

Legislative (1897) Department.

ORDINARY MS.

G.O., No. 85

DATED 16. 10. 97

INDEXED.

18/18

202
26/10/97

[Despatch Abstract.]

Selection of persons for nomination as additional members of Council

Informing Mr. S. A. Swaminatha Aiyar of Tanjore that his memorials on the subject of the recent — at Trichinopoly were duly considered before the nominations, approved by the Governor, were gazetted.

For I.

Please return this form after indicating

CRV

26/10/97

Returned
not
copy

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. 2657

Telegram

From Mr R. S. A. Saminatha
aig ar at
Trichinopoly.

Cnos 265, 266 & 267

Order

his

The Government is not prepared
to comply with the petitioner's request
(from orders)

No.

Dated 24

Received 27

Registered 27

Enclosures

Spare copies

Mr R. S. A. Saminatha aig ar (G.O. No. 266 & 267 + 0)
Copy to the [?] of Trichy (G.O. No. 266 & 267 + 0)

Note In the note for orders please see

G.O. No. 86 dated 16/10/96 (by [?])

This draft order when passed will
bear date the 16th instant, the date
of getting the nominations.

Legislative
G.O. No. 85 dated 16 Oct 1897

The pet^r will be informed
that his memorials were duly
considered before the nominations,
prepared by the [?] [?], were
rejected.

SUBJECT.

Requesting to defer approval
of Legislative elections
by the Southern Group Commi-
ssioners & Boards pending
receipt of objection peti-
tion.

10/10/97
10/10/97
G.O. No. 85 dated 16 Oct 1897

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

INDIAN

TELEGRAPHS.

Monthly Number.

To

(Office)

From

(Office)

Words.

Day.

Hour.

Minute.

Official Instructions.

To

(Person)

From

(Person)

OOTACAMUND 24-8-97

Recd. from

LX.

Sent to

LX.

Telegraph Master.

At

By

By

At

By

By

11-06.

Legislative (1897) Department.

CURRENT No. 267

From Mr. S. A. Saminada Aiyar
Bangalore

Order

No.

Dated 26
Received 330 } 8 97
for Rs 4
Registered 30

Enclosures

Spare copies

SUBJECT.

Requesting that Govt will
be pleased not to accept the
recommendation now made
by the Municipalities of
the Southern Group and to
order a fresh election.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No 267
Major
26.18.97

To

The Secretary
to the Government of
Madras Legislative Dep-
tment.

Petition of S. A. Srinivas
a/c Government pleads
Tanjore and a candi-
date for election to
the Legislative Council.
respectfully sheweth:

1. That at the elections
held on the 23rd Instant
in re the Municipalities
of the Southern Group
the petitioner at the
first ballot secured
7 votes conformably
to the instructions given
to voting delegates and
that was the largest
number of votes -
secured by any of the
candidates at the
first ballot.

2. That petitioner's
chances at the second
ballot were then in
a position to improve
owing to the process
of elimination of the

Candidate who secured
only the least number
of votes.

3. That petitioner's
voting delegate was
bound to vote for him
till his name was
eliminated.

4. That the result of
the 2nd ballot showed
that 2 of his voting
delegates apparently
with a view to diminishing
his chances of success
voted for some other
candidate who was
not a nominee of
their respective committees.

5. That petitioner learned
that the said delegates
are the voting delegates
appointed by the
Municipal and
Tanjore Municipal
Councils.

6. That petitioner's
chances having been
made to appear
small, petitioner was
not able to secure
the votes of other

delegates who were
in a position to vote
for him.

7. That petitioner's name
not having been
eliminated till the
end, petitioners chance
of success would
have been greater
if his voting delegates
had voted for him
as they ought.

8. That the petitioner
who secured 7 votes
at the first ballot
had the advantage
of securing at the
subsequent ballots
not only the votes
of the Council which
he was an alternative
nominee but also
of other Councils
whose nominees
had been eliminated.

9. That the present
result shows that
several of petitioner's
voting delegates must
have played false
with him.

10. That Government
have issued general
instructions requiring
voting delegates to
conform to the instructions
given them by their
respective Councils and
have in addition
taken additional
precautions to see
that the instructions
are strictly adhered
to by requiring voting
delegates to sign their
names in the voting
papers.

11. That a scrutiny
of the voting papers
will show that the
rules framed by
Government have
been flagrantly
violated by some
of the voting delegates.

12. That such action
on the part of voting
delegates has markedly
prejudiced the
petitioners' chances
of success.

10. That the Government
 should be pleased not
 to accept the recommendation
 now made and to
 order a strict scrutiny
 of all the ballots
 taken and upon to
 such scrutiny to
 cancel the present
 election and order
 a fresh one should
 in the opinion of
 Government such
 a course be found
 just and proper.

11. That the Government
 should be pleased not
 to accept the recommendation
 now made and to
 order a strict scrutiny
 of all the ballots
 taken and upon to
 such scrutiny to
 cancel the present
 election and order
 a fresh one should
 in the opinion of
 Government such
 a course be found
 just and proper.

12. That the Government
 should be pleased not
 to accept the recommendation
 now made and to
 order a strict scrutiny
 of all the ballots
 taken and upon to
 such scrutiny to
 cancel the present
 election and order
 a fresh one should
 in the opinion of
 Government such
 a course be found
 just and proper.

Petitioner therefore
 prays that Government
 will be pleased not
 to accept the recommendation
 now made and to
 order a strict scrutiny
 of all the ballots
 taken and upon to
 such scrutiny to
 cancel the present
 election and order
 a fresh one should
 in the opinion of
 Government such
 a course be found
 just and proper.

Petitioner begs to remain
 your most-ohed. servant
 Mammunda

Level
Ecclesiastical

(189)

) Department.

CURRENT No. 266

From

M. L. R.

S. A. Sumanadha Chijar. au.

Order

No.

Lanjore.

Dated 26th

Received 30

for receipt

Registered 30

8-97.

Enclosures

Spare copies

SUBJECT.

*Requesting that Govt will be
pleased not to accept the
recommendation now made
by the D. H. Board in the
Southern Group and to order
fresh election.*

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

26.8.97
Tanjore

The Secretary
to the Government of
Madras Legislative
Department.

The petition of S. A.
Saminadain, Speaker
Tanjore and
a candidate for election
to the Legislative Council
respectfully sheweth:

1. That there were seven
Candidates for election
by the District Boards
in the Southern Group
who had chief nomi-
nations Mr. V. Parasara
Chariar having had
4 chief ~~nations~~ nomi-
nations.
2. That the remaining
6 Candidates had each
one chief nomination.
3. That of these, Messrs
P. R. Subabathi Pillai
Balakrishnan and
petitioner were the
real contesting Candidates.

4. That in addition to the chief nomination they had the said 3 candidates had first alternative nominations. Messrs Bala Krishna and petitioner having had 3 first alternative nominations each and Mr. Rutna Sabapati Pilly only one first alternative nomination.

5. That there was no alternative nomination by the Salem District Board and that the voting delegate therefore free from was therefore free to vote as he pleased. Mr. Vijayaraghavan that Board's nominee having been elected the first day by the Municipalities.

6. That petitioner's position prima facie was thus much better than that of Mr. Rutna Sabapati Pilly.

7. That at the first ballot petitioner secured 2 votes, Mr. Bala Krishna 3 votes and Mr. Rutna Sabapati Pilly 3 votes.

the latter two having secured a larger number by reason of their first alternative nomination to Mr. Vijayarao Chaitan who had been elected there first day by the Municipal.

8. That at the close of the first ballot - 28th candidates having been eliminated the following results were obtained at the second ballot.

Mr. P. Ramesh Babai Pilly	4 Votes.
Mr. Balakrishnan	3 Votes
Petitioner	3 Votes

9. That the 3 votes secured by petitioner were legitimately his until his name was removed in the process of elimination or until he withdrew.

10. That at the 3rd ballot - quite a fair all sense of propriety and against the special instructions of the Board.

But he took down more than three votes & Ramesh Babai had at any rate 4 or one more than pet.

13. once of the petitioners
voting delegate is the
delegate from Timor
voted against petitioners
and thus caused his
name to be eliminated

11. That petitioners learned
that this elimination
was the result of a plan
preconcerted by the
Salem Board delegate
Mr. Osman Sahib
Vappuchi Marcar
Deputy Collector of
Salem by bringing
his influence to bear
upon the Timor
delegate and that
Mohammedan gentleman

12. That at the close of
the 2nd ballot the collector
advised the delegates
to retire for consultation
before taking another
ballot, when Mr.
Sankaraya Naidu
one of the supporters
of Mr. P. R. Nadasaba-
patti Pilly stood up
and said that another
ballot may be tried

13. That this suggestion was made, petitioner believes, because of the previous understanding that they had come to with the Tinnevely delegate to vote in the 3rd ballot for Mr. Rukmarabapati Pilly as stated in para 11.

14. That the Salem Board delegate from the time of his appointment as such identified himself with Mr. Rukmarabapati Pilly of Negapatnam out of the candidates for election and kept to work in his cause.

15. That the Salem Board delegate is a native of Negapatnam who his candidate Mr. Rukmarabapati Pilly carries on his business as pleader and of which place he is the Municipal Chairman.

16. That the Salem Board

delegate arrived at
Trichinopoly 2 days before
the elections, frequently
visited Mr. Rukhasabapathi
Pilly at his quarters,
held consultations
with him and moved
with him and his
party canvassing
votes.

17. That at the meeting
of the delegates at the
Town Hall at Trichi-
nopoly Mr. Osman
Saib Wappuchi Manager
Deputy Collector of
Salem took the
Tinnevely delegate
and seated him by
his side so as to be
able to control
his vote when necessary.

18. That there was a
strong motive for
Mr. Wappuchi Manager
arranging for the
elimination of the
petitioner's name for
by so doing he could
secure 2 votes for
his candidate Mr.
Rukhasabapathi Pilly
he being the next
alternative nominee

to petitioner in the Irish
Hospoly and Finnevelly
District Boards.

19. That petitioner believes
the above fact to be
true from the admission
of the Finnevelly Board
delegate since the
election to several
Gentlemen that he
had been misled
by his neighbour
at the meeting viz
the Salem D^y collector
into voting for Mr.
Rutnasabapati Pillay.

20. That if the voting
delegates were free
to vote as they pleased
despite the instructions
given them by their
Boards petitioner
would in all proba-
bility have obtained
a larger number
of votes than he has
now obtained his
claim being if not
superior at least
not inferior to
those of the other
Candidates.

21. That while the other
delegates felt bound
by the Government
orders on the subject
and the instructions
of their Boards to strictly
carry out the instructions
of their respective
Boards the Jinnelly
Board delegate alone
apparently felt himself
free to disregard
entirely the said
instructions.

22. That the Jinnelly
Board delegate having
been commissioned
to carry out the Board's in-
structions and wishes
he was bound to have
voted for the Candidate
in the order of their
nomination till
each name was
eliminated.

23. That if the Jinnelly
Board delegate had
adhered to his Board's
instructions to vote for
petitioners, petitioners
name would not

26 have been eliminated at the 2nd ballot and the delegates would then have been allowed time to consult together and consider the claims of the several candidates and come to a conclusion as to the course they were to adopt at the next ballot.

24. That petitioner believes that if matters had arrived at the stage above mentioned his claims would have been considered and he would in all probability have been elected.

25. That as stated above the unwarranted and improper interference in the business by the Mohamedan Deputy Collector of Salem and the rampant abuse of trust by the Tirunelveli Board delegate in deserting the cause of the candidate whom he was bound to support have led to the results now complained of.

26. That petitioner has been
materially prejudiced
by the act abovementioned

Petitioner therefore pray
that Government will
be pleased not to accept
the recommendation
now made and to
order a strict scrutiny
of all the ballots
taken and upon such
scrutiny to cause to
present electors
order a ^{recommending} ^{power of modify}
in the ^{the for the}
Government
course be ^{power of modify}
and proper.

Petitioner beg to thank
you most-obl. & service

Wm. Minada am

NOTE FOR THE SECRETARY.

The file is respectfully submitted for the Secretary's passing the draft over on Mr. Swaminathan's petitions. The Secretary initialled the over with: 16.10.97, did not pass the draft over now in question.

Perhaps the Secretary thought that the forgetting of the nominations is sufficient for the petitioner to know that his petitions have been rejected. But it is respectfully submitted that formal order on the petitions is desirable. If the Secretary passes the draft it will issue without loss of time.

Who decides whether the petition is valid or not?
The for = a Petition

22/10/97

NOTE FOR THE Secretary.

The instructions to Local Bodies in connection with the Selections of persons for nomination as additional members have been issued in the form of G.O. - in the name of Government.

Apart from this, it is respectfully submitted that Reglas II-B and I of the Regulations under section 141 of the Indian Councils Act, 1892 issued by His Highness the Governor-General for Madras clearly say that ^{lead} the recommendation ^{lead} made by the Governor in Council to lay down or modify as occasion requires ^{lead} that for the Governor only, who when the procedure followed cannot be objected to, has the power of accepting or rejecting the recommendations made.

The question of deciding whether the selection is valid or not is for the Government and not for the Governor, &c.

The power of nomination in the case of these Selections by the Local Bodies, like the power of nominating other additional members without ^{the} recommendation of any local body vests with His Highness the Governor solely, but the procedure in regard to the Selections vests with the Governor in Council or with Govt. by the Regulations quoted above. It is therefore requested that the draft order on the petition may be approved. CRV

23/10/97

* copy at the bottom of the file

INTRE

STATE

PAPEL N

N.B.

- A =
- B =
- P = C
- Q = C