

[L. M. 10-10-10]

Handwritten: Kankar
Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 3 *m*

DATED 4-1-98

INDEXED. *CR*

[Despatch Abstract.]

Munl. Council

Ordering, with remarks, that the Election
of certain gentlemen as members of the
Cuddalore — be notified.

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Munl. (1897) Department.

CURRENT No. 3753 M

From The Collector of South Arcot.

Miss Order no. 3 in his of 4.1.98.

The Government considers that the election of Mr. R. Sankarappa Nayudu was valid, as he was exempted from the operation of clause (d) of Section 10-A of the District Municipalities Act, on the same day on which the election was held, although the exemption was not then communicated to the municipal council. The election of the four successful candidates will accordingly be published in the Fort Saint George Gazette.

Ref. on Rep. No. 886 of 1897
Eng.

Dated 27-10-1897

Received 1-11-97

Registered

Enclosures 4

Spare copies.

SUBJECT.

Submitting to Government Cuddalore Municipal Chairman's report on the elections held on the 7th and 8th instants & fill up certain vacancies in the municipal council.

The Collector of South Arcot
Gazetted 4/1/98 with Enclosures (4) (Copy 5/1/98)

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL AND MUNICIPAL DEPARTMENT.

NOTIFICATION.

UNDER Section 10 of the Madras District Municipalities Act, 1884, the under-mentioned gentlemen have been duly elected Municipal Councillors of the Municipality of *Cuddalore*. :-

In R.Ry. P. T. Sadagopa Chariya Avasal.

In R.Ry. M. Ganapathi Mudaliya Avasal.

In R.Ry. S. Devarayaga Mudaliya Avasal.

In R.Ry. V. Sankarappa Nayada ~~Avasal~~
Garu

Cw. 3753.2.

Gazette Part I. A.

Submitted to Government in the local
and Municipal Department. A State-
ment showing the present Constitution
of the Council is enclosed.

2 No objection petitions were
received by me questioning the validity
of the election of Mr. P. T. Shasappa-
charian avergal and M. Janapathy mu-
daliar avergal - Their names may be
published in the Gazette.

3 One K. Ratna Chetty presented
a petition objecting to the election of
Mr. S. Devanayaga Mudaliar avergal
on the ground that his brother Mr. S.
Panduranga Mudaliar avergal is
already a Councillor in the Municipa-
lity. Section 10 A clause (2) does not
prohibit relatives being Councillors in
the same Municipality. Moreover the
petition was not presented by 10 voters
as required by the rules. The election
of S. Devanayaga Mudaliar avergal
may also be Gazetted.

No-

The objection not
being valid under
the rules, it was
rejected by the Collector.
The petition may
also be Gazetted.

17R.

12. 97.

4. A petition signed by 21 voters of Tirupapuliyur 4th ward was received on the 12th instant questioning the validity of the election of Mr. Ry. V. Sankariah Naidu for on the technical ground that he is an Honorary Magistrate of the Town and had not been exempted by Government from the disqualification at the time of appointment. The election took place on the 8th instant and Government order no 2186 M. Dis. exempting Mr. Ry. V. Sankariah Naidu from the disqualification is also dated the 8th instant. The question now is whether V. Sankariah Naidu can be held to have been exempted at the time of the election although such exemption was actually communicated from the Government office later on i.e. on the 14th instant. Section 10 A requires that the disqualification should be removed by Government before the "appointment" as Municipal Councillor which in the case of elected councillors means "before the election" by the ratepayers. As the polling continues till the evening, the

"election"

"election" of a Councillor is not complete till the evening of that day. But as I understand the "election" commences with the "nomination" of candidates under rule 18; the process of election begins with the "nomination" and ends with the closing of the "poll" on the election day. The "nomination" should, I think, be considered part and parcel of the process of election as no candidate not properly nominated can be elected. Thus an Honorary Magistrate, to be qualified to be elected under Section 10 A should have been exempted by Government before his nomination as a candidate for election. As Mr. Ry. Sankariah Naidu was not exempted before his "nomination" as a candidate his nomination should not have been accepted by the chairman, as, under rule 19, he should have published only "valid" nominations. As Mr. Ry. Sankariah Naidu's nomination was not valid the whole election was also, I think, invalid and should therefore ^{be} declared null and void.

The

The fact that no objection was taken to the nomination cannot render the election valid, as the chairman was bound to have omitted Sankariah Naidu's name from the list published under rule 19 in as much as his nomination was on the face of it invalid. The chairman had no authority to publish "conditional" nominations

5 The chairman in a letter to me states that if Sankariah Naidu's election becomes invalid, — A. Subrayalu Reddiar has to be treated as the only candidate for appointment. I think, however, that a fresh election is necessary in the interests of the public as the candidature of M. R. V. Sankariah Naidu may have induced some persons not to stand for the vacancy. The disqualification of M. R. V. Sankariah Naidu having now been removed by government, a valid election can be held if government is pleased to declare the late election null and

Statement showing the

and void and to direct the holding of a fresh one.

27th October 1897

Subrayalu Reddiar
For Collector.

Statement showing the present Constitution of
the Cuddalore Municipal Council

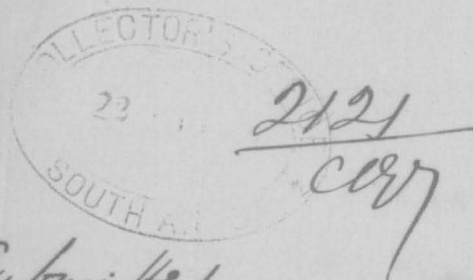
no	Names of Councillors	date of notification in the Fort St George Gazette	Remarks
<u>Ex officio</u>			
1	J. R. Coombes Esquire	-	Head Quarters Deputy Collector in charge of the Division
<u>officials</u>			
2	Surgeon Major J. C. Maraden	19.5.1896	District Medical and Sanitary Officer
3	T. J. Connell	16.2.1897	Marriage Registrar
4	J. R. Coombes Esquire	2.3.1897	Since became an Ex officio Councillor
5	M.Ry. H. Pachapakkasa Rajan a/c	21.9.1897	Sub Assistant Inspector of Schools.
<u>non officials</u>			
6	M.Ry. M. Annamalai Pillai	20th November 1894	✓
7	" C. S. Prativasa Row faru	- 1890 -	✓ Chairman
8	" M. Comarasami Pillai	- 1890 -	✓
9	" T. Seshachalam Naidu faru	- 1890 -	✓
10	" P. Sama Row faru	- 1890 -	✓
11	" S. Kuppusami Naidu faru	- 1890 -	✓
12	" K. Muthusami chettai	- 1890 -	✓
13	" S. Panduranga Mudaliar a/c	29th October 1895	✓
14	" H. K. M. M. Parakk Mervar	2nd June 1896	✓
15	" Muhammad Mural Mervar	14th September 97	✓
16	} Vacant	_____	
17			
18			
19			
20			

27th October 1897.

Asubbannil
For collector

Through the Revenue Officer
Charge of the Cuddalore Division

Local & Munl. (1897) Department.



CURRENT No.



Submitted.
The voters list for Ward no 1
Cuddalore O.T. was scrutinized
by me & found to contain
many errors & misstatements.
This has been separately
reported to the Collector
in my letter dated 20.10.97
Order.

J. Varadaras
R. D. O.

20.10.97

From

6-10-97
Eugene 2097

The Chairman,
Municipal Council,
Cuddalore.

No. 578.

Dated

18 October 1897.

Received

Registered

Enclosures /

Spare copies

SUBJECT.

Reporting the result of elections
held on the 7th and 8th instants
to fill certain vacancies among
the elected members in Cudda-
lore 2nd Ward and Tirupapinligu
4th and 5th Wards.

1
3753 mos 6 1897

G.O.	No.	Department.	Date.

[illegible]

Down

D.R.Ky. C.S. Srinivasa Rao Muzl,
Chairman, Municipal Council,

Laddalot

7

The Secretary to Government,

Local and Municipal Department,

Inadras

/ Through the Revenue Officer in charge of the
faddulare division. /

Li

I have the honor to report, for the information of Government, the result of the Elections held on the 7 and 8 Instant for filling up 4 vacancies in the Council created by the retirement of an equal number of time-expired Councilors.

2. The number of vacancies and the words in which they occurred are given below:-

1 vacancy in Cuddalore Old Town 1st Ward

/ _____ " _____ " _____ 2^o
" _____

1 — a — Pimpapulyar — 4

1844

3. The publication of the notice, under rule 17 of the Election rules, stating the number of vacancies and the Wards in which they occurred

occurred, was followed by the undermentioned
notorious being made:-

For the vacancy in the 1st Ward Old Town
Cuddalore M. Ry. S. Sivanayaga Mudaliar.

Do 2^o Ward Cuddalore (1) Inkly. M. Jathia
Chettiar and (2) Inkly. M. Ganapathy Muddu

Do. in the Trinapapulesu 4th Ward (1) Sakky.
A. Subragalu Reddiar, C.S. A.B.L., and (2)
Sakky. V. San Kariah Naidu.

Do in the Torupapuligun 5th Ward, Ark.
S. Jugaram Kaidu and (2) Ark. Co. Shadagopalachari.

4. There was only one Candidate (Mr. H. S. Orinayaga Madelkian) nominated for the vacancy in the Old Town Caddisone 1st Ward, and he has been deemed to have been elected under rule 22 of the Election rules.

5. I attended the Municipal office on the
evenings of the 7th and 8th Instant, and in the
presence of Councillor Mr R. T. Seeshellam
Maidy, P. Sama Rao, Mr. J. J. Hurrell, M.R.C.
H. Dattaswami Chettiar and Mr. Mohamed
Razaay Morkhan and the Polling officers opened
the ballot boxes of the polls taken in Cuddalore
2^d Ward and Pirapalayur 4th and 5th Wards,
checked the votes with the voters' lists and
counted them with the following result:-

old

Old Town Caddalore 2^d Ward

4 (1) Dr. R. G. Dr. D. A. Chettyar secured 53 votes.

(2) " Dr. Ganapathy Bradelliar 60

Pinnapaliyan 4th Ward.

(1) A. Subrahayalu Reddiah secured 49 votes.

(2) "V. San Karasah Stacidu" 58

Tumpukan 5th Ward.

(11) "S. Jagaram" *traces* secured 16 votes.

P. T. Shadapachachariar. 83

6. Mr. A. A. Mr. Ganapathy Inadellas,
V. Sankarish Naidu and P. S. Shadagopachandran
having secured the largest number of votes, they
were considered duly elected as Councillors of
the 2^d, 4th and 5th wards respectively.

7. I may here bring to the notice of Govt. that Mr. J. V. San Karan, a trader, the Councillor elect for the Triapapaliguan Ward, is an Honorary Magistrate and was therefore considered to be disqualified for the office of Councillor.

8. Soon after his nomination was received, he wrote to me stating that he intended to resign his appointment as a Bench of Magistrate, and later on I was informed that steps were taken to move Govt. to exempt him from the operation of Clause (d) of Sub. Section (1) of Section 10 of Act IV of 1884 as

amended

Exempted
for 2186m
8.107

amended by Act III of 1897. Under these
circumstances I allowed the name of
Mr. V. San Kariah Aidi to be published
for election subject to any order that may
be passed in his case.

9. No objection was taken to the
nomination of Mr. V. San Kariah Aidi
within the time allowed under rule 19.

10. The question as to whether Mr.
V. San Kariah Aidi could become a Municipal
Councillor has been set aside by the receipt
of G.O., dated 8 October 1897, No. 2186 D. Ins.,
exempting him from the operation of the
provisions of the act quoted in para 8 supra.

11. From the accompanying statement,
which contains full particulars as regards the
elections held, it will be seen that the vacancies
in the Cuddalore 2nd Ward and Tirupapalegam
4th and 5th wards were very keenly contested.

12. The ballot papers have been forwarded
to the collector in a box carefully sealed as
required by rule 31 of the election rules.

13. In conclusion I beg to request the
Government will be pleased to direct the
names of the following successful candi-
dates to be published in the Fort

Saint

Saint George Gazette:-

1. Mr. S. Sivayazha Madelliar Auzal.
2. Mr. Ganapathy Madelliar Auzal.
3. Mr. V. San Kariah Aidi.
4. Mr. P. P. Shadazopahachariar Auzal.

I have the honor to be,

Sir,

Your most obedient servant,

Copied by Mr.
Jamp. d. by. D. V. N.

Channan

Statement showing the result of the Elections held on the 7th and 8th October 1897 in the Cuddalore Municipality

Name of Municipality.	Name of Ward if any.	Date of Election.	Number of registered voters.	Number of voters who exercised the privilege.	Names of Candidates.	Number of votes obtained by each.	Names of Candidates duly elected.	Remarks.
1	2	3	4	5	6	7	8	9
Cuddalore	1 st Ward Old Town Cuddalore.	7.10.97	72	*	Mr. S. Divanayaga Iyer	53	Mr. S. Divanayaga Iyer	Elected under rule 22 (b) of the Election rules.
	2 nd " " " "	8.10.97	140	* 115	Mr. J. Nathan Chellaiyer	60	Mr. Ganapathy Mudaliar	* In this election 2 votes were rejected as invalid under rule 27 of the Election rules.
	3 rd " " " "	8.10.97	160	* 109	Mr. Ganapathy Mudaliar	49		
	4 th " " " "	8.10.97	160	* 109	Mr. S. Subbaya Reddy Iyer	58	Mr. V. Sankariah Naidu	
	5 th " " " "	8.10.97	192	* 131	Mr. V. Sankariah Naidu	46		
					Mr. S. Jayaram Naidu	83	Mr. P. S. Shadagopachariar	
					Mr. P. S. Shadagopachariar			

Copied by
Compd. by

Channan

4
3753 Nov 1897

C. No. 2763.M of 1897

SUBJECT.

FOR ORDERS.

The elections of Mr. P. J. Sadagopachariyar, Mr. Ganapathi Mudaliyar, and S. Devanayagam Pillayar, may be notified in the Fort Saint George Gazette.

2. The validity of the election of Mr. V. Sankaraya Nayudu is questioned on the ground that he is an Honorary Magistrate and has not been exempted by Government from the disqualification at the time of appointment. The election took place on the 8th October, 1897, as the order of Government exempting him from the operation of (d) of subsection (1) of Section IV of 1884, as amended by Act II of 1897, is also dated the same day. It is submitted that the Cause above referred to may be con-

* It actually passed on the 7th but was issued on the 8th.
G.O. No. 2186.M. A
8-10-97

to have been eligible for election on that day, although the order was not communicated to the municipal Council or the candidate - vide G.O. No 1352 M, dated 1st October 1894. The Collector however considers that as the "election" practically commences with the nomination of candidates under No 18 of the Election Rules, and as no candidate who is not properly nominated can be elected, the Honorary Magistrate to be qualified for election must have been exempted from the disqualification before his nomination and as Mr Dy. Sankarayya Nayudu is not so exempted, his nomination, and consequently, his election, were invalid. Looking however to the provisions of Section 10-A of the Municipal Act which says that in order to be qualified to be appointed municipal councillor, a person must not have any of the disabilities mentioned, and to No 36(b) of the Election Rules, which contemplates objection to the validity of an election on the ground that the person at the time the election was held, was not qualified as a candidate, it is sufficient

B.

in. No. 1876 M.
8-12-90 C.

* The term 'appointed' includes appointment by election also - vide Section 10 of the Act.

sufficient, if the disqualification did not exist at the time of the election, and the ineligibility of a candidate for appointment at the time of publication of the schedule of valid nominations does not ipso facto invalidate his election, provided his disqualification is removed at the time of election. In these circumstances, it is submitted that the election of Mr Dy. Sankarayya Nayudu is also valid and may be notified in the usual manner.

The draft order on the current is submitted for approval.

P.R.
17/12/97

Seen
18/12/97