

24-1-12
26.3-12. ✓
18/6/15 ✓

Legislative (189) Department.

Urgent

ORDINARY MS.

G.O., No. 52

Dated 7. 97.

INDEXED.

21/8/18

21/7.

[Despatch Abstract.]

Legislative Council Elections

Stating that the Govt has no ground to declare
on either of the ground alleged in Mr. S. A. Swami-
-natha Aiyar's letter of objections, that any irregularity
has taken place. Which should invalidate the election
in the conduct of the proceedings of the meeting of the
Municipal Council, Puzos, & made by it

BACK PAPERS.

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

FURTHER PAPERS.

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

Legislative (1897) Department

CURRENT No. 169

Order

From H. Collector of
Tangire

No. 2940
Rev. 997.

Dated 25th June 97.

Received 28 JUN 25 1897

Registered 29-6-97

Enclosures 4.

Spare copies

SUBJECT.

Submitting with remarks
the Tangire Municipal
Chairman's letter regarding
the election of a candidate &
a voting delegate to the
Legislative Council ~~election~~
& the objection of Mr. R. R.
S. A. Saminada Aiyar

Tanjore Municipality

Statement showing the names of the Candidates and the alternative Candidate for nomination to the Legislative Council and of the Voting Delegate of the Tanjore Municipal Council. (L.C. No 42 and 44 dated 17 May and 1st June 1897)

Candidates			Voting Delegate		
No	Name	Description	No	Name	Description
1	The Hon: K. Kalyana - Sundaram Iyer a/c	High Court Jalkil Tanjore			
2	M. R. P. S. A. Samunda Iyer a/c (Alternative Candidate)	Government Pleader Tanjore	1	M. R. P. V. Appasamy Vandayar a/c	Land Lord

Tanjore
Municipal Office
20th June 1897

By Collector & Chairman

REVENUE DEPARTMENT.

Slower No. 1.
Letter
FROM

THE

COLLECTOR OF

Tanjore

TO

THE

Secretary to Government
Legislative Department

Dated

25th

June 1897.

Despatched

Received

No.

2940

RW

997.

ENCLOSURES.

SUBJECT.

Statement showing the
names of the candidate & the
alternative candidate for no-
mination in the Legislative
Council by the acting delegate
of the Tanjore Municipal
Council

TANJORE MUNICIPALITY.

Extract from the Proceedings of the Municipal
Council, Tanjore, at a meeting held at 5 P. M. on
Friday the 18th June 1897. at the
Municipal Office, Tanjore.

PRESENT.

21 Councillors.

Resolution No. I

Read

Mr. R. B. C. Munigesem Pillai aye. By Collector
and Ex. Officio Chairman

The Hon. K. Kalyana Sundaram Iyer aye. Councillor

Mr. R. B. C. Ratha Krishna Rao aye. " "

" L. C. Williams Pillai aye. " "

" V. Appasamy Vandyar aye. " "

" Vythilingam Pillai aye. " "

" Manohar Rao Patil aye. " "

" Dootraya Shavai aye. " "

" Sammakha Pillai aye. " "

" Palaniandi Pillai aye. " "

" Krishnasami Kaidu aye. " "

" Sanjeevi Pillai aye. " "

" Parimana Chettiar aye. " "

" Kandasami Pillai aye. " "

" Muthu Krishna Kaidu aye. " "

" Mr. Nataraja Iyer aye. " "

" D. M. Krishnasamy Iyer aye. " "

Read

Read N. G. Manappa Kasam. Commater
 Mr. R. P. C. S. Kistna Rowjee — " —
 " O. A. Ananthanarayana Iyer — " —
 — S. M. Upshon Esq. — " —

I. Read G. O. No 42 dated 17th
 May 1897 requesting to recommend
 candidates for nomination to the
 Legislative Council.

Read also G. O. No 44 dated 1st
 June 1897.

Read applications put in by the
 following:—

1. The Hon. K. Kalyana Sundaram Iyer aye
2. Mr. R. P. S. A. Saminada Iyer aye
3. " P. Ratnaselapatki Pillai aye
4. Francis G. Oliver Esq. M.D.
5. " Parla Kistna Iyer aye of Comicholore
6. " Vayaputhi Cunnath Cunkhi Mayan of
 Tellichery
7. " Soolnayahu Reddiar aye of
 Cuddalore
8. " Palaniandi Mudaliar aye of
 Palamcottah
9. John L. Rosario Esq. of Tellichery.

Votes

Votes were taken by ballot and the
 following resolutions passed.

(1) Resolved by a majority that the
 Hon. K. Kalyana Sundaram Iyer aye
 be elected as a candidate for ultimate
 recommendation to His Excellency the
 Governor for nomination to the
 Legislative Council.

(2) Do. Do. That an alternative
 candidate be nominated.

(3) Do. Do. That Mr. R. P. S. A. Sami-
 nada Iyer aye be elected as an
 alternative candidate as suggested
 in G. O. No 44 dated 1st June 1897.

(4) Do. Do. That Mr. R. P. V. Appasami
 Vandayar aye be elected as Voting
 Delegate.

Signed / C. Murugesan
 Dy Collector & Chairman
 / True Extract /

Signed
 Dy Collector and Chau

REVENUE DEPARTMENT.

Enclosure No 2

In a letter

FROM

THE

COLLECTOR OF

Tanjore

To

THE

Secretary to Government
Legislative Department

Dated

25th

Despatched

Received

June 1897.

No.

2940
RW 997

ENCLOSURES.

SUBJECT.

Extract from the Proceedings
of the Municipal Council
Tanjore held on the 18th June
1897.

Encls to 3/c to 169 Lcs 0697

Tanjore
19.6.97

From

S. A. Saminadai

To

The Chairman

Municipal Council

Sir,

Tanjore

I am informed that at the
meeting of the Municipal Council
held yesterday in re the nomination
of candidates for election to the
Legislative Council there were pre-
sent at the Commencement nine-
teen Councillors excluding of the
Ex-officio Chairman and that among
the nineteen Councillors Mr. K. Kaly-
nasundram Iyer one of the Councillors
for nomination was one. The voting
was held by ballot. After all the voting
papers had been placed in the ballot
box and while they were being taken
out and counted one of the Councillors
Mr. Natarajai the District Registrar
came up to the meeting. One of the
Councillors then represented to the
Chairman that his vote ^{may} also

be taken before the voting papers were read out and the result ascertained. This was objected to by another Councillor and the Chairman without deciding this question proceeded to read out the voting papers to ascertain the result of the poll. The result showed that there were nine votes for me and nine for Mr. K. Kalyana Sundram Iyer exclusive of his own. It was contended by Mr. K. Kalyanasundram Iyer that he was entitled to vote on his own behalf and that his vote should be taken into calculation and that therefore the total number of votes on his behalf was ten. This was objected to by one of the Councillors and the Chairman seems to have ignored this objection and declared that Mr. K. Kalyana Sundram Iyer was nominated by a majority of ten against him.

This, in my opinion, is clearly illegal. I understand that there is a Government Order that in all Municipal proceedings no Councillor who is in any way interested in the

* The Ex-officio
chairman
not voting

G.O. 1703 M.D.
14 Dec 1889
as modified by
G.O. 239 M.D.
16 Feb 1895

The
Tammang
Extra. K. Kalyana
Sundram Iyer
Chairman

Q.05 977M7116-46
+ 1966M717.12-94.

Subject matter of the resolution should
give his vote in respect of that matter
In all municipal elections for Coun-
Cillorship and Chairmanship the
Same rule obtains, and the Candi-
date is not allowed to vote for himself.
Why, in an important matter like
the nomination of a Candidate for
the Legislative Council this rule
was ignored I failed to understand.

As in my opinion this nomi-
nation is null and void on account
of the said irregularity I have the
honor to request that you will be
good enough to place the matter again
before the Council and hold a fresh
election. If, however, you still hold
that the procedure was legal and
proper I beg to request that you
will be good enough to forward this,
my protest, to Government along
with the resolution of the Council.

I understand that there were
certain other irregularities with

regard

Regard to the appointment of the
voting delegate and as they do not
immediately concern me just now
I have not referred to them in this
letter.

I have the honor to be
Sir
your most obedient servant
Wm. L. Garrison

Respectfully
I am in for a short
time in taking
leave of the
to the office
that the present
proper I hope to
will be good enough to
my protest to the
with the resolution of the

I understand that there
certain other regulations with

regard to the appointment of the
voting delegate and as they do not
immediately concern me just now
I have not referred to them in this
letter.

I have the honor to be
Sir
your most obedient servant
Wm. L. Garrison

Respectfully
I am in for a short
time in taking
leave of the
to the office
that the present
proper I hope to
will be good enough to
my protest to the
with the resolution of the

I understand that there
certain other regulations with

regard

19. 6. 97

Reported to the appointment of the
writing delegates and as they do not
seem to be able to do so, I have not referred to them in this
letter.

11/13

97. 98

S. A. Samivorthy

Objecting to the
Election for a seat
in the Legislature
Council held on
the 18th June 97

My dear Sir,
I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the above subject.

I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the above subject.

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I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the above subject.

REVENUE DEPARTMENT.

Encls. No 3

In a letter

FROM

THE

COLLECTOR OF

Tanjore

To

THE

Secretary to Government
Legislative Department

Dated

26th

Despatched

Received

June 1897.

No.

2940

rw

957

ENCLOSURES.

SUBJECT.

Mr. R. Py. S. A. Samiadas
Lays objection to the election
for a seat in the Legislative
Council

Encls. No 3 to 11/9/97



Present, No. 1154

Rec No 1045 of 97

Rec. 1. file.

Submitted to the Secretary to Government
Legislative Department
through the Collector of Tanjore.

2. Mr. R. Py. S. A. Samiadas aiyer aiyer
one of the Councillors came at
the time when the voting papers
had been taken out of the ballot-
box and were being read over
before the Council. Mr. R. Py. S. A.
Anantanarayana aiyer aiyer
the petitioner's brother one of the Councillors
proposed that Mr. Nataraj aiyer
may also be asked to vote.
Other Councillors objected to the
same and Mr. Anantanarayana
aiyer dropped the question.
Hence there was no necessity for
me to pass any opinion on the
question. It appears to me that
as Mr. Nataraj aiyer was not
present when the subject matter
of the resolution was first dis-
cussed he is not entitled to
vote.

3. It is true that Hon. R.
Kaliyandasundaram aiyer aiyer

REVENUE DEPARTMENT.
No. 4.
in letter
FROM

THE COLLECTOR OF
Tanjore
To
THE Secretary to Government
Legislative Department

Dated 25th
Despatched
Received
June 1897.

No. 2940
Rw 797

ENCLOSURES.

SUBJECT.

Tanjore District Deputy
Collector's endorsement
on the ^{objection} Chairman's letter
of Mr. R. Ry. S. J. Samiada
Esq.

Sanctioned by L. 169 Dec 1897

(Form No 43.)

No. 1041.

TANJORE MUNICIPAL OFFICE,
20th June 1897.

FROM Mr. R. Ry. C. Mungesem Pillai Esq.
By Collector and
Ex-Officio CHAIRMAN,
MUNICIPAL COUNCIL,
TANJORE.

To

The Chief Secretary,
TO GOVERNMENT,
Legislative Department
Fort St. George,
MADRAS.

Thro. the Divisional Officer,
TANJORE.

SIR,

Referring to G. O. No. 42 dated 17th May
1897 Legislative, requesting this Municipality
to recommend a candidate for nomination
to the Legislative Council, I have the honor
to forward herewith a statement shewing
the name of the Candidate and that of the
Voting Delegate elected by the Municipal
Council at its meeting held on the 18th
June 1897.

The name of the alternative candidate
elected as suggested in G. O. No.
44 dated 1st June 1897 has also been
included in the statement.

An Extract

I have the honor to be
Sir
Your most obedient servant

By Collector & Chairman

Ad

Councillor did vote for himself, then it is no supersede declaring the invalidity of such a vote, though on the analogy of Co. No 977 in 11 June 1896 it would have perhaps been improper for him to have done so.

4. In the present case the matter is of considerable importance to the protesting Candidate, as if it is decided that the vote of Mr. H. K. Kalyanasundaram for Mr. H. K. Kalyanasundaram for dismemberment, the result (with or without the casting vote of the Chairman) if might have been in favour of the Candidate who now protests.

Andrew.
collector

Valley

24657

Rv
2576

Curcio 10/15/97

Tanjore Municipality.

FROM

THE CHAIRMAN,
MUNICIPAL COUNCIL,

Tanjore.

TO

The Secretary
to Government
Legislative Department
Fort St. George
Madras
Through the Divisional Officer,
Tanjore.

Dated

Received

20th June 1897.

No. 1041

ENCLOSURES 4.

(Subject.)

Submitting the names of the
Candidates recommended
by the Tanjore Municipality
to a Seat of Legislative
Council.

Forwarded together with reply
of S. S. Srinivasan Esq. and
protest of the Chairman's Secretary
dated 21-6-97.

i. The validity of the resolution
nominating H. K. Kalyanasundaram
Esq. is contested in 2 grounds,
namely (a) that the Chairman failed to
take the vote of Councillor Nataraja
Esq. who entered the room after the
ballot box had been opened, while
the papers were being counted, and

before the result was
declared. The first
answer is, I think, that
there is no allegation that the
Councillor in question himself
expressed a wish to vote, therefore
do not see how it was incumbent on
the Chairman to request him to do so.
The desire of another Councillor
seen in the Councillor had expressed
a wish to vote, I doubt if his vote could
be taken legally after the ballot box
had been opened. I am not aware
of any rules on the subject, if there are
none possibly the practice at Madras
elections in England might, possibly,
form a guide. The point is one of great
importance seems to require a ruling.

3. As to the 2nd ground of objection,
viz (b) that the nominated
Candidate, H. K. Kalyanasundaram
Esq. voted for himself, it must be
remembered that as the voting
was by ballot there is nothing to
show - (unless the papers are examined
and the handwriting identified, or unless
the Councillor in question admits to the
vote as alleged) - that the nominated
Candidate voted for himself. It is
just conceivable that out of a spirit
of jealousy he may have voted for
his rival. In fact so long as voting
is by ballot, so long as the Secretary of the
ballot is sworn as it presumably
should be, I do not see how any
instructions as to how a Candidate
should vote can have
any binding force or amount to
anything more than counsel or
advice. Taking it for granted
however that the nominated

500-3-10-96.

Very Urgent

Legislative DEPARTMENT.

C. No. 169

Selection of a Candidate for nomination to the
Legislative Council, by the Tanjore Muni-
cipal Council.

FOR ORDERS.

Of flagged M

x flagged B

⊕ flagged C

The current contains the resolution of the
Tanjore Municipal Council selecting the
Honble Kalyanasundaram aiyar for nomi-
nation to the Legislative Council, the
protest of Mr R. S. A. Swaminathan aiyar
(the alternative candidate recommended by the
Municipal Council) in connection therewith
together with the remarks of the Chairman
of the Collector thereon.

The ground upon which the selection is disputed
are the following: —

I That the Chairman failed to take the vote
of Councillor Mr R. Nataraja aiyar who entered
the room after the ballot box had been opened
and while the papers were being counted, but
before the result was declared.

No precedents on this point can be traced
in 1893 or 1895 - the two previous election years,
and the Chairman's observation that the Councillor
is not entitled to vote simply because he was
not present during the discussions on the

Flagged B.

Subject

Subject does not seem to be correct. The Collector's arguments on this point deserve attention: x flagged C.

He argues that the Councillor in question himself did not desire to vote & therefore it was not incumbent on the Chairman to request him to vote at the desire of another Councillor; further he doubts and that it is submitted, rightly, the validity of a vote taken after the ballot box had been opened. There are no specific rules on the subject she says the practice at Parliamentary elections might by analogy form a guide, and solicits a ruling on the point, as it is, in his opinion, a point of great importance.

The Honble Kalyanasundaram Aiyar's voting for himself is illegal

The orders of Government referred to in the protest and in the Chairman's endorsement are the following:

G.O. No. 1703 M. as subsequently modified in G.O. 239 M. The rule in then relates to cases in which the Municipal Councillor is pecuniarily interested. This rule has been incorporated in the Act of 1884 by Madras Act III of 1897 S. 24 (3).

G.O. 977 M. This relates to self voting of a candidate for Municipal Councillorship during the elections, which had been declared improper.

G.O. 1966 M. This declares that a Municipal Councillor

who is in the hall, when the ballot is being counted, but

When once the ballot box was opened to count the votes, it was too late to receive the vote of an elector who had just arrived. The vote had been taken, & what was being done was to ascertain how it stood.

Moreover there is no objection on the part of the Councillor or any protest from him.

There seems therefore no ground for declaring that there was any irregularity on this ground.

x flagged D
o flagged E. I agree with the above note.

* flagged F

o flagged G.

above. During the election the Municipal Councillor was present, but the Municipal Councillor was not present during the counting of the votes.

No precedents in 1897 & 1895

The voting is by ballot & there is theoretically no means of ascertaining how any Councillor gives his vote. The Ballot imports secrecy & the concealment of the elector's vote.

How do I see any reason whatever why a Councillor should not vote for himself. It may be done at any election in England. ~~signature~~

A.F. 20/6/17

Councillor should not vote for himself during the election of a Chairman by the Council. It may be said that voting here is by ballot. It will thus be seen that there are no specific rules on this particular voting during Legislative Council elections, tho as the Collector points out, the provisions of G.O. 977 M. of 16.6.96 referred to above as item (2), favour the view that such a vote should be disallowed.

The Chairman on this point observes that while the vote of Mr. A. Anantaramayana Aiyar, an undivided brother of Mr. S. A. Swaminatha Aiyar is taken into account on the latter's behalf it would be a very hard case to prevent Honble Kalyanasundaram Aiyar from voting for himself. And that if, however, a re-election is ordered he would convene a fresh meeting.

It is submitted that there is no doubt a strong moral objection to a Councillor voting for himself in cases where he is interested, but in cases like the present viz Legislative Council elections — he may desire to give his vote for somebody else. The presumption is however to the contrary and any general order that may be issued on this subject against the validity of such votes should be to the effect that the Councillor in question should not exercise his privilege of voting, ^{at all} ~~that~~ ^{to the effect} that he should not vote for himself, as the Collector points out, that

in cases where voting is by ballot, it would be somewhat difficult to ascertain whether the Councillor has voted for himself or not.

In case the Honble Kalyana Sundaram Aiyar's vote is disallowed, the Municipal Council ought to hold a meeting again for the selection of candidates, the votes obtained by the Honble Kalyana Sundaram Aiyar including his own ^{being} only nine in number against the nine, the same number obtained by Mr Rky S. A. Swaminatha Aiyar. The collector therefore desires a ruling on this point also.

CRV
29/6/97

N.B.

Please see marginal notes above. I can discover no ground for Govt interference or for declaring that any irregularity has taken place which would invalidate the selection made by the Mun. Council.

S.A. 20/6/17

N.B. & circ

Concur with this note.

A.S.H.

1.7.97

2/7/97 2/7/97

G.
24.
1,000-14-6-97.

VE

Legislative DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., No.	dated	189
Again G.O., No.	dated	189
Current No. 169	of 1897, dated 25. June	, from the collector of Tanjore
" "	" 189 , "	" "
" "	" 189 , "	" "

ORDER.

No 52 of 6/7/97

his

The Government sees no reason to declare on either of the grounds alleged in MRRy S. A. Swaminatha Aiyar's letter of objections that any irregularity has taken place which should invalidate the selection made by the Municipal Council.

(from order)

2/7/97

To The Chairman Municipal Council, Tanjore.
thru the collector of Tanjore.

(P.O.)

CRV
5/7/97

above. saying "I am well being consulted, but however let the Government decide."