed to ask that, in accordance with Rule IV of the Regulations published in the Notification of the Government of India in the Legislative Department No. 19, dated the 23rd June 1893, the Members of the Local Council above described may be requested to recommend another person for nomination by His Excellency the Governor-General in view to the vacancy caused by the resignation of the Hon'ble V. Bhashyam Aiyangar, B.A., B.L., Rai Bahadur, being filled.

Order—Mis. No. 8, Legislative, dated 2nd February 1895.

The Hon'ble V. Bhashyam Aiyangar, B.A., B.L., Rai Bahadur, appointed an Additional Member of the Governor-General's Council having resigned his seat and his resignation having been accepted by the Governor-General, the Non-Official Additional Members of the Madras Legislative Council will be requested to meet after the conclusion of the Legislative Council meeting to be held at the Council Chamber at 3 P.M. on Friday the 15th instant and to recommend a gentleman for nomination in his place.

(True Extract.)

J. F. PRICE,
Chief Secretary.

READ—also the following papers:—

From A. BUTTERWORTH, Esq., I.C.S., Under Secretary to Government, Legislative Department, to the Chief Secretary to Government, dated 15th February 1895.

In accordance with G.O., No. 8, Legislative, dated 2nd February 1895, a meeting of Non-Official Additional Members of Council was held to-day for the purpose of electing a successor to the Hon'ble V. Bhashyam Aiyangar, Rai Bahadur.

2. There were present the Hon'ble P. Rangayya Nayudu, the Hon'ble A. Sabhapati Mudaliyar, the Hon'ble K. Kalyanasundram Aiyar, the Hon'ble C. Sankaran Nayar, the Hon'ble Ghulam Muhammad Hasan Ali Khan Bahadur and the Hon'ble Mr. Arbuthnot—six Members in all.

3. The Hon'ble Mr. Arbuthnot having been voted to the chair, the Hon'ble K. Kalyanasundram Aiyar proposed the name of Rai Bahadur P. Anantha Charlu. The Hon'ble C. Sankaran Nayar seconded the proposal and five votes were recorded in favour thereof. The Hon'ble G. Muhammad Hasan Ali did not vote.

4. Rule V (a) of the rules framed under sub-section (4) of section 1 of the Indian Councils Act, 1892 (G.O., No. 83, Legislative, dated 5th August 1893), declares that recommendations to fill vacancies in the Governor-General's Council shall be made, in the case of the Non-Official Additional Members of a Local Council, by a majority of votes of such Members. There are now twelve Non-Official Members on the Council and the rule therefore seems to require that Rai Bahadur P. Anantha Charlu must secure at least seven votes before his name can be submitted to His Excellency the Governor-General.

5. The question has, however, been raised whether rule V (a) requires an *absolute* majority and whether a candidate who secures the votes of more than half the Members *present at the meeting held for the purpose of making an election* is not eligible for nomination to the Council of the Governor-General. The Non-Official Members present at the meeting held to-day have little doubt that rule V (a) requires an *absolute* majority, but they have instructed me to refer the matter for the orders of His Excellency the Governor in Council.

6. Assuming that the Government will hold that Rai Bahadur P. Anantha Charlu has not been elected, the Non-Official Members desire that they should not be called upon to meet again. They point out that the rules do not require that votes shall be recorded *at a meeting* and they suggest that I should be directed to invite *by letter* the votes of those Non-Official Members who were not present to-day. If this is done, and if two more Members vote for Rai Bahadur P. Anantha Charlu, his name can then be reported to His Excellency the Governor-General.

From the Hon'ble K. KALYANASUNDRAM AIYAR Avargal, Additional Member, Madras Legislative Council, to the Under Secretary to Government, Legislative Department, dated Tanjore, 18th February 1895.

With reference to the proceedings of the meeting of the Non-Official Members of the Madras Legislative Council held in the Council Chamber on the 15th instant for the purpose of electing a Member to the Imperial Legislative Council, I beg that you will invite His Excellency's attention to the wording of rule V (a) of the notification of the Government of India in the Legislative Department, dated 23rd June 1893, No. 19.

2. What is evidently required for a proper election is "a majority of votes of such Members," and not "the votes of the majority of such Members." It would thus seem that in this case the votes of a clear or absolute majority of the Non-Official Members are not required. If all the Members have had an opportunity of voting, and if one candidate has secured more votes than another, or any of the others, such candidate must be held to have been properly elected.

3. Applying this test to the present case I am humbly of opinion that the proceedings that took place on the 15th instant are enough to render Mr. Anantha Charlu's election complete and valid without more.

ORDER—No. 11, Legislative, dated 20th February 1895.

The following letter will be despatched to the Government of India.

(True Extract.)

J. F. PRICE,
Chief Secretary.

LETTER—from the Hon'ble Mr. J. F. PRICE, C.S.I., Chief Secretary to the Government of Madras, Legislative Department, to the Secretary to the Government of India, Legislative Department, dated 20th February 1895, No. 12.

On the 15th instant the Non-Official Members of the Madras Legislative Council met to recommend, as requested in your letter No. 160, dated 24th January 1895, a person for nomination by His Excellency the Governor-General in place of the Hon'ble V. Bhashyam Aiyangar, Rai Bahadur.

2. There are now twelve non-officials on the Local Council and of these only six attended the meeting. One of the Members who attended did not vote; the rest recorded votes in favour of M.R.Ry. P. Anantha Charlu, Rai Bahadur.

3. The question has been raised whether M.R.Ry. P. Anantha Charlu's name can be submitted to His Excellency the Governor-General for nomination. Rule V (a) of the rules framed under sub-section (4) of section 1 of the Indian Councils Act, 1892, declares that recommendations to fill vacancies in the Council of the Governor-General shall be made, in the case of the Non-Official Additional Members of a Local Council, by a majority of votes of such members. If this rule means, as is probable, that no person shall be recommended unless he secures the votes of a majority of the Non-Officials at the time being on the Council, then M.R.Ry. P. Anantha Charlu has not secured a sufficient number of votes. If, on the other hand, the rule merely requires a majority of the votes of the members who assemble to vote, the gentleman in question may now be recommended to His Excellency the Governor-General for nomination to his Council. I am directed to solicit the orders of the Government of India in the matter.

4. Another question which has been raised is whether, if M.R.Ry. P. Anantha Charlu has not been elected, the votes of those Non-Official Members who were not present at the meeting on the 15th instant can now be obtained by letter. The rules do not expressly declare that the voting must be made at a meeting of the Non-Official Members and there seems, therefore, no objection to the issue of a circular to these Non-Official Members who have not yet voted asking them to name the persons for whom they desire to vote. I am directed to request that this Government may be favoured with the views of the Government of India on this point also.

LEGISLATIVE DEPARTMENT.

NOTES CONNECTED WITH G.Os., Nos. 11, 12, LEGISLATIVE, DATED 20TH FEBRUARY 1895.

[SUBJECT.—*Interpretation of rule V (a) of the Rules for the nomination of Additional Members of the Governor-General's Council.*]

From the Government of India, Legislative Department, dated 24th January 1895, No. 160.

A draft order is submitted.

2. The Bill to repeal the Tobacco Duties Act must be passed and assented to by the Governor-General and his assent published before the 15th March from which date it is to come into force. The earliest date on which it can be taken into consideration is the 7th February (rule 46); that is a Thursday. If the Legislative Council is to meet on the 12th February (Tuesday) notice should issue at once, because, questions cannot be admitted after the 5th idem.

3. If the Bill to repeal Regulation VI of 1831 is published in vernacular and English in the Gazette of the 12th February (certainly the earliest date possible) and, if Government decides that the changes made in it by the second Select Committee are not of sufficient importance to necessitate postponement of the measure till the Secretary of State has had an opportunity to express an opinion thereon, then that Bill can be taken into consideration on the 6th March; the 6th March is a Wednesday, so the 12th (Tuesday) would be a more convenient date for the meeting to consider that measure. But the 12th March would be too late for the Tobacco Duties Bill.

4. It would probably be convenient to the Non-Official Members to hold their meeting to select a successor to the Hon'ble Bhashyam Aiyangar after a Legislative Council meeting; so that it seems advisable to fix the next Council meeting now. It must be some day between the 12th and the 20th February or there will be a difficulty about the Tobacco Duties Bill. Perhaps Friday the 15th would be best; Tuesday the 19th will give very little time to get and publish the Governor-General's assent to the Act.

A. BUTTERWORTH—30-1-95.

J. F. PRICE—31-1-95.

I think Friday the 15th at 3 p.m. would be the best day. It will take the Non-Official Members a little time to choose a man.

W[ENLOCK]—31-1-95.

H. W. B[LISS]—2-2-95.

J. G[ROSE]—2-2-95.

[G.O., No. 8, Legislative, dated 2nd February 1895.]

From the Under Secretary to Government, dated 15th February 1895.

Rule V (a) seems to require a majority of the whole of the Non-Official Members and not only of those attending the meeting and voting and there is nothing in the rules requiring votes to be taken at a meeting only.

J. F. PRICE—16-2-95.

From the Hon'ble Kalyanasundram Aiyar, Additional Member, Legislative Council,
dated 18th February 1895.

Submitted in continuation of previous papers. The Hon'ble K. Kalyanasundram's
argument does not appear to be valid.

A. BUTTERWORTH—19-2-95.

Refer the case to India, and ask for orders.

W[ENLOCK]—19-2-95.

H. W. B[LISS]—19-2-95.

J. G[ROSE]—19-2-95.

And ask whether voting by letter can be permitted.

J. F. PRICE—19-2-95.

A draft is placed below.

A. BUTTERWORTH—19-2-95.

J. F. PRICE—20-2-95.

[G. Os., Nos. 11, 12, Legislative, dated 20th February 1895.]

Proceedings of the Madras Government

Read the following paper:—

From the Government of India, Legislative Department dated
24th January 1895, No: 160, requesting that the non-official additional members
of the Madras Legislative Council, may be requested to recommend a person for nomi-
-nation by His Excellency the Viceroy to a seat in the Supreme Council, Vice Rai
Bahadur V. Bhashyam Aiyangar resigned.

Order of 2^d February 1895, No: 8.

The Honorable V. Bhashyam Aiyangar, B.A., B.L., Rai Bahadur, appoint-
-ed an Additional Member of the Governor General's Council having resigned
his seat and his resignation having been accepted by the Governor General,
the non-official Additional Members of the Madras Legislative Council
will be requested to meet after the conclusion of the Legislative Council meeting
to be held at the Council Chamber at 3 p.m. on Friday the 15th instant
and to recommend a gentleman for nomination in his place.

(True Extract)

Under Secretary.

No. 160

FROM

J. M. Macpherson, Esqre,
 Offg. Secretary to the Government of India,
 Legislative Department,

TO

THE CHIEF SECRETARY TO GOVERNMENT

Calcutta, the 24th January, 1895.

SIR,

The Honble V. Bhachyam Aiyanger, B. A.,
 B. L., Rai Bahadur, who was appointed to the Council
 of the Governor General for the purpose of making
 Laws and Regulations on the recommendation of
 the non-official Additional Members of the Council
 of the Governor of the Presidency of Fort St. George,
 having tendered his resignation of his seat as an
 Additional Member of the Governor General's Council,
 and his resignation having been accepted by the
 Governor General, I am directed to ask that, in ac-
 cordance with rule IV of the Regulations published
 in the notification of the Government of India in
 the Legislative Department, No. 19, dated the 23rd June 93,
 the Members of the Local Council above described may
 be requested to recommend another person for nomination
 by His Excellency the Governor General in view to the vacancy
 caused by the resignation of the Honble V. Bhachyam
 Aiyanger, B. A., B. L., Rai Bahadur, being filled.

I have the honour to be,

Sir,

Your obedient servant,

J. M. Macpherson

Offg. Secretary to the Government of India

CURRENT No. 27

Leg. Dept.

From

The Govt. of India
Legislative Dept.

No. 160

Recd. 24-1-95
Recd. 28-1-95

Subject

Regn. 3. That the Hon. Officer
Add. Members of the Madras
Leg. Council, may be
requested to recommend
a person for nomination
by H. E. the Viceroy to a seat
in the Executive Council,
Dris. Rai Bahadur
D. Kashyam Aiyangar resigned

When
When
When
When

[G
24]

Legislative DEPARTMENT.

Papers to be read in Proceedings :-

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 27

of 1895, dated 28-1-95 from

The Government of India,
Legislative Dept., dated 24 January 1895, No. 160.

Current No

of 189 , dated

from

ORDER. 2^d February 1895, No. 8.

Mr.

The Hon. Mr.

Dhachyam Aiyangar, B.A., B.L., Rai Bahadur
appointed an Additional Member
of the Governor General's Council having
resigned his seat and his resignation
having been accepted by the Gov. Gen.
the non-official Additional Member
of the Madras Legislative Council
will be requested to meet at an
early date and to recommend a gentleman
for nomination in his place.

18
31/1/95

Note. The Bill to repeal the Tobacco
duties Act must be passed & assented
to by the Gov. Gen. & his assent published
before the 15th March. The earliest
date on which it can be taken
into consideration is the

The non-official Additional
Member of the Madras
Legislative Council

2/2/95

2nd Feb (Rule 46); that is a
Thursday. If the Leg. Council
is to meet on the 12th Feb.
(Tuesday), notice should
issue at once.

after the conclusion
of the Legislative
Council meeting to
be held at the Council
Chambers at 3 pm on
Friday the 15th inst.

* From which date it is
to come into force.

mentions cannot be admitted after the 5th Jan.

The Bill & repeal Reg. VI of 1831 is published in Vernacular & English in the Gazette of the 12th Feb. (certainly the earliest date possible) & if Govt. decides that the changes made in it by the Second Select Committee are not of sufficient importance to necessitate postponement of the measure till the Leg. of State has had an opportunity to express an opinion thereon, then that Bill can be taken into consideration on the 6th March; the 6th March is a Wednesday, so the 12th (Tuesday) would be a more convenient date for the meeting to consider that measure. But the 12th March would be too late for the Tobacco Duties Bill.

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I think Friday the 15th at 3 p.m. would be the best day. It will take the h.o. members a little time to choose a man.

Circ. to the M. Mr. Bliss & the M. Mr. Grose.

1/2 1/2/95

When given for copying
When copied
When examined
When signed

189

AGAIN G.O., No. 189

DATED

ORDER No.

ENCLOSURE TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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

N.B.

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only

Proceedings of the Madras Government

Read the following paper:-

From the Government of India, Legislative Department dated 24th January 1895, No. 160, requesting that the non-official additional members of the Madras Legislative Council, may be requested to recommend a person for nomination by His Excellency the Viceroy to a seat in the Supreme Council, the Rai Bahadur V. Bhashyam Aiyangar resigned.

Order of 2^d February 1895. No. 8.

The Honorable V. Bhashyam Aiyangar, B.A., B.L., Rai Bahadur, appointed an Additional Member of the Governor General's Council having resigned his seat and his resignation having been accepted by the Governor General, the non-official Additional Members of the Madras Legislative Council will be requested to meet after the conclusion of the Legislative Council meeting to be held at the Council Chamber at 3 p.m. on Friday the 15th instant and to recommend a gentleman for nomination in his place.

(True extract)

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