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G.O., No. 61 M

DATED 11.1.98

DESPATCHED

[Despatch Abstract.]

Election rules – Confirming with remarks the rules for the election of Vice chairmen of muni. councils & ordering the publication of the necessary notification ~~in the Fort St. George~~ in all the Dt. gazettes.

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

FURTHER PAPERS.

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

Government [illegible] Madras.

LOCAL AND [illegible]PAL

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Recd. } 1898. *Enclosures*
Regd. *Spare copies*

G.O., No. 61 M., 11th January 1898.

JANUARY.

Election Rules.

Confirming, with remarks, the rules for the election of Vice-Chairmen of Municipal Councils, and ordering the publication of the necessary notification in the ~~Fort St. George and in all~~ the District Gazettes.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—again the following paper :—

G.O., No. 1473 M., dated 24th June 1897.

the]
Madras]

Abstract.—Ordering the publication in the *Fort St George Gazette* and in all the District Gazettes, for information and criticism, of ~~certain~~ draft rules for the election of Vice-Chairmen of Municipal Councils framed under clause 3 of section 14 and clause (*n*) of sub-section (1) of section 250 of the District Municipalities Act IV of 1884, as amended by Act III of 1897; and stating that any objection or suggestion which may be made in respect of them will be considered on or after the 1st August next.

Read—also the following papers :—

From	the Chairman, Municipal Council,	Cuddapah,	dated	22nd	July	1897,	No. 919.
„	„ „	Madura	„	23rd	„	„	„ 35.
„	„ „	Palghat	„	24th	„	„	„ 2397.
„	„ „	Bellary	„	24th	„	„	„ 3389.
„	„ „	Nellore	„	26th	„	„	„ 926.
„	„ „	Ongole	„	26th	„	„	„ 312.
„	Joint Secretaries to the Kistna Dist. Assocn.		„	28th	„	„	Dis. No. 44.
„	Chairman, Municipal Council,	Vellore	„	29th	„	„	No. 876.
„	„ „	Srívilliputtúr	„	30th	„	„	„ 394-I.
„	„ „	Cocanada	„	30th	„	„	„ 577.
„	„ „	Madura	„	31st	„	„	„ 40.
„	„ „	Negapatam	„	2nd	Aug.	„	„ 306.
„	Collector of South Arcot,		dated	3rd	August	1897,	No. 632-Eng.
„	Chairman, Municipal Council,	Tirupati,	dated	5th	Aug.	1897,	Dis. No. 419 M.
„	„ „	Vizagapatam	„	7th	„	„	No. 1003.
„	Collector of Tanjore,		dated	14th	August	1897,	No. 4017-Rev.
„	Pleader, Dindigul,		dated	26th	August	1897.	
„	Chairman, Municipal Council,	Kumbakónam,	dated	17th	Sept.	1897,	No. 605.

Order—No. 61 M., dated 11th January 1898.

In the Government Order read above, the draft rules for the election of Vice-Chairmen of Municipal Councils, framed under sub-section (3) of section 14 and clause (*n*) of sub-section (1) of section 250 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, were published for information and criticism. The letters read above are the replies received.

2. The Municipal Councils of Madura, Nellore, Ongole, Cocanada, Bellary, Tirupati, Vizagapatam and Kumbakónam approve of the proposed rules or have no remarks to offer. The remarks and suggestions made by the others will now be considered.

3. (i) *Rule 1.*—The Municipal Council of Srívilliputtúr states that the object of providing in this rule that the notice of the meeting for the election of Vice-Chairmen should be given by the Collector is not apparent, and suggests that it would be enough if the Chairman gives the necessary notice, sending at the same time a copy of it to the Collector for information. The Government, however, is unable to adopt this suggestion, as it is desirable for many reasons that the initiation of the proceedings for these elections should be in the hands of the Collector and the copy of the notice might often be sent too late for the Collector to interfere, should he consider such interference necessary.

(ii) *Rules 2 and 4.*—With reference to the objection which has been taken to Rule 2 on the ground that its working is unnecessarily difficult and cumbrous in requiring an absolute majority of votes for the election of Vice-Chairmen, whose powers and duties can be strictly limited and will be much the same as those of a Chairman-delegate, it is observed that, considering the official position, powers and duties of a Vice-Chairman, it is essential that the person elected for the office should be one who commands the confidence of a majority of the councillors and that for this purpose the procedure laid down in this rule should be followed. For the same reason, the suggestion made by the Vellore Municipal Council that it would be sufficient if the candidate obtains the votes of the majority of the councillors present at the meeting held for the election cannot be approved, as this would allow the election of a person who has got the support of only a little more than one-sixth of the total number of councillors. The Negapatam Municipal Council suggests that, in determining the absolute majority of votes for a successful election, the candidate should be excluded from the existing total strength of the council and points out that as, under Rule 4, a candidate cannot vote for himself, he cannot be included in the available voting strength. It is, however, observed that, although the provision in Rule 4 prohibiting a candidate from voting for himself is a good one, it is of little practical value. Under the system of voting laid down in this rule, it is impossible to find out whether a man has voted for himself. The only test which can be relied on for this purpose is the hand-writing of the candidate, but this cannot lead to any correct conclusion, as the hand-writing of two or more members may be very similar or a man may write a feigned hand. Nor is the Government prepared to provide that a voting councillor should attach his signature to the voting paper as suggested by the Municipal Council of Srívilliputtúr, since such a provision would be inconsistent with the system of voting by ballot contemplated by this rule. In these circumstances, the best course seems to be to exclude the candidates from voting altogether. The following will therefore be substituted for the last sentence of Rule 4 :—

"No candidate nominated for the office shall take part in the ballot."

(iii) *Rule 3.*—It has been suggested that, as the provision in this rule requiring that nominations of candidates for the office of Vice-Chairman should be sent to the Chairman at least six days before the date of the election is not only unnecessary but possibly dangerous, it would be sufficient if written nominations are handed over to the Chairman immediately before the election, seeing that in the case of nominations by Taluk Boards to District Boards the nominations are verbally made at the meeting by two of the members. In the first place, it has to be observed that the election of a Vice-Chairman is not on all fours with that of a District Board member. The qualifications of a Taluk Board member are presumably sufficient for a member of the District Board, but a municipal councillor may be amply qualified as such without having the requisite qualifications for the official position with its duties of a Vice-Chairman. It is therefore very desirable that the Chairman should have some notice of the nominations, so that he may make such inquiries as he thinks proper regarding the nominees and place facts respecting them before the council. Moreover there should be some time to canvass their qualifications for so important an office. Rule 3 will therefore be retained as it stands.

(iv) *Rule 5.*—His Excellency the Governor in Council considers that for an adjourned meeting the Collector's notice under Rule 1 is not necessary. It is desirable that the Collector should initiate the proceedings for the original meeting, so that he may have full notice and in the public interests take any action that may be requisite. But once the proceedings have been started, further reference to him about the adjourned meeting seems to be unnecessary. It will also be provided that at the adjourned meetings a second ballot may be taken as in the original meetings. The following will therefore be substituted for the second sentence of this rule :—

"At each adjourned meeting a second ballot shall be taken, the procedure being that provided in Rule 4."

(v) *Rule 6.*—The Collector of South Arcot suggests that, if after two meetings have been held no candidate has obtained the majority of votes required by Rule 2, the Chairman should be empowered to eliminate the name of the candidate who got the least number of votes at both the preceding meetings, obtaining, if necessary, the approval of the Collector for so excluding him. The Government, however, does not consider it necessary or desirable that the Chairman or the Collector should interfere after two unsuccessful elections, for if the result of the third election is also unsatisfactory, the Government can pass such orders in the matter as it deems fit. In the opinion of Government, therefore, this consequence of three unsuccessful meetings will be ordinarily sufficient to induce the members to come to a fructuous vote.

(vi) *Rule 8.*—As regards the suggestion that the minimum number of councillors required for making an objection to the validity of an election should be one-fourth of the total number of councillors then on the council, or three members when such number is less than twelve, and not merely three as fixed by this rule, it is observed that the rule which requires objections to be made by three councillors is the rule prescribed for the election of Chairmen of Municipal Councils and of Vice-Presidents of Taluk Boards and the Government sees no reason to modify it. Nor can the Government approve the suggestion made by the Cuddapah Municipal Council that the words, "either by himself or by the Divisional Officer in charge of the division in which such municipality is situated," should be omitted. As the Divisional Officer has the duty of reporting upon the municipal administration generally in all its branches and may also intervene either on his own initiative in emergencies or on the orders of the Collector, His Excellency the Governor in Council considers that he can be trusted to report on election petitions. This he has always done heretofore in the case of municipal elections and there seems to be no objection to the continuance of this practice. The proposal to substitute the words "in reference to" for "at" in clause (*a*) of the *proviso* to this rule in order to give the rule a more liberal construction is also unnecessary, as the rule in its present form covers everything that is required.

(vii) *Rule* 9.—It has been suggested that the Collector may be empowered to allow, in anticipation of the orders of Government, the elected candidate to assume charge of the office of Vice-Chairman, after the expiration of seven days fixed by Rule 8, if no objection has in the meantime been put forward to his election or if, after inquiry, the Collector considers the objection to be frivolous or unfounded. ~~But~~ as the Vice-Chairman is not an essential official there is no need for particular hurry about his appointment and the suggested alteration seems therefore to be unnecessary.

4. The draft rules, as now revised, are confirmed, and the following notification will be published in ~~the Fort St. George and~~ the District Gazettes in English and in the vernacular language of the district :—

NOTIFICATION.

Under sub-section (3) of section 14 and clause (*n*) of sub-section (1) of section 250 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, His Excellency the Governor in Council is pleased to make the following rules for the election of Vice-Chairmen of Municipal Councils. These rules shall come into force one month after their first publication in the District Gazette in English and in the vernacular language of the district :—

RULES.

The election of Vice-Chairman in any municipality shall take place at a meeting of the council specially held for the purpose, of which at least fifteen days' and not more than thirty days' notice shall be given by the Collector.

2. No election under these rules will be recognized as valid unless the successful candidate obtains the votes of more than half the total number of members then on the council.

3. Every candidate for the office of Vice-Chairman shall be nominated by at least two councillors in the following form, which shall be sent to the Chairman at least six days before the date of the meeting at which the Vice-Chairman is to be elected :—

Municipality of ______________________

We, the undersigned, nominate ____________, a councillor, as a candidate for the office of Vice-Chairman at the election to be held on the ______ day of ________ 189 .

Date ____________.

(Signed) ________________

4. On the day of the election, the Chairman, or the councillor elected to the chair, shall read out the names of the candidates nominated for the office, and at once proceed to the election, which shall be conducted in the following manner :—Every councillor wishing to vote shall at the meeting write on a slip of paper the name of the candidate he wishes to be elected to the office of Vice-Chairman, and place the same in a box so constructed that papers may be placed therein but not extracted without the box being opened. The Chairman shall then open the box and count the votes in the presence of the council. The candidate having the largest number of votes, or, if only one candidate has been nominated, such candidate shall be considered to have been elected to the office, subject to the condition laid down in Rule 2 above. If no candidate obtains the absolute majority required by Rule 2, a second ballot shall be taken in the same manner, and if this also fails to produce the prescribed majority in favour of any one candidate, the meeting shall be adjourned. No candidate nominated for the office shall take part in the ballot.

5. Nominations made for the original meeting shall hold good for every adjourned meeting, but fresh nominations may also be put in, provided the conditions of Rule 3 are complied with. At each adjourned meeting a second ballot shall be taken, the procedure being that provided in Rule 4.

6. If, after three meetings have been held, no candidate has obtained the majority of votes required by Rule 2, the fact shall be reported (through the Collector) to Government, who shall pass such orders on the matter as they may think fit, and all such orders shall be final.

7. Immediately after each meeting, the proceedings shall be submitted to the Collector with the names of all the councillors who attended the same. No election shall be considered valid until fifteen days after the meeting at which it shall have been held.

8. The validity of any election may be questioned by a petition signed by three or more councillors and submitted to the Collector within seven days after such election. Upon the receipt of such petition the Collector shall proceed to inquire, either himself or by the Divisional Officer in charge of the division in which such municipality is situated, into the matters alleged therein.

Provided that the validity of an election shall be contested only upon one or more of the following grounds, viz. :—

(*a*) that fraud, intimidation or bribery was practised at such election ;
(*b*) that the person whose election is questioned was, on the day of the election, not qualified as a candidate ;
(*c*) that he was not duly elected by a majority of votes ;
(*d*) that the election was not held in accordance with the rules.

9. When seven days from the date of the election have expired, or if any such petition as is described in the last preceding rule has been received, then upon the conclusion of the inquiry into the matters alleged therein, the Collector shall report the proceedings, together with his opinion, to Government, who shall pass such orders as they may think fit, and all such orders shall be final.

5. The Translators to Government will furnish the necessary translations of the above notification, and the Superintendent, Government Press, will print the required number of copies in English and in the vernaculars and forward them to the Collectors concerned for publication. Each Collector will report the date of publication in the District Gazette.

(True Extract.)

Ag. Secretary to Government.

To all Chairmen of Municipal Councils.
" all Collectors.
" the Tamil Translator to Government.
" the Telugu " "
" the Malayalam " "
" the Canarese " "
" the Superintendent, Government Press.

Gazette.
Editors' Table.

Exd. G. M. Th

NOTES CONNECTED WITH G.O., No. 61 M., DATED 11TH JANUARY 1898.

[SUBJECT.—*Rules for the election of Vice-Chairmen of Municipal Councils.*]

From the Chairman, Municipal Council, Cuddapah, dated 22nd July 1897, *No.* 919.
" " " *Madura* " *23rd* " " " 35.
" " " *Palghat* " *24th* " " " 2397.
" " " *Bellary* " *24th* " " " 3389.
" " " *Nellore* " *26th* " " " 926.
" " " *Ongole* " *26th* " " " 312.
From the Joint Secretaries to the Kistna District Association, dated 28th July 1897, *Dis. No.* 44.
From the Chairman, Municipal Council, Vellore, dated 29th July 1897, *No.* 876.
" " " *Srívilliputtúr, dated 30th July* 1897, *No.* 394–1.
" " " *Cocanada, dated 30th July* 1897, *No.* 577.
" " " *Madura, dated 31st July* 1897, *No.* 40.
" " " *Negapatam, dated 2nd August* 1897, *No.* 306.
From the Collector of South Arcot, dated 3rd August 1897, *No.* 632-*Eng.*
From the Chairman, Municipal Council, Tirupati, dated 5th August 1897, *Dis. No.* 419 W.
" " " *Vizagapatam, dated 7th August* 1897, *No.* 1003.
From the Collector of Tanjore, dated 14th August 1897, *No.* 4017-*Rev.*
From a Pleader, Dindigul, dated 26th August 1897.
From the Chairman, Municipal Council, Kumbakónam, dated 17th September 1897, *No.* 605.

I think rules 4 and 5 should be altered as suggested below. No other alterations seem to be desirable.
J. G[ROSE]—21-9-97.
A. E. H[AVELOCK]—7-10-97.

In the Government Order read above, certain draft rules for the election of Vice-Chairmen of Municipal Councils, framed under sub-section (3) of section 14 and clause (*n*) of sub-section (1) of section 250 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, were published for information and criticism. The letters read above are the replies received.

2. The Municipal Councils of Madura, Nellore, Ongole, Cocanada, Bellary, Tirupati and Vizagapatam approve the proposed rules or have no remarks to offer thereon. The following are the suggestions made by the others.

" *Rule* 1.—The election of Vice-Chairman in any Municipality shall take place "at a meeting of the Council specially held for the purpose, of which at least fifteen "days' and not more than thirty days' notice shall be given by the Collector."

The Municipal Council of Srívilliputtúr states that the object of providing in this rule that the notice of the meeting for the election of the Vice-Chairman should be given by the Collector, is not apparent and suggests that it would be enough if the Chairman of the Council were to give the necessary notice, at the same time sending a copy of it to the Collector for information.

It does not appear to be necessary to insist on the required notice being given by the Collector and the rule may therefore be altered by substituting the word "Chairman" for "Collector", and by adding the following clause at the end :—

"who should send a copy of it to "the Collector for information."

There are many reasons for keeping the initiation of the proceedings in the Collector's hands.

G. S. Forbes.
H. W. B[liss].

The copy might be sent too late.

G. S. Forbes.
H. W. B[liss].

"*Rule* 2.—No election under these rules will be recognized as valid unless the successful candidate obtains the votes of more than half the total number of members then on the council."

The Municipal Council of Palghat states that the working of this rule is unnecessarily difficult and cumbrous in requiring an absolute majority of votes for a valid election of the Vice-Chairman, as the powers and duties of a Vice-Chairman can be strictly limited and will be much the same as those of a Chairman-delegate whose appointment is a much simpler matter.

The Vellore Council suggests that the rule should be amended so as to make the election valid if the successful candidate obtains the votes of a clear majority of the Councillors present at the meeting at which the election takes place.

The Negapatam Council considers that in determining the absolute majority for declaring a candidate successful at an election, he (the candidate) should be excluded from the existing total strength of the Council and points out that as a candidate cannot vote for himself, it follows that he cannot be included in the available voting strength, which should therefore be the total number of Councillors then on the Council *minus* the candidate. If this suggestion is approved, the Council requests that a similar alteration may also be made in the rules for the election of Chairmen.

I see no reason why a Councillor should not vote for himself, if he pleases. As a Councillor he has a vote, and why should he lose his vote if he considers himself the best candidate, as he may be.*
In England a voter may vote for himself.
I would therefore strike out the last sentence of draft rule 4. If so the Negapatam objection falls to the ground.

G. S. Forbes.

* The rule that a man may not vote for himself seems to me a good one, as much for its educative effect as for any other reason. Municipal Councillors have to be taught that it is good form to abstain from voting in any matter in which they are interested, and a provision such as that in rule 4 would help in their education in this respect. A difficulty however occurs to me. Under the system of voting laid down in rule 4, how is anyone to say whether a man has voted for himself. Two or more members' handwriting may be very similar or a man may write in a feigned hand, and this may lead to wrangles as to the particular person who gave a particular vote. If this cannot be got over, and I do not see how it can be, the last sentence of rule 4 must come out.

H. W. B[liss].

See remark below.

J. G[rose].

There is an important difference between a Vice-Chairman and a Chairman-delegate, which the Palghat Municipal Council has overlooked, viz., that the Chairman may himself delegate any or all of his powers to a Vice-Chairman, while in delegating his powers to a Councillor, he must obtain the consent of the Council. The Council has thus in the latter case an opportunity to express its opinion as to the desirability or otherwise of delegating any particular power or powers to the individual chosen, but it has no powers to interfere in the delegation by the Chairman of his powers to the Vice-Chairman except as provided in clause (1) of sub-section (3) of section 32. Besides, when the office of the Chairman becomes vacant and in the temporary absence from the Municipality of the Chairman, the powers and duties of the Chairman devolve upon the Vice-Chairman under section 15 of Act IV of 1884, as amended by Act III of 1897. It is therefore essential that the person who is selected for the office of Vice-Chairman, should be one who commands the confidence of a majority of the Councillors and that for this purpose the procedure laid down in the draft rules should be followed for the election of a Vice-Chairman.

G. S. Forbes.
H. W. B[liss].

The Vellore Council is of opinion that it would be sufficient if a candidate obtains the votes of the majority of the Councillors present at the meeting. This would allow the election of a Vice-Chairman, who has got the support of a little more than one-sixth of the Council, as under sub-section (5) of section 30 of the Act, the quorum required at a meeting is one-third of the number of Councillors then on the Council; and this is undesirable.

The suggestion made by the Negapatam Council is, however, worthy of consideration. Supposing there are three candidates A, B and C and that the strength of the Council on the date of the election is 20, then as no valid vote can be given by any of the candidates for himself (rule 4), each candidate can, supposing that all the Councillors then on the Council attend the meeting and that he commands the fullest confidence of the Council, count upon only 19 votes. This being so, it seems but proper to exclude the candidate from the existing total strength of the Council, in determining the absolute majority of votes required by this rule; and it is submitted that the words "excluding himself" may be added at the end of this rule. If this suggestion is approved, the necessary alteration may also be made in the rules for the election of Chairman.

I would not alter draft rule 2.

G. S. Forbes.

No.

H. W. B[liss].

"*Rule* 3.—Every candidate for the office of Vice-Chairman shall be nominated by at least two Councillors in the following form which shall be sent to the Chairman at least six days before the date of the meeting at which the Vice-Chairman is to be elected :—

" *Municipality of*

"We the undersigned, nominate , a Councillor, as a candidate for the
"office of Vice-Chairman at the election to be held on the day of 189 .
" Date . (Signed)

The Secretaries to the Kistna District Association state that the provision in this rule requiring that nominations of candidares for the office of Vice-Chairman should be sent to the Chairman at least six days before the date of the meeting at which the election is to be held is not only unnecessary but possibly dangerous. They point out that in the case of nominations by Taluk Boards to District Boards, nominations are *verbally* made *at the meeting* by two of the members, that previous intimation is likely in several cases to lead to certain kinds of abuses incidental to such elections and that written nominations handed over to the Chairman immediately before the meeting will efficiently serve the purpose in view.

The cases are not on all fours; the qualifications of a Taluk Board member are presumably sufficient for a District Board member. But a Councillor may be sufficiently qualified as such without having the requisite qualifications for the official position, with its duties, of Vice-Chairman.

G. S. Forbes.
H. W. B[liss].

It would no doubt be enough if the nominations are made at the meeting as now proposed, but as the system of requiring the submission of the nominations beforehand is more convenient, and does not appear to be objectionable, the system having worked without complaint in the case of the election of Chairmen, the rule may be allowed to stand.

On the contrary, it is very desirable that the Chairman should have some notice of the nominations. It may be proper to make inquiries regarding the nominees, and place facts respecting them before the Council. There should be some time to canvass their qualifications for so important an office. I would let the rule stand.

G. S. Forbes.
H. W. B[liss].

"*Rule* 4.—On the day of the election, the Chairman, or the Councillor elected to the chair, shall read out the names of the candidates nominated for the office, and at once proceed to the election, which shall be conducted in the following manner :—
"Every Councillor wishing to vote shall at the meeting write on a slip of paper the name of the candidate he wishes to be elected to the office of Vice-Chairman, and place the same in a box so constructed that papers may be placed therein but not extracted without the box being opened. The Chairman shall then open the box and count the votes in the presence of the Council. The candidate having the largest number of votes, or, if only one candidate has been nominated, such candidate shall

“be considered to have been elected to the office, subject to the condition laid down in “rule 2 above. If no candidate obtains the absolute majority required by rule 2, a “second ballot shall be taken in the same manner, and if this also fails to produce the “prescribed majority in favour of any one candidate, the meeting shall be adjourned.

See note on margin *supra* anent rule 2.

G. S. Forbes.

“No vote given by any candidate in “favour of himself shall be counted.

Ditto.

H. W. B[liss].

The Municipal Council of Palghat and the Kistna District Association raise the question “if the ballot is secret and candidates are not excluded from “voting altogether, how can the election be invalidated on the ground that “a Councillor has voted for himself?” and they suggest that the two alternative ways of remedying this are (1) to exclude the candidates from voting, which may in certain cases render the absolute majority a matter of some difficulty, or (2) to permit the candidates to vote for themselves, which they consider unobjectionable. The Collector of Tanjore also makes the same suggestions. It is stated that in elections of higher importance, *e.g.*, that of a member to represent the Madras Municipality on the Legislative Council, a provision of this nature does not exist and there does not seem to be any legal objection to a candidate voting for himself.

I have noted above that the last sentence excluding a member's own vote should be erased. Moreover, as indicated by the objection, it is impossible to work such a rule with a ballot.

G. S Forbes.

I hadn't read this when I noted above. I would adopt this course.

H. W. B[liss].

If a man can get an absolute majority without his own vote, he had much better not be elected Vice-Chairman, for his election by his own vote only would be certain to lead to squabbles and factions.

H. W. B[liss].

Yes. I would substitute for the last sentence “No candidate nominated for the office shall take part in the ballot.”

J. G[rose].

None.

G. S. Forbes.

The rules lay down that no vote given by a candidate in favour of himself shall be counted. There can be no question as to the desirability of prohibiting a candidate from voting for himself, for in providing in the rules for the election of Chairmen, which have been adopted in the present case that a candidate to be successful should obtain more than half the total number of Councillors then on the Council, it was clearly the intention of Government that he should possess the confidence of a clear majority of the other Councillors, independently of the confidence which he has in himself, and in this connection, attention is invited to the notes and orders in G.Os., No. 1122 M., dated 21st August 1894, and No. 1966 M., dated 17th December 1894. The exclusion of the candidate from voting altogether is inadvisable as it would greatly add to the difficulty of obtaining a valid election.

As noted above I see no objection to his doing so.

G. S. Forbes.

Vide paragraph 2 of G.O., No. 1966 M., dated 17th December 1894.

But he is himself a member entitled to his opinion and his vote.

G. S. Forbes.

The Municipal Council of Srívilliputtúr states that this rule authorizes a Councillor to write upon a piece of paper the name of the candidate he wishes to be elected to the office. In the case of disputes, the handwriting of the voter would perhaps be sufficient to identify him as the author of it, but the Council considers that it would be better if the voting Councillor were required to attach his signature to the vote. The suggestion is a good one and the words “under his signature” may be inserted between the words “write” and “on a slip of paper” in this rule and a similar alteration may be made in the rules for the election of Chairman.

It is not necessary to identify him.

No, then there would be no *ballot*.

H. W. B[liss].

See above.

Rule 4 may stand as drafted with the excision of the last sentence.

See end for note on rule 5.

G. S. Forbes.
10-9-97.

“*Rule* 6.—If, after three meetings have been held, no candidate has obtained “the majority of votes required by rule 2, the fact shall be reported (through “the Collector) to Government, who shall pass such orders on the matter as they “may think fit, and all such orders shall be final.”

The Collector of South Arcot considers that if after two meetings have been held no candidate has obtained the majority of votes required by rule 2, the Chairman should be empowered to eliminate the name of the candidate who had the least number of votes in both the preceding meetings, such candidate having no chance of being elected, but being capable under the rules as drafted, of only being an obstructionist, preventing the successful election of another. The Chairman might, he considers, be required to obtain the approval of the Collector, if the Government thinks it necessary, for the elimination of the name of such candidate and if necessary, the Collector might be empowered to refuse to do so for reasons to be recorded and submitted to Government. Should there be no candidate who had the least number of votes in both the previous meetings and the third meeting produces the same results, the procedure prescribed in the rules might be followed. The above additional provision, would, he thinks, prevent the occurrence of unsuccessful meetings causing waste of time, due to the obstinacy of a Councillor whose only aim is to oppose the election of more popular men, he himself not having the least chance of being elected. He further suggests that a similar provision might be imported into the rules for the election of chairmen.

The suggested alterations in the rules do not appear to be either desirable or necessary. In the first place nothing will be gained by excluding the candidate who obtains the smallest number of votes at two successive meetings. If by so doing, it is thought that the votes obtained by the excluded candidate at the previous elections can be divided among the other candidates, who might thus be able to secure the absolute majority of votes required for a valid election, this object would probably be frustrated, for the supporters of the excluded candidate might still throw obstacles in the way of a successful election by either stopping away from the next election or nominating another candidate under rule 5. In this connection, however, attention is invited to No. 12 of the rules subsidiary to rule 8 of the rules framed by Government for the conduct of elections to the Legislative Council by the Municipalities and District Boards of the Northern group, which says that “at such later ballot or ballots the names of such of the candidates as “secured a hopeless minority of votes will be eliminated and they will not be resubmitted for election—*vide* G.O., No. 70, Legislative, dated 4th July 1893.

Again there does not seem to be any necessity for requiring the chairman or the Collector to interfere after two unsuccessful elections. If the first two elections prove abortive, the third also need not necessarily be so, and if the result of the third election also is not satisfactory, then the Government has power to pass such orders in the matter as it deems fit.

On the whole, I think this consequence of three unsuccessful ballots will be ordinarily sufficient to induce the members to come to a fructuous vote; and the rule may stand.

G. S. Forbes.
H. W. B[liss].

“*Rule* 8.—The validity of any election may be questioned by a petition signed “by three or more Councillors, and submitted to the Collector within seven days after “such election. Upon the receipt of such petition the Collector shall proceed to “inquire, either himself or by the divisional officer in charge of the division in which “such municipality is situated, into the matters alleged therein.

“Provided that the validity of an election shall be contested only upon one “or more of the following grounds, viz.—

“(*a*) that fraud, intimidation or bribery was practised at such election;

“(*b*) that the person whose election is questioned was, on the day of the election, not qualified as a candidate;

“(*c*) that he was not duly elected by a majority of votes;

“(*d*) that the election was not held in accordance with the rules.

M.R.Ry. Venkatesulu Nayudu, one of the Municipal Councillors of Madura, states that the minimum number of councillors required for making an objection to the validity of an election should be *one-fourth* of the total number of councillors then on the Council, *or three members when such number is less than twelve*, and not merely three as fixed by this rule. Seeing that a candidate to be successful has to obtain the votes of more than half the total number of members then on the council (rule 2), he thinks it will be hard on a successful candidate to permit his election to be impeached by three members, in the case of all municipalities. Competition is everywhere keen and it not infrequently happens that the objecting members are those who themselves aspired to the office and as experience has shown that these objections are generally unfounded or vexatious, he suggests that three members ought not to be held sufficient to call into question the election of a candidate by more than half the total number of Councillors, when that number is more than twelve. It does not appear how an increase in the minimum number of Councillors required to make a valid objection will at all help matters. If three municipal Councillors cannot be considered to be competent to call the validity of an election into a question, the same objection will hold good equally even when the number is four or five. Unlike the elections for councillorship, which are as a rule objected to by the defeated candidates, objections against the elections of chairmen have been very rare and the apprehension of Venkatasulu Nayudu seems therefore to have no foundation.

The three objectors' rule is the rule prescribed for the election of the Vice-Presidents of Taluk Boards—*vide* rule 10 in G O. No. 2196 L., dated 29 October 1894. The rule may, I think, stand.

H. W. B[LISS].

The suggestion made by the Municipal Council of Cuddapah that the words "*either himself or by the Divisional officer in charge of the division*, in which such *municipality is situated*" occurring in this rule should be omitted, in view of the fact that the Divisional-officer is himself a councillor of the municipality by virtue of his office, seems worthy of consideration.

The Divisional-officer has the duty of reporting upon the Municipal administration generally in all its branches, and may also intervene either on his own initiative in emergencies (section 36) or on the orders of the Collector (section 34) and I think he may be trusted to report on election petitions. He has always done so heretofore in cases of municipal elections and no objection been raised.

H. W. B[LISS].

If anything at all were necessary (which I do not think there is) it would be the issue of instructions requiring the Divisional-officer not *to vote at* such elections.

It would frequently cause great inconvenience to import a Divisional-officer from another division to inquire into these petitions.

G. S. FORBES.

The Srívilliputtúr Council proposes that in clause (*a*) of the proviso to this rule, the words "in reference to" may be substituted for "at" in order to give the rule a more liberal construction. This alteration is however undesirable as it will have the effect of bringing within the purview of this rule, acts which do not directly affect the results of the election.

"**At**" covers everything necessary, I think.

G. S. FORBES.
H. W. B[LISS].

"*Rule* 9.—When seven days from the date of the election have expired, or, if any "such petition as is described in the last preceding rule has been received, then, upon "the conclusion of the inquiry into the matters alleged therein, the Collector shall "report the proceedings, together with his opinion, to Government, who shall pass such "orders as they may think fit, and all such orders shall be final."

M.R.Ry. Venkatesulu Nayudu suggests that the Collector may be empowered to allow in anticipation of the orders of Government the selected candidate to assume charge of the office after the expiration of seven days fixed by rule 8, if no objection has in the meantime, been put forward to his election, or after the Collector has

inquired into any objection to the election, if he considers the objection to be frivolous or unfounded. A great deal of delay will, he states, be saved by some such provision.

But there is no need for particular hurry in the selection of a vice-Chairman. He is not an *essential* official.

G. S. FORBES.
H. W B[LISS].

As section 21-A requires that appointments of vice-Chairman should be notified in the *Fort St. George Gazette*, it does not appear that the appointment can have effect before it is so notified. The proposed amendment seems therefore to be *ultra vires*. Moreover, there does not appear to be any great urgency about the appointment of Vice-Chairman.

G. S. FORBES.
H. W. B[LISS].

V. RAGHAVA CHARLU—2-9-97.

Please see marginal notes.

From rule 5, to which no objection has, however, been received, should, I think, be omitted the last sentence, requiring the same procedure for an adjourned meeting as for an original meeting. For the adjourned meeting the Collector's notice is not needed. It is desirable that the Collector should initiate the proceedings for the original meeting, so that he may have full notice and in the public interests take any action that may be necessary. But once the proceedings have been started further reference to him about the adjourned meeting is unnecessary; nor is 15 or 30 days' notice requisite.

I would allow, as in section 30 (5) of the Amended Act, the Chairman or presiding member to adjourn the meeting to such future day as he may himself fix.

G. S. FORBES—10-9-97.

I agree as to this. But would it not also be as well to omit the provision as to fresh nominations being put in? I think it would. Fresh nominations will make the matter very complicated. I think I would cut rule 5 out altogether or perhaps say "The proceedings and voting at adjourned meetings shall be conducted under the provisions contained in rule 4"

H. W. B[LISS]—15-9-97.

I don't see how "fresh nomination" will make the matter "very complicated." If A and B nominate C at the first meeting, and there are other canditates, say D and E, and the result of the ballots shows that C has no chance, the supporters of C may think F a better man than D or E, and if so, I think they should be allowed to nominate him.

The last sentence may be omitted as suggested in the note, but there is no direction as to the number of ballots that may be taken at the two adjourned meetings. I think this sentence should be substituted for the last sentence. "At each adjourned meeting a second ballot may be taken. The procedure will be in accordance with that prescribed in rule 4".

J. G[ROSE]—21-9-97.

I appreciate Sir H. Bliss's argument against fresh nominations under the proposed rule 5; but even so, the result would only be to delay matter somewhat. The power to make fresh nominations will give larger and freer scope; and I think it may be allowed. I therefore accept the Hon'ble Mr. Grose's view.

A. E. H[AVELOCK]—7-10-97.

There is one point in the orders on the note below which I would venture to resubmit for consideration, and that is as to the decision to exclude all candidates from the privilege of voting at an election for a Vice-Chairman.

Section 14 (3) of the Act as amended gives the Municipal councillors the right to elect one of their number to be Vice-Chairman. No doubt the clause confers on the Government the power to prescribe the *mode* of election, but can that extend to depriving a councillor of the right of giving his vote?

The Governor in Council may prescribe what rules and conditions he pleases.

J. G[ROSE].

It may be said that a councillor who is a candidate (perhaps against his will) may always vote if he chooses by withdrawing his candidature; but the other councillors may be most anxious to secure his services, while he himself is equally anxious to vote for some one else. How is the dilemma to be solved?

So far as I know, in the countries most advanced in the practice of self-government, no attempt has been made to deprive an elector of his own vote, because he has been made a candidate. Nor would it be practicable with the ballot to limit his right to voting in favour of some one else? As we all know in England an elector who is a candidate not only votes for himself but impresses all his kindred and friends.

I see that by section 24 of the Public Health Act (11 and 12 Vic., C. 63) "any "person entitled to vote may nominate for the office of member of the Local Boar "himself (if qualified to be elected); or any other person or persons . . . . ."

What the English law provides against is that a candidate shall not act in his own election, *i.e.*, shall not receive the nomination papers and act as *returning officer*. But even then where no mischief has been done the Courts have held the irregularity insufficient necessarily to set aside the election (*Queen* v. *Ward*, 8 Q.B., 210).

Also that where a *salary* is attached to a Municipal office—say Mayor—a candidate cannot vote for himself, inasmuch as he has a pecuniary interest which the Statute declares to be a disqualification (*Nell* v. *Longbottom* 1 Q.B., 767).

But beyond such limitations the English law does not go. Is it necessary or desirable here to go beyond English law and practice and opinion in a matter of this sort, and to enact a self-denying ordinance which the practical self-governing English people have never suggested? From the point of view of some it might be educative, but would it not be rather straining at a gnat while swallowing camels all day long.

After all the question is a practical one; what is the material mischief arising from a candidate's voting for himself? If there are several candidates and each votes for himself, their votes virtually neutralize each other. If a candidate does not vote for himself but for another candidate, his vote may just turn the election in favour of the latter who may be the best qualified. But it is not practicable with the ballot to limit a candidate's vote and allow him to vote for another but not for himself.

The two questions are—

(1) Can, as the law stands, a Municipal councillor be deprived of his right of voting in the election of a Vice-Chairman, because he happens to be a candidate?

(2) Even if the law be capable of such a construction, is it necessary or expedient as a question of practical politics to do so?

G. S. FORBES—11-10-97.

I don't see why not?

H. W. B[LISS].
J. G[ROSE].

I still am of the same opinion, viz., that candidates should not vote at all, inasmuch as, if they do vote, they can't be prevented from voting for themselves. I don't think we should be too much guided by English precedent. It will be a long time before we can safely leave the wide discretion which does no harm in England.

H. W. B[LISS]—13-10-97.
J. G[ROSE]—15-10-97.
A. E. H[AVELOCK]—17-11-97.

[G.O., No. 61 M., dated 11th January 1898.]

For approval.

P.R.
23.5.07

27.5.7

LOCAL AND MUNICIPAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 61 M., DATED 11TH JANUARY 1898.

[SUBJECT.—*Rules for the election of Vice-Chairmen of Municipal Councils.*]

From the Chairman, Municipal Council, Cuddapah, dated 22nd July 1897, *No.* 919.
” ” ” *Madura* ” *23rd* ” ” ” 35.
” ” ” *Palghat* ” *24th* ” ” ” 2397.
” ” ” *Bellary* ” *24th* ” ” ” 3389.
” ” ” *Nellore* ” *26th* ” ” ” 926.
” ” ” *Ongole* ” *26th* ” ” ” 312.
From the joint Secretaries to the Kistna District Association, dated 28th July 1897, *Dis. No.* 44.
From the Chairman, Municipal Council, Vellore, dated 29th July 1897, *No.* 876.
” ” ” *Srivilliputtúr, dated 30th July* 1897, *No.* 394–1.
” ” ” *Cocanada, dated 30th July* 1897, *No.* 577.
” ” ” *Madura, dated 31st July* 1897, *No.* 40.
” ” ” *Negapatam, dated 2nd August* 1897, *No.* 306.
From the Collector of South Arcot, dated 3rd August 1897, *No.* 632-*Eng.*
From the Chairman, Municipal Council, Tirupati, dated 5th August 1897, *Dis. No.* 419 *W.*
” ” ” *Vizagapatam, dated 7th August* 1897, *No.* 1003.
From the Collector of Tanjore, dated 24th August 1897, *No.* 4017-*Rev.*
From the Pleader, Dindigul, dated 26th August 1897.
From the Chairman, Municipal Council, Kumbakónam, dated 17th September 1897, *No.* 605.

a/

In the Government Order read above, certain draft rules for the election of Vice-Chairmen of Municipal Councils, framed under sub-section (3) of section 14 and clause (*n*) of sub-section (1) of section 250 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, were published for information and criticism. The letters read above are the replies received.

I think rules 4 and 5 should be altered as suggested below. No other alterations seem to be desirable.

J. G[ROSE]—21-9-97.
A. E. H[AVELOCK]—7-10-97.

2. The Municipal Councils of Madura, Nellore, Ongole, Cocanada, Bellary, Tirupati and Vizagapatam approve the proposed rules or have no remarks to offer thereon. The following are the suggestions made by the others.

"*Rule* 1.—The election of Vice-Chairman in any Municipality shall take place "at a meeting of the Council specially held for the purpose, of which at least fifteen "days' and not more than thirty days' notice shall be given by the Collector."

The Municipal Council of Srívilliputtúr states that the object of providing in this rule that the notice of the meeting for the election of the Vice-Chairman should be given by the Collector, is not apparent and suggests that it would be enough if the Chairman of the Council were to give the necessary notice, at the same time sending a copy of it to the Collector for information.

It does not appear to be necessary to insist on the required notice being given by the Collector and the rule may therefore be altered by substituting the word "Chairman" for "Collector", and by adding the following clause at the end :—

"who should send a copy of it to "the Collector for information."

There are many reasons for keeping the initiation of the proceedings in the Collector's hands.

G. S. FORBES.
H. W. B[LISS].

The copy might be sent too late.

G. S. FORBES.
H. W. B[LISS].

"*Rule* 2.—No election under these rules will be recognized as valid unless the "successful candidate obtains the votes of more than half the total number of members "then on the council."

The Municipal Council of Palghat states that the working of this rule is unnecessarily difficult and cumbrous in requiring an absolute majority of notes for a valid election of the Vice-Chairman, as the powers and duties of a Vice-Chairman can be strictly limited and will be much the same as those of a Chairman-delegate whose appointment is a much simpler matter.

The Vellore Council suggests that the rule should be amended so as to make the election valid if the successful candidate obtains the notes of a clear majority of the Councillors present at the meeting at which the election takes place.

The Negapatam Council considers that in determining the absolute majority for declaring a candidate successful at an election, he (the candidate) should be excluded from the existing total strength of the Council and points out that as a candidate cannot vote for himself, it follows that he cannot be included in the available voting strength, which should therefore be the total number of Councillors then on the Council *minus* the candidate. If this suggestion is approved, the Council requests that a similar alteration may also be made in the rules for the election of Chairmen.

I see no reason why a Councillor should not vote for himself, if he pleases. As a Councillor he has a vote, and why should he lose his vote if he considers himself the best candidate, as he may be. In England a voter may vote for himself. I would therefore strike out the last sentence of draft rule 4. If so the Negapatam objection falls to the ground.

G. S. FORBES.

* The rule that a man may not vote for himself seems to me a good one, as much for its educative effect as for any other reason. Municipal Councillors have to be taught that it is good form to abstain from voting in any matter in which they are interested, and a provision such as that in rule 4 would help in their education in this respect. A difficulty however occurs to me. Under the system of voting laid down in rule 4, how is anyone to say whether a man has voted for himself. Two or more members' handwriting may be very similar or a man may write in a feigned hand, and this may lead to wrangles as to the particular person who gave a particular vote. If this cannot be got over, and I do not see how it can be, the last sentence of rule 4 must come out.

H. W. B[LISS].

See remark below.

J. G[ROSE].

There is an important difference between a Vice-Chairman and a Chairman-delegate, which the Palghat Municipal Council has overlooked, viz., that the Chairman may himself delegate any or all of his powers to a Vice-Chairman, while in delegating his powers to a Councillor, he must obtain the consent of the Council. The Council has thus in the latter case an opportunity to express its opinion as to the desirability or otherwise of delegating any particular power or powers to the individual chosen, but it has no powers to interfere in the delegation by the Chairman of his powers to the Vice-Chairman except as provided in clause (1) of subsection (3) of section 32. Besides when the office of the Chairman becomes vacant and in the temporary absence from the Municipality of the Chairman, the powers and duties of the Chairman devolve upon the Vice-Chairman under section 15 of Act IV of 1884, as amended by Act III of 1897. It is therefore essential that the person who is selected for the office of Vice-Chairman, should be one who commands the confidence of a majority of the Councillors and that for this purpose the procedure laid down in the draft rules should be followed for the election of a Vice-Chairman.

G. S. FORBES.
H. W. B[LISS].

The Vellore Council is of opinion that it would be sufficient if a candidate obtains the votes of the majority of the Councillors present at the meeting. This would allow the election of a Vice-Chairman, who has got the support of a little more than one-sixth of the Council, as under sub-section (5) of section 30 of the Act, the quorum required at a meeting is one-third of the number of Councillors then on the Council; and this is undesirable.

The suggestion made by the Negapatam Council is, however, worthy of consideration. Supposing there are three candidates A, B and C and that the strength of the Council on the date of the election is 20, then as no valid vote can be given by any of the candidates for himself (rule 4), each candidate can, supposing that all the Councillors then on the Council attend the meeting and that he commands the fullest confidence of the Council, count upon only 19 votes. This being so, it seems but proper to exclude the candidate from the existing total strength of the Council, in determining the absolute majority of votes required by this rule; and it is submitted that the words "excluding himself" may be added at the end of this rule. If this suggestion is approved, the necessary alteration may also be made in the rules for the election of Chairman.

I would not alter draft rule 2.

G. S. FORBES.

No.

H. W. B[LISS].

"*Rule* 3.—Every candidate for the office of Vice-Chairman shall be nominated "by at least two Councillors in the following form which shall be sent to the Chairman "at least six days before the date of the meeting at which the Vice-Chairman is to be "elected:—

"*Municipality of*

"We the undersigned, nominate , a Councillor, as a candidate for the "office of Vice-Chairman at the election to be held on the day of 189 .

(Signed)

" Date

The Secretaries to the Kistna District Association state that the provision in this rule requiring that nominations of candidates for the office of Vice-Chairman should be sent to the Chairman at least six days before the date of the meeting at which the election is to be held is not only unnecessary but possibly dangerous. They point out that in the case of nominations by Taluk Boards to District Boards, nominations are *verbally* made *at the meeting* by two of the members, that previous intimation is likely in several cases to lead to certain kinds of abuses incidental to such elections and that written nominations handed over to the Chairman immediately before the meeting will efficiently serve the purpose in view.

The cases are not on all fours/ the qualifications of a Taluk Board member are presumably sufficient for a District Board member. But a Councillor may be sufficiently qualified as such without having the requisite qualifications for the official position, with its duties, of Vice-Chairman.

G. S. FORBES.

H. W. B[LISS].

It would no doubt be enough if the nominations are made at the meeting as now proposed, but as the system of requiring the submission of the nominations beforehand is more convenient, and does not appear to be objectionable, the system having worked without complaint in the case of the election of Chairmen, the rule may be allowed to stand.

On the contrary, it is very desirable that the Chairman should have some notice of the nominations. It may be proper to make inquiries regarding the nominees, and place facts respecting them before the Council. There should be some time to canvass their qualifications for so important an office. I would let the rule stand.

G. S. FORBES.

H. W. B[LISS].

"*Rule* 4.—On the day of the election, the Chairman, or the Councillor elected "to the chair, shall read out the names of the candidates nominated for the office, and "at once proceed to the election, which shall be conducted in the following manner:— "Every Councillor wishing to vote shall at the meeting write on a slip of paper the "name of the candidate he wishes to be elected to the office of Vice-Chairman, and "place the same in a box so constructed that papers may be placed therein but not "extracted without the box being opened. The Chairman shall then open the box and "count the votes in the presence of the Council. The candidate having the largest "number of votes, or, if only one candidate has been nominated, such candidate shall “be considered to have been elected to the office, subject to the condition laid down in “rule 2 above. If no candidate obtains the absolute majority required by rule 2, a “second ballot shall be taken in the same manner, and if this also fails to produce the “prescribed majority in favour of any one candidate, the meeting shall be adjourned.

See note on margin *supra* anent rule 2.

G. S. Forbes.

Ditto.

H. W. B[liss].

“No vote given by any candidate in “favour of himself shall be counted.

The Municipal Council of Palghat and the Kistna District Association raise the question “if the ballot is secret and candidates are not excluded from “voting altogether, how can the elec“tion be invalidated on the ground that “a Councillor has voted for himself?” and they suggest that the two alternative ways of remedying this are (1) to exclude the candidates from voting, which may in certain cases render the absolute majority a matter of some difficulty, or (2) to permit the candidates to vote for themselves, which they consider unobjectionable. The Collector of Tanjore also makes the same suggestions. It is stated that in elections of higher importance, *e.g.*, that of a member to represent the Madras Municipality on the Legislative Council, a provision of this nature does not exist and there does not seem to be any legal objection to a candidate voting for himself.

I have noted above that the last sentence excluding a member's own vote should be erased. Moreover, as indicated by the objection, it is impossible to work such a rule with a ballot.

G. S. Forbes.

I hadn't read this when I noted above. I would adopt this course.

H. W. B[liss].

If a man can get an absolute majority without his own vote, he had much better not be elected Vice-Chairman, for his election by his own vote only would be certain to lead to squabbles and factions.

H. W. B[liss].

Yes. I would substitute for the last sentence “No candidate nominated for the office shall take ~~first~~ part in the ballot.”

J. G[rose].

None.

G. S. Forbes.

The rules lay down that no vote given by a candidate in favour of himself shall be counted. There can be no question as to the desirability of prohibiting a candidate from voting for himself, for in providing in the rules for the election of Chairmen, which have been adapted in the present case that a candidate to be successful should obtain more than half the total number of Councillors then on the Council, it was clearly the intention of Government that he should possess the confidence of a clear majority of the other Councillors, independently of the confidence which he has in himself, and in this connection, attention is invited to the notes and orders in G.Os., No. 1122 M., dated 21st August 1894, and No. 1966 M., dated 17th December 1894. The exclusion of the candidate from voting altogether is inadvisable as it would greatly add to the difficulty of obtaining a valid election.

As noted above I see no objection to his doing so.

G. S. Forbes

Vide paragraph 2 of G.O., No. 1966 M., dated 17th December 1894.

But he is himself a member entitled to his opinion and his vote.

G. S. Forbes.

The Municipal Council of Srívilliputtúr states that this rule authorizes a Councillor to write upon a piece of paper the name of the candidate he wishes to be elected to the office. In the case of disputes, the handwriting of the voter would perhaps be sufficient to identify him as the author of it, but the Council considers that it would be better if the voting Councillor were required to attach his signature to the vote. The suggestion is a good one and the words “under his signature” may be inserted between the words “write” and “on a slip of paper” in this rule and a similar alteration may be made in the rules for the election of Chairman.

It is not necessary to identify him.

No, then there would be no *ballot*.

H. W. B[liss].

See above.

Rule 4 may stand as drafted with the excision of the last sentence.

See end for note on rule 5.

G. S. F[orbes].

"*Rule* 6.—If, after three meetings have been held, no candidate has obtained "the majority of votes required by rule 2, the fact shall be reported (through "the Collector) to Government, who shall pass such orders on the matter as they "may think fit, and all such orders shall be final."

The Collector of South Arcot considers that if after two meetings have been held no candidate has obtained the majority of votes required by rule 2, the Chairman should be empowered to eliminate the name of the candidate who had the least number of votes in both the preceding meetings, such candidate having no chance of being elected, but being capable under the rules as drafted, of only being an obstructionist, preventing the successful election of another. The Chairman might, he considers, be required to obtain the approval of the Collector, if the Government thinks it necessary, for the elimination of the name of such candidate and if necessary, the Collector might be empowered to refuse to do so for reasons to be recorded and submitted to Government. Should there be no candidate who had the least number of votes in both the previous meetings and the third meeting produces the same results, the procedure prescribed in the rules might be followed. The above additional provision, would, he thinks, prevent the occurrence of unsuccessful meetings causing waste of time, due to the obstinacy of a Councillor whose only aim is to oppose the election of more popular men, he himself not having the least chance of being elected. He further suggests that a similar provision might be imported into the rules for the election of chairmen.

The suggested alterations in the rules do not appear to be either desirable or necessary. In the first place nothing will be gained by excluding the candidate who obtains the smallest number of votes at two successive meetings. If by so doing, it is thought that the votes obtained by the excluded candidate at the previous elections can be divided among the other candidates, who might thus be able to secure the absolute majority of votes required for a valid election, this object would probably be frustrated, for the supporters of the excluded candidate might still throw obstacles in the way of a successful election by either stopping away from the next election or nominating another candidate under rule 5. In this connection, however, attention is invited to No. 12 of the rules subsidiary to rule 8 of the rules framed by Government for the conduct of elections to the Legislative Council by the Municipalities and District Boards of the Northern group, which says that "at such later ballot or ballots the names of such of the candidates as "secured a hopeless minority of votes will be eliminated and they will not be resubmitted for election—*vide* G.O., No. 70, Legislative, dated 4th July 1893.

Again there does not seem to be any necessity for requiring the chairman or the Collector to interfere after two unsuccessful elections. If the first two elections prove abortive, the third also need not necessarily be so, and if the result of the third election also is not satisfactory, then the Government has power to pass such orders in the matter as it deems fit.

On the whole, I think this consequence of three unsuccessful ballots will be ordinarily sufficient to induce the members to come to a fructuous vote; and the rule may stand.

G. S. Forbes.
H. W. B[]liss].

"*Rule* 8.—The validity of any election may be questioned by a petition signed "by three or more Councillors, and submitted to the Collector within seven days after "such election. Upon the receipt of such petition the Collector shall proceed to "inquire, either himself or by the divisional officer in charge of the division in which "such municipality is situated, into the matters alleged therein.

"Provided that the validity of an election shall be contested only upon one "or more of the following grounds, viz.—

"(*a*) that fraud, intimidation or bribery was practised at such election;
"(*b*) that the person whose election is questioned was, on the day of the election, not qualified as a candidate;
"(*c*) that he was not duly elected by a majority of votes;
"(*d*) that the election was not held in accordance with the rules.

M.R.Ry. Venkatesulu Nayudu, one of the Municipal Councillors of Madura, states that the minimum number of councillors required for making an objection to the validity of an election should be *one-fourth* of the total number of councillors then on the Council, *or three members when such number is less than twelve*, and not merely three as fixed by this rule. Seeing that a candidate to be successful has to obtain the votes of more than half the total number of members then on the council (rule 2), he thinks it will be hard on a successful candidate to permit his election to be impeached by three members, in the case of all municipalities. Competition is everywhere keen and it not infrequently happens that the objecting members are those who themselves aspired to the office and as experience has shown that these objections are generally unfounded or vexatious, he suggests that three members ought not to be held sufficient to call into question the election of a candidate by more than half the total number of Councillors, when that number is more than twelve. It does not appear how an increase in the minimum number of Councillors required to make a valid objection will at all help matters. If three municipal Councillors cannot be considered to be competent to call the validity of an election into a question, the same objection will hold good equally even when the number is four or five. Unlike the elections for councillorship, which are as a rule objected to by the defeated candidates, objections against the elections of chairmen have been very rare and the apprehension of Venkatasulu Nayudu seems therefore to have no foundation.

9/ The three objectors' rule is the rule prescribed for the election of the Vice-Presidents of Taluk Boards—*vide* rule 10 in G O. No. 21/6 L., dated 29 October 1894. The rule may, I think, stand.

H. W. B[LISS].

The suggestion made by the Municipal Council of Cuddapah that the words "*either himself or by the Divisional officer in charge of the division*, in which such *municipality is situated*" occurring in this rule should be omitted, in view of the fact that the Divisional-officer is himself a councillor of the municipality by virtue of his office, seems worthy of consideration.

The Divisional-officer has the duty of reporting upon the Municipal administration generally in all its branches, and may also intervene either on his own initiative in emergencies (section 36) or on the orders of the Collector (section 34) and I think he may be trusted to report on election petitions. He has always/ ~~alone~~ done so heretofore in cases of municipal elections and no objection been raised.

H. W. B[LISS].

If anything at all were necessary (which I do not think there is) it would be the issue of instructions requiring the Divisional-officer not *to vote at* such elections.

It would frequently cause great inconvenience to import a Divisional-officer from another division to inquire into these petitions.

G. S. FORBES.

#

The Srivilliputtúr Council proposes that in clause (*a*) of the proviso to this rule, the words "in reference to" may be substituted for "at" in order to give the rule a more liberal construction. This alteration is however undesirable as it will have the effect of bringing within the purview of this rule, acts which do not directly affect the results of the election.

"At" covers everything necessary, I think.

G. S. FORBES.

H. W. B[LISS].

"*Rule* 9.—When seven days from the date of the election have expired, or, if any "such petition as is described in the last preceding rule has been received, then, upon "the conclusion of the inquiry into the matters alleged therein, the Collector shall "report the proceedings, together with his opinion, to Government, who shall pass such "orders as they may think fit, and all such orders shall be final." 8

M.R.Ry. Venkatesulu Nayudu suggests that the Collector may be empowered to allow in anticipation of the orders of Government the selected candidate to assume charge of the office after the expiration of seven days fixed by rule 8, if no objection has in the meantime, been put forward to his election, or after the Collector has inquired into any objection to the election, if he considers the objection to be frivolous or unfounded. A great deal of delay will, he states, be saved by some such provision.

But there is no need for particular hurry in the selection of a vice-Chairman. He is not an *essential* official.

G. S. FORBES.

H. W. B[LISS].

As section 21-A requires that appointments of vice-Chairman should be notified in the *Fort St. George Gazette*, it

61M

7

does not appear that the appointment can have effect before it is so notified. The proposed amendment seems therefore to be *ultra vires*. Moreover, there does no appear to be any great urgency about the appointment of Vice-Chairman.

G. S. Forbes.

H. W. B[liss].

V. Raghava Charlu—2-9-97.

Please see marginal notes.

From rule 5, to which no objection has, however, been received, should, I think, be omitted the last sentence, requiring the same procedure for an adjourned meeting as for an original meeting. For the adjourned meeting the Collector's notice is not needed. It is desirable that the Collector should initiate the proceedings for the original meeting, so that he may have full notice and in the public interests take any action that may be necessary. But once the proceedings have been started further reference to him about the adjourned meeting is unnecessary; nor is 15 or 30 days' notice requisite.

I would allow, as in section 30 (5) of the Amended Act, the Chairman or presiding member to adjourn the meeting to such future day as he may himself fix.

G. S. Forbes—10-9-97.

I agree as to this. But would it not also be as well to omit the provision as to fresh nominations being put in? I think it would. Fresh nominations will make the matter very complicated. I think I would cut rule 5 out altogether or perhaps say "The proceedings and voting at adjourned meetings shall be conducted under the provisions contained in rule 4"

H. W. B[liss]—15-9-97.

I don't see how "fresh nomination" will make the matter "very complicated." If A and B nominate C at the first meeting, and there are other canditates, say D and E, and the result of the ballots shows that C has no chance, the supporters of C may think F a better man than D or E, and if so, I think they should be allowed to nominate him.

The last sentence may be omitted as suggested in the note, but there is no direction as to the number of ballots that may be taken at the two adjourned meetings. I think this sentence should be substituted for the last sentence. "At each adjourned meeting a second ballot may be taken. The procedure will be in accordance with that prescribed in rule 4".

J. G[rose]—21-9-97.

I appreciate Sir H. Bliss's argument against fresh nominations under the proposed rule 5; but even so, the result would only be to delay matter somewhat. The power to make fresh nominations will give larger and freer scope; and I think it may be allowed. I therefore accept the Hon'ble Mr. Grose's view.

A. E. H[avelock]—7-10-97.

There is one point in the orders on the note below which I would venture to resubmit for consideration, and that is as to the decision to exclude all candidates from the privilege of voting at an election for a Vice-Chairman.

Section 14 (3) of the Act as amended gives the Municipal councillors the right to elect one of their number to be Vice-Chairman. No doubt the clause confers on the Government the power to prescribe the *mode* of election, but can that extend to depriving a councillor of the right of giving his vote?

The Governor in Council may prescribe what rules and conditions he pleases.

J. G[rose].

It may be said that a councillor who is a candidate (perhaps against his will) may always vote if he chooses by withdrawing his candidature; but the other councillors may be most anxious to secure his services, while he himself is equally anxious to vote for some one else. How is the dilemma to be solved?

So far as I know, in the countries most advanced in the practice of self-government, no attempt has been made to deprive an elector of his own vote, because he has been made a candidate. Nor would it be practicable with the ballot to limit his right to voting in favour of some one else? As we all know in England an elector who is a candidate not only votes for himself but impresses all his kindred and friends.

I see that by section 24 of the Public Health Act (11 and 12 Vic., ~~Cap~~. 63) "any "person entitled to vote may nominate for the office of member of the Local Board "himself (if qualified to be elected); or any other person or persons . . . . ". 8

What the English law provides against is that a candidate shall not act in his own election, *i.e.*, shall not receive the nomination papers and act as *returning officer*. But even then where no mischief has been done the Courts have held the irregularity insufficient necessarily to set aside the election (*Q.* v. *Ward*, 8 Q. B., 210). ueen

Also that where a *salary* is attached to a Municipal office—say Mayor—a candidate cannot vote for himself, inasmuch as he has a pecuniary interest which the Statute declares to be a disqualification (*Nell* v. *Longbottom* 1 Q. B., 767).

But beyond such limitations the English law does not go. Is it necessary or desirable here to go beyond English law and practice and opinion in a matter of this sort, and to enact a self-denying ordinance which the practical self-governing English people have never suggested? From the point of view of some it might be educative, but would it not be rather straining at a ~~great~~ while swallowing camels all day long. gnat

After all the question is a practical one; what is the material mischief arising from a candidate's voting for himself? If there are several candidates and each votes for himself, their votes virtually neutralize each other. If a candidate does not vote for himself but for another candidate, his vote may just turn the election in favour of the latter who may be the best qualified. But it is not practicable with the ballot to limit a candidate's vote and allow him to vote for another but not for himself.

The two questions are—

(1) Can, as the law stands, a Municipal councillor be deprived of his right of voting in the election of a Vice-Chairman, because be happens to be a candidate?

(2) Even if the law be capable of such a construction, is it necessary or expedient as a question of practical politics to do so?

G. S. FORBES—11-10-97.

I don't see why not?

H. W. B[LISS].
J. G[ROSE].

I still am of the same opinion, viz., that candidates should not vote at all, inasmuch as, if they do vote, they can't be prevented from voting for themselves. I don't think we should be too much guided by English precedent. It will be a long time before we can safely leave the wide discretion which does no harm in England.

H. W. B[LISS]—13-10-97.
J. G[ROSE]—15-10-97.
A. E. H[AVELOCK]—17-11-97.

[G.O., No. 61 M., dated 11th January 1898.]

61-M

All3

Local & Munl. (1897) Department.

CURRENT No. 2671 M

Order

From The Chairman
Municipal Council
Cuddapah

No. 919

Dated 22. 7. 97

Received 23 JUL. 1897.

Registered 23-7-1897

Enclosures one

Spare copies -

SUBJECT.

Enclosing a copy of the resolution dated 19th July 1897 in connection with the draft rules for the Election of Vice Chairmen of Municipal Councils

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Extract from the Proceedings of the Municipal Council, Cuddapah, passed at a Meeting held on Monday the 19th July 1897.

Present.

Officials.

M.R.Ry. V. G. Venugopal Pillay Avl.

Non-officials

" T. M. Munisamy Aiyer Avl. B.A.

" V. Ramanuja Row garu. B.A.

" Y. Pichayya garu

" Y. Vencatasubbiah garu.

" C. Rathnam Modaliar Avl.

" P. Vencatappa garu.

" R. Kannayya garu.

In the absence of the Chairman, Mr. V. Ramanuja Row is elected to the chair.

X X X

(5) Read draft rules for the Election of vice chairmen of Municipal Councils published in G.O. No 1473 M. dated the 24th June 1897 for Criticism.

Resolution. —— [illegible] roved with a suggestion that the words [illegible] self or by the Divisional Officer in charge of the Division in whic[illegible] is situated" be omitted in para 8, in view to the fact that the divisional officer is himself a Councillor of the Municipality by virtue of his office.

(Signed) V. Ramanujarow.
Presiding Councillor

(True Extract)

M W Elliot
22-7-97
Chairman.

LW

CUDDAPAH MUNICIPAL OFFICE,

No. 919

Dated 22nd July 1897.

LOCAL & MUNICIPAL DEPT.
26/7

Enclosure. 1

From
M. W. Elliot Esquire
Chairman, Municipal Council,
CUDDAPAH.

To

The Secretary to Government
Local and Municipal department
Fort Saint George

Sir,

I have the honor to Enclose a copy of the resolution passed by the Municipal Council Cuddapah in connections with the draft rules published in G.O dated the 24th June 1897 No 1473 for the Election of Vice-Chairmen of Municipal Councils.

I have the honor to be,
Sir,
Your most obedient servant

M W Elliot
22-7-97
Chairman

189 .

Cuddapah Municipal Council.

FROM

THE CHAIRMAN, MUNICIPAL COUNCIL,
CUDDAPAH.

TO

THE

Dated
Despatched
Received
189 .

No.

Enclosures.

SUBJECT.

Local & Munl. (1897) Department.

Ms

CURRENT No. 2693M

Order.

From
The Chairman,
Municipal Council,
Palghat.

No. 2397

Dated 24th July 1897.
Received 26 JUL 1897
Registered 26-7-1897
Enclosures — 1.
Spare copies

SUBJECT.

Submitting a resolution of the Municipal Council, Palghat, in re the Draft [illegible] or the election of Vice-[illegible]irmen of Municipal Councils

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2698 M

No. 2397

Municipal Office,
Palghaut 24th July 1897

From,
R. F. Austin Esqre I.C.S.
Chairman, Municipal Council,
Palghaut

To,
G. S. Forbes Esqre I.C.S.
Secretary to Government
Local and Municipal Department,
Madras.

Sir,

With reference to G.O. No 1473 M dated 24th June 1897. I have the honor to submit herewith an extract from the Proceedings of the Municipal Council, Palghat. at their meeting held on the 23rd July 1897.

I have the honour to be,
Sir,
Your most obedient Servant.
R F Austin
Chairman.

Extract from the Proceedings of the Municipal Council, Palghat, at their Meeting held on the 23rd July 1897.

Present.

R. F. Austin Esqr. Chairman
F. B. M. Cardozo Esqr.
M.R.Ry. T. H. Govindsingh Avargal
" V. S. Narayana aiyar "
" P. K. Subramania aiyar "
" C. S. Swaminatha Patter Kariakar Avargal.
" V. P. Venkitachala aiyar "
" S. Veeraraghava aiyar "
" A. Chokkalingam Pillay "
" V. Vythilingam Pillay "

× × × × × ×

× × × × × ×

15 Read the following G. Os.

(a) No. $\frac{1473m}{24\text{-}6\text{-}97}$ Draft rules for the election of Vice-Chairmen of Municipal Councils.

The Council respectfully offers the following suggestions with regard to the draft rules.

([illegible] If the ballot ticket and candidates are not excluded from voting altogether

how

Can the election be invalidated on the ground that a Councillor has voted for himself?

(2) There are two obvious alternatives to remedy this viz, the exclusion of Candidates from voting which may in certain cases render the "absolute majority" a matter of some difficulty, and the permission of Candidates to vote for themselves to which this Council sees no objection.

(3) The working of the rules is unnecessarily difficult and cumbrous especially in requiring an "absolute majority". The powers and duties of the Vice-Chairman can be strictly limited and will be much the same as those of a Chairman-delegate at present, whose appointment is a much simpler matter.

× × × × ×
× × × × ×

sd/. R. F. Austin
Chairman.
(True extract)

R. F. Austin

Municipal Office
1897
Chairman,
Municipal Council

1/2693 M. of 1897

[illegible] District

Local & Munl. (1897) Department.

AWS

CURRENT No. 2694 M

1

From

The Chairman
Municipal Council
Madura

Order

No. 35

Dated 23rd July 1897.

Received 26 JUL. 1897.

Registered 26-7-1897

Enclosures 1

Spare copies

SUBJECT.

Forwarding copy of Resolution No. 275 dated 20th July 1897 and stating that the Council has no suggestions to offer to the draft rules contained in G.O. No. 1473 M dated 24th June 1897.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Municipal Office
Madura, 23rd July 1897.

No. 35
Enclosures one

LOCAL & MUNICIPAL DEPT.
2694 M

From,

R. Fischer Esquire
Chairman, Municipal Coun
Madura.

To,

The Secretary to Government
Local and Municipal Departmen
Madras.

Sir,

Adverting to G.O. No. 1473 Mn dated 24th June 1897, I have the honor to state that the Municipal Council has no suggestions to offer to the draft rules therein contained.

A copy of Resolution of the Municipal Council No. 275 dated 20th July 1897 is also enclosed for the information of Governmen

I have the honor to be
Sir,
Your most obedient Servant
R Fischer
Chairman

M
23.7.97.

Extract from the Proceedings of the Muni-
cipal Council, Madura passed at its meeting
held on the 20th July 1897

Present:—

1.	R. Fischer Esquire	Chairman
2.	MRRy R. Ramachandra Rao Avargal B.A.	Councillo
3.	Rev. C. T. Vaughan	Do.
4.	MRRy P. R. Venkatesalu Nayudu Garu	Do.
5	" P. Selvaraj Nayudu Garu	Do.
6	" S. Jambu Chettiyar Avargal	Do.
7	" G. Subbarayalu Nayudu Garu	Do.
8	" Sayid Muhammad Ibrahim Sahib Avl.	Do
9	" E. T. Subrahmaniya Aiyar Avargal	Do.
10	" S. Ramachandrayya Avargal	Do
11	" Sriraman Chettiyar Avargal	Do
12	" M. Anantha Krishna Nayudu Garu	Do
13	" Soma Sundara Nadar Avargal	Do

× × ×

275. Read G.O. No. 1473 Mn. dated 24th June 1897 ordering the publication in the Fort St George and in all the District Gazettes for information and criticism of certain draf rules for the election of Vice Chairman of Muni cipal Councils framed under clause 3 of Sectio 14 and clause (m) of Sub Section 1 of Section 25 of the District Municipalities Act IV as amend by Act III of 1897 and stating that any objec or Suggestion which may be made in respe of them will be considered on or after the 1st Au

No Suggestions to offer.

× × ×

(Signed) R. Fischer.
Chairman

([illegible] Extract)

ENCLOSURE No. /

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No. 35
Dated 23rd July 1897
No.

Copy of Resolution No 275
dated 20th July 1897.

AMS

Local & Munl. (1897) Department.

CURRENT No. 2734M

Order.

From The Chairman,
Municipal Council,
Nellore.

No. 926

Dated 26th July 1897
Received 28 JUL. 1897
Registered 28-7-1897
Enclosures 1
Spare copies

SUBJECT.

Submitting Councils Resolution in reply to G. O No. 1473 M dated 24 June 1897 regarding draft rules for the election of Vice-Chairman.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

F. No. 7/MUN.

EXTRACT FROM RESOLUTION BOOK OF THE NELLORE MUNICIPALITY

No. 95 dated 23 July 1897

Subject or Proposition Read G. O No 1473 &c dated 24 June 1897 regarding the draft rules for the election of Vice. Chairman of Municipal Councils

Resolution No suggestions to make.

(Sd) D. N. Venkataramaiah
Chairman Delegate

True Extract

D N Venkataramiah
Chairman Delegate

11
26/7

FORM No. 11/MUN.

No. 926/MUN.

NELLORE MUNICIPAL OFFICE,
Dated 26th July 1897.

27 JUL 97

Enc. 1

From M.R.Ry D. N. Venkatramaiah Garu B.A. B.L.
Chairman Delegate, Municipal Council,
Nellore.

LOCAL & MUNICIPAL DEPT.
CORR. No. 2734 M.

To

The Secretary to Government,
Local and Municipal Department,
Madras

Sir,

With reference to G. O dated 24th June 1897 No 1473 M, I have the honor to submit herewith copy of Council's resolution on the subject.

I have the honor to be
Sir
Your most obedient Servant
D N Venkatramaiah
Chairman Delegate

26.7.97.

26/7

S.R.V. Press,
Nellore.

All [illegible] District

Local & Munl. (1897) Department.

CURRENT No. 275/M

From
Mahammad Habibullah Sahib,
Chairman, Municipal Council
Vellore.

Order

No. 876 of '97

Dated 29th July '97

Received 30 JUL. 1897

Registered "

Enclosures one

Spare copies

SUBJECT.

Forwarding Suggestion of the Municipal Council, Vellore with reference to Rule 2 of Draft Rules for the election of Vice-Chairmen of Municipal Councils published in G.O. No 1473 M dated 24th June 1897.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

VELLORE MUNICIPAL OFFICE:
Dated, 29th Jul 1897

No. 876 of 97 FROM

MUHAMMAD HABIBULLAH SAHEB,
CHAIRMAN, MUNICIPAL COUNCIL,
VELLORE.

To

THE SECRETARY TO GOVERNMENT,
LOCAL AND MUNICIPAL DEPARTMENTS,
FORT ST. GEORGE.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2751/M

Enclosures one

Sir,

With reference to G.O. No 1473 M dated 24th June 1897 I have the honor to forward herewith a copy of the Resolution of the Municipal council, Vellore, thereon No 2 dated 27th July 1897.

I have the honor to be
Sir
Your most obedient Servant

by Or Chairman

No. 16

Extract from Proceedings at a ~~SPECIAL~~ **GENERAL Meeting of the Municipal Council for the Town of Vellore,**

dated 27th July 1897.

PRESENT.

Muhammad Habibullah Sahib Chairman
Surgeon Lieutenant Colonel John Lancaster M.B.
Subadar-Major Syed Sulaiman Sahib
M.R.Ry T. Punniakoti Mudaliar avergal
" V. Esnarappa Mudaliar avergal
" V. Sehaperumal Chettiar avergal
" V. Rajagopal Naidu Garu
" P. Camoo Chettiar avergal
" V. Subroya Chettiar avergal

—

2 Read G.O. No 1473 M dated 24th June 1897. Ordering the publication of draft rules for the election of Vice-Chairmen of municipal Councils; and stating that any objection or suggestion which may be made in respect of them will be considered on or after the 1st August next.

In rule 2 the council, by a majority, beg to suggest the following amendment

"No election under these rules will be recognized as valid unless the successful candidate obtains the votes of a clear majority of the number of Councillors present at the meeting at which the election takes place"

(Signed) Muhammad Habibullah
Chairman

(True Extract)

27th July 1897

[illegible]

2 Read - G.O. No. 11/3 M dated 20 June 1897. Forwarding the publication of Draft rules for the election of [illegible] Municipal Councils and [illegible] may objections [illegible] made in respect of them [illegible] on or after the 1st August next.

[illegible] the Council [illegible] beg to suggest the following amendment

"to election [illegible]" [illegible] candidate [illegible] majority of the [illegible]

1
275/M97

Als

Local & Munl. (1897) Department.

CURRENT No. 2786/M

From the Deputy Collector in charge of the Office of Chairman of Municipal Council Srivilliputtur

No. 3943.

Order.

Dated 30th July 1897

Received 2 AUG. 1897

Registered 2-8-1897

Enclosures

Spare copies

SUBJECT.

Submits suggestion in respect of Draft rules for the election of Vice Chairman of Municipal Council.

BACK PAPERS.

G.O.	No.	Department.	Date.
GO	1473 M	Municipal	24.7.97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Srivilliputhur
Municipal Office
30th July 1897.

LOCAL & MUNICIPAL DEPT
CURRENT No. 2786M

No 394 I.

From
The Deputy Collector in charge
of the Office of Chairman,
Municipal Council,
Srivilliputhur.

To
The Secretary to Government,
Local and Municipal Department,
Fort St. George,
Madras.

Sir,

In reference to the notification published under Government Order No 1473 M, dated 24th June 1897 inviting criticism on the draft rules for the election of vice chairman for Municipalities, I have the honor to offer the following suggestions.

Rule 1 — The object of the Collector being required to give notice of election meeting is not apparent. I think it would be enough if the Chairman of the Council were to give the necessary notice, at the same time sending a copy of it to the Collector for information.

Rule 4 — The procedure in this rule authorizes the Councillor to write upon a piece of paper the name of the candidate he wishes to be elected to the Office. In the case of disputes, the hand-writing of the voter would perhaps be sufficient to identify him as the author of it. It would be better, however, if the expression "under the signature of the voting Councillor" were added after the word Office.

Rule 8 — In clause (a) of the proviso to rule 8, for the word "at" may be substituted the words "in reference to" in order to give the word a more liberal construction.

I have the honor to be,
Sir,
Your most obedient servant,

Meh Mustafa
Deputy Collector in charge

GS
1/28/7

7 28/7/97

8

Local & Munl. (1897) Department. AMS

CURRENT No. 2794 M

Order

From The Chairman, Municipal Council, Ongole.

No. 312

Dated 26-7-1897

Received 2-8-1897

Registered 2-8-1897

Enclosures 1

Spare copies.

SUBJECT.

Submitting copy of Council's resolution regarding the election of vice chairmen of municipal Councils

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

EXTRACT FROM THE PROCEEDINGS OF THE MUNICIPAL COUNCIL, ONGOLE, PASSED AT A MEETING HELD ON Saturday THE 24th July 1897, AT 4 P.M. IN THE MUNICIPAL OFFICE.

* * * * *

176 READ:— G.O. No 1473 M dated 24th June 1899 ordering the publication in the Fort St. George &c for information and criticism of certain draft rules for the election of Vice Chairman of Municipal Councils and stating that any objection or suggestion which may be made in respect of them will be considered on or after 1st August 1899.

The Council consider no criticism is necessary, nor has it any objections.

× × ×

(Free Copy and Extract)

Municipal Office
Ongole 27th July 1899

Chairman

true

1/2794 M of 1897

No. 312 Municipal Office, Ongole,
dated 26th July 1897.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2794 M

From

Mr Ry. C. Lukshmiara Sinha Rao Pantulu Garu,
Chairman, Municipal Council,
Ongole.

To

The Secretary to Government,
Local and Municipal Department,
Madras.

Sir,

With reference to G. O. No 1473 M dated 24th June 1897, I have the honor to submit herewith a copy of the Councils resolution No 176 dated 24th July 1897.

I have the honor to be
Sir,
Your most obedient Servant,

From
The Chairman,
Municipal Council,
Ongole.

To
The Secretary to Government,
Local and Municipal Department
Madras

Dated 26th July 1897
Despatched 28th do
No. 312 2 AUG. 1897
Enclosures One

SUBJECT.

Submitting Copy of Council's res No 176 dated 24th July 1897 for the information of Government.

A/S

Local & Munl. (189) Department.

CURRENT No. 2804 M

Order.

From The Chairman Municipal Council Vizagapatam

No. 306

Dated 2nd August 1897
Received 3 AUG. 1897
Registered 3-8-1897
Enclosures 1
Spare copies

SUBJECT.

Stating that in determining the absolute majority under rule 2 the Candidate should be excluded from the total strength of the Council then existing

This is addressed direct to Government; as an urgent case. Copy has been sent to the Collector.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No 306

OFFICE OF THE MUNICIPAL COUNCIL.

Negapatam 2d August 1897.

LOCAL & MUNICIPAL DEPT.
CURRENT
2804 M

From Mr R R L Robinson [illegible]

Chairman, Municipal Council,

Negapatam.

To

The Secretary to the Government of Fort Saint George,

Madras,

Local and Municipal Department,

~~*Through the Head Assistant Collector and the Collector of Tanjore.*~~

Sir,

Adverting to G. O. No 473 Mn dated 24th June 1897, Circulating draft rules for the election of Vice-Chairman, I have the honor to enclose an extract from the proceedings of the Council dated 29th July 1897 and to state that the Council suggests that rule No 2 should be so amended as to exclude the Candidate from the existing total strength of the Council in determining the absolute majority required for declaring him Successful. As the

Candidate cannot vote for himself it follows that he cannot be — included in the available voting strength, which should therefore be the total number of members then on the Council minus the Candidate. Supposing that the total number of members on the Council is 24 and that there are 3 Candidates A. B. C, the absolute majority in the case of each Candidate is more than half of 23 (ie) 12. For, in the case of each Candidate ~~the available~~ the available voting strength excluding himself is 23.

2. In this connection I beg respectfully to suggest that a similar amendment is called for in rule No 2 of the existing rules for the election of Chairman of Municipal Council.

I have the honour to be
Sir
Your most obedt servt
D. Balagadhayal

Same
1 to Letter Dis 308
2-8-97

Extract from the Proceedings of the Municipal Council Vizagapatam at a meeting held at 5 P.M. on Thursday the 29th July 1897.

Present

1 Mr K. P. Rathnasabapathipillai avl
Chairman

2 J. J. Cotton Esquire Ag Head Asst Collector & Ex officio Councillor
3 Captain J. T. James
4 K. Mohomed Cosman Sahib avl Sahib Bahadur
5 Revd J. J. Louis
6 Mr K. Mayandi Chettiar avl
7 " P. S. Kristnasami Naidugaru
8 " V. Chinna Maricar avergal S. B.
9 " M. K. Vappakandu Maricar avl S B
10 " S. Alia Maricar avl S B
11 " C. R. Rungithapatham Iyer avl
12 " K. Letchoomana Naidugaru
13 " M. S. Ramasamipillai avl
14 " A. R. M. Gurusamipillai avl
15 " S. Soobramania Iyer avl
16 " S. Chinnathambi Maricar avl S B
17 " M. Othman Lebbai Maricar avl S B

2 Read G. O. No 1473 M. dated 24th June 1897 circulating certain draft rules for the election of Vice —

Chairman and inviting suggestions or objections, if any, and ~~noting~~ noting the Chairman on the above.

Resolution. — The Council resolves to suggest that rule No 2 be amended by adding a proviso that the Candidate should be excluded in calculating the total number of members referred to in that rule.

(True Extract)

Chairman

Local & Munl. (1897) Department.

CURRENT No. 2815M

From The Chairman
Municipal council
Cocanada.

Order

No. 577.

Dated 30th July 1897
Received 4 AUG 1897
Registered 4-8-1897
Enclosures 1
Spare copies

SUBJECT.

Forwarding a copy of the Council's resolution dated 24th July 1897 regarding draft rules for the election of vice chairmen.

1/2884 M of 1897

BACK PAPERS.

G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Con No 362

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2815M

No. 577 Municipal office
Cocanada 30th July 1897

From
M.R.Ry K. Perraju garu
Chairman, Municipal Council
Cocanada.

To
The Secretary to Government
Local and Municipal Department
Madras

Sir,

Referring to G.O. No. 1473M., dated 24th June 1897 regarding draft rules for the election of Vice chairman of Municipal councils, I have the honour to forward herewith a copy of the Council's resolution dated the 24th Instant, approving of them.

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

Perraju
Chairman.

30.7.97

Extract from the Proceedings of the Municipal Council, Cocanada,
passed at its Meeting held
on Saturday the
24th July 1897.

PRESENT:

* * * *

1 M R Ry K. Perraju garu, chairman
2 Do G Venkata Ratnam garu Councillor
3 Do Rao Bahadur ~~B Venkata~~ Ratnam garu Do.
4 Do M. V. Somayajulu garu Do
5. Nakhoda Dada Sahib garu Do -
6. Revd. H. F. Laflamme Do
7. Captain G. W. Wicks Do

10. Read Fort Saint George Gazette dated 6th July 1897 containing draft rules for the election of Vice chairmen.

Approved

(Sd) K. Perraju
Chairman
(True Extract)

Municipal office
Cocanada
30th July 1897

Perraju
Chairman

30.7.97

Cur No 3839

30.7.97

ocal & Munl. (1897) Department.

AWS

CURRENT No. 2818 M

COLLECTOR'S OFFICE,
No.
30 JUL. 97
BELLARY.

Reg. No. 1479
28 JUL. 1897

V.W. Ex 29/7/97

From M.R.Ry P. Rama Rao Garu B.A
Chairman Municipal Council
Bellary

Order

No. 3389

Dated 24 July 1897

Received 4 AUG. 1897

Registered 4-8-1897

Enclosures One

Spare copies

SUBJECT.

Election of Vice-Chairman of Municipal Councils: — Submitting copy of the Council's resolution offering no remarks on the Draft Rules framed for the — communicated with G.O. No 1473 M.D/ 20.7.97

Forwarded.

AWS 30/7 For Collector 5.15 P.M. 2/8/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Bl   District

evenue Officer in charge of Bellary Division

No. 3389

Municipal Councillors' Office
Bellary 24th July 1897

LOCAL & MUNICIPAL DEPT.
CURRENT

28/8M

From
M. R. Ry. L. Rama Row Garu B.A.
Chairman M.C.
Bellary

To
The Secretary to Government
Local and Municipal Departt.
Madras

tted thro'
ector
hamahan
y. Collector
28.7.97

Sir,

With reference to G.O. No. 1473 M dated 24 June 1897 I have the honor to forward herewith Copy of the resolution passed by the Council at its meeting held on the 20th Instant and State that the Council offe tion
no remarks on the draft icipal
rules framed for the Elect
of Vice-Chairmen of muni
Councils.

be Sir
I have the honor to obed't
Your most ob
L. Rama Row M.C.
Chairman

24-7-97

Extract from Proceeding of the Bellary Municipal Council dated 20 July 1897 —

Present (The present Strength being 16)

1. M.R.Ry. C. Rama Row Garu B.A. Chairman M.C.
2. do K. Seddyyah Garu.
3. do A. Munnuah Garu.
4. Captn W. H. Coleman.
5. M.R.Ry. Chellaperumal Pillay Avergal
6. J. C. Cotilingam Esqre M.A.
7. M.R.Ry. V. Kustoori Chetty Garu

V. Read G.O. No 1473 M. dated 24 June 97, Communicating for information and Criticism draft rules for the election of vice Chairmen of Municipal Councils and stating that any objection or suggestion which may be made in respect of them will be considered on or after the 1st August next.

The Council offers no remarks

(True Extract)

Mul Office
Bellary
23.7.97

Chairman

CW
23/7

2818 M of 1897

AKS

Local & Munl. (1897) Department.

CURRENT No. 2825 M

Order

From The Chairman
Municipal Council
Madura

No. 40

Dated 31st July 1897

Received 4 AUG. 1897

Registered 4-8-1897

Enclosures Nil.

Spare copies

SUBJECT.

Submitting the letter from M.R.Ry T.R. Venkatêsalu Nayudu Garu offering certain suggestions to the draft rules published for the election of Vice Chairman

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

District

RECEIVED 30 JUL R.F.

LOCAL & MUNICIPAL DEPT. 2825 M

Madura, July 29, 1897

From

P. L. Venkatesalu Naidu
Municipal Councillor,
Madura.

To

The Secretary,
Local and Municipal Department,
Government of Madras,
Fort St George

Through

The Chairman,
Municipal Council, Madura.

Sir,

With regard to the draft rules for the election of Vice-Chairmen of Municipal Councils embodied in G.O., No 1473 M., dated 24th June 1897, I beg to submit that the minimum number of Councillors required for an objection to the validity of an election should be one-fourth of the total number of Councillors then on the Council, or three members when such number is less than twelve — not merely three as fixed by Rule 8. Seeing and considering that a Candidate in order to be successful has to obtain "the votes of more than half the total number of members then on the Council" (Rule 3), it appears to me that it will be hard upon a successful candidate to permit or allow his election to be impeached by three members in all Municipalities. Competition is everywhere keen, and it not unfrequently is the case that the objecting members are those who themselves aspired to the office and are actuated by no loftier motives than envy and jealousy. Experience has also shown that these objections are generally found to be unfounded or vexatious, and hence I venture to submit that three members ought not to be held to be sufficient to call into question the election of a Candidate by more than half the Councillors, in the case of Municipalities whose members are more than twelve in number.

2 I would also suggest that the Collector be empowered, in anticipation of the orders of Government, to allow the elected candidate to assume charge of the office after the expiration of the seven days fixed by Rule 8, if no objection has in the meantime, been put forward to his election or after the Collector has enquired into any objections to the election, if he considers the objections to be frivolous or unfounded. A great deal of delay will be saved by some such provision as above.

I have the honor to be
Sir
Your most obedient Servt

Municipal Councillor.

No. 40 dated 31st July 1897.

Submitted

R Fischer

Chairman

Municipal Council

Madura

30 July 1897

AHS

Local & Munl. (1897) Department.

CURRENT No. 2842 M

From The Joint Secretaries to the Kistna Dt Association Masulipatam

Order

No. 44

Dated 28-7-1897

Received 5-8-1897

Registered 5-8-1897

Enclosures

Spare copies.

SUBJECT.

Submitting suggestions in respect of the draft rules for the interpellation of the Chairman by the municipal Councillors and the election of Vice chairmen

BACK PA

G.O.	No.	Department.	
None			

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Association, Masulipatam
D/ 28-7-1897.

The Joint Secretaries to the
Kistna District Association,
Masulipatam

To The Secretary to the Government
of Madras
Local and Municipal Department

Sir, On behalf of the Managing Commit-
tee of the Kistna District Association, we
have the honor to submit very respectfully,
for the kind consideration of His Excellency
the Governor in Council, the accompanying
suggestions in respect of the draft rules for
(I) the interpellation of the Chairman by
the Municipal Councillors, and (II) the elec-
tion of a Vice-Chairman in any Municipality

We have the honor to be,

Secretaries of the Kistna
District Association

Office of the Kistna District
Association, Masulipatam.

Dis No. 44/97.

D/ 28-7-1897.

2842 M

5/8/97

From
The joint Secretaries to the
Kistna District Association,
Masulipatam.

To
The Secretary to the Government
of Madras,
Local and Municipal Department,
Ootacamund.

Sir, On behalf of the Managing Committee of the Kistna District Association, we have the honor to submit very respectfully, for the kind consideration of His Excellency the Governor in Council, the accompanying suggestions in respect of the draft rules for (I) the interpellation of the Chairman by the Municipal Councillors, and (II) the election of a Vice-Chairman in any Municipality.

We have the honor to be,
Sir,
Your most obedient Servants,

V. Subbarao

R. Venkata Ratnam.

Secretaries of the Kistna
District Association.

(i) Suggestions in respect of the rules for the interpellation of the Chairman by the Municipal Councillors:—

(a) With reference to draft rule (2) five days' clear notice will, it is submitted, be enough; for the reasons that the information required for an answer will, almost always, have to be obtained only from the Municipal Office, that for cases of an exceptional nature provision has been made in draft rule (5), and that as only a three days' notice is required for convening a meeting of the Council, a couple of days more for tabulating the questions and including them in the Agenda paper will in the majority of instances be quite enough.

(b). In draft rule (4), though the power reserved to the Chairman will at times be found a wise precaution, there will, it is submitted, be no harm, but some positive good in allowing a question to be asked and to be entered in the proceedings together with the Chairman's refusal to answer it; for such a provision will, without endangering public interests, be a safe-guard against any misuse that may be made of the exceptional powers vested in the Chairman.

(C) In draft rule (5), it does not seem to be necessary to demand a longer th the usual notice for the mere putting of a question; as ample provision has been made in the final part of this rule for exceptional cases by empowering the Chairman to postpone the answer to a question when necessary.

(ii) Suggestions in respect of rules for the election of a Vice-Chairman in any Municipality.

(a) "With reference to rule (3), the provision that nominations should be sent to the Chairman six days before the date of meeting is, it is submitted, not only unnecessary, but also ~~positive~~ possibly dangerous. In the case of nominations by Taluq Boards ~~and~~ to District Boards, nominations are verbally made at the meeting by two of the members. Further, previous intimation is likely in several cases to lead to certain kinds of abuses incidental to such elections. "Written nominations hande over to the Chairman immediately before the meeting will, it is submitte efficiently serve the purpose in view.

(b) "With reference to draft rule (4), the votes being given by ballot, it is not easy to see how the fact of a candidate having voted for himself can be ~~dett~~ detected except when a candidate is unanimously electe. Moreover, in elections of higher importance, as, e.g., that of a member to represent the Madras Municipality in the Legislative Council, a provision of this nature does not exist; and there does not seem to be any legal objection to a candidate voting for himself.

Secy

in the Legislative Council, a provision of this nature does not exist; and there does not seem to be any legal objection to a candidate voting for himself.

Local & Munl. (1897) Department.

AMS

CURRENT No. 2857/M

Order.

From The Collector of South Arcot

DESPATCHED 4 - AUG. 97

No. 632/Sup

Dated 3rd August 1897

Received 6 AUG. 1897

Registered 6-8-1897

Enclosures

Spare copies

SUBJECT.

Suggesting an amendment to rule 6 of the rules circulated with G.O. No: 1473 M of 24 June 1897 for the Election of Vice Chairmen of Municipal Councils.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

SOUTH ARCOT.

COLLECTOR'S OFFICE,
Cuddalore

No. 632
Suf.

DATED 3rd August 1897

LOCAL & MUNICIPAL DEPT.
2857 M

FROM

A. E. Castlestuart Stuart, Esq., I.C.S.,
F.G.S., F.L.S., F.R.G.S.
COLLECTOR OF SOUTH ARCOT.

TO

THE ~~CHIEF~~ SECRETARY,
TO GOVERNMENT
Local & Municipal DEPARTMENT.
MADRAS.

SIR,

I have the honour to suggest for the consideration of Government an amendment to rule 6 of the rules, circulated with G. O. No: 1473 M. dated 24th June 1897, for the election of Vice Chairmen of Municipal Councils.

2 If, after 2 meetings have been held, no candidate has obtained the majority of votes required by rule 2, the chairman of the Council should, I think, be empowered to eliminate the name of the candidate who had the least number of votes in both the preceding meetings, such candidate having no chance of being elected, but being capable
under

under the rules, as drafted, of only being an obstructionist preventing the successful election of another. The Chairman might be required to obtain the approval of the Collector, if the Government thinks necessary, for the elimination of the name of such candidate and, if necessary, the Collector might be empowered to refuse to do so for reasons to be recorded and submitted to Government. Should there be no candidate who had the least number of votes in both the previous meetings, and the 3rd meeting produces the same results, the procedure prescribed in the rule, as it now stands, might be followed. The above additional provision would prevent the occurrence of unsuccessful meetings causing mere waste of time, due to the obstinacy of a Councillor whose only aim is to oppose the election of more popular men, he himself not having the ghost of a chance of being elected. Such a provision might also with advantage, I submit, be imported into the rules for the election of Chairman also. During the last election of a Chairman in Cuddalore, such a fiasco was averted only at the last moment at the 3rd meeting of the Council held for the purpose.

I have the honour to be

Sir,

Your most obedient Servant.

H Subbarayappa

for Collector.

Local & Munl. (1897) Department.

CURRENT No. 2958M

From

the Collector of Vizagapatam.

Order.

No. 3278.

Dated 10th August 1897—

Received - 17 AUG. 1897

Registered - 17-8-1897

Enclosures one

Spare copies -

SUBJECT.

Forwarding letter from the chairman Municipal Council Vizagapatam stating that there are no remarks or suggestions to the draft rules for the election of a vice chairman.

1918

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

VIZAGAPATAM MUNICIPAL OFFICE

No. 1003

Dated 7 August 1897.

2958 M

From

M. R. Ry.

B. SURYANARAYANA SASTRI GARU, B. A., B. L.

CHAIRMAN, MUNICIPAL COUNCIL,

VIZAGAPATAM.

To

The Secretary to Government
Local and Municipal
Department Madras,

Sir,

With reference to G.O. No 1473 M dated 24th June 1897, I have the honor to state that the draft rules, for the election of Vice Chairman therein embodied were placed before the Council at its meeting held on the 5th instant.

2. The Council resolved that it has no remarks or suggestions to offer.

3. An extract from the Councils proceedings dated 5th current is herewith submitted.

I have the honor to be

Sir,

Your most obedient Servant,

B Krishnaswami

Chairman, M. C.

Copies. $\frac{250}{1-4-97}$

EXTRACT FROM THE PROCEEDINGS OF THE MUNICIPAL COUNCIL
OF THE TOWN OF VIZAGAPATAM AT THEIR MEETING
HELD ON THE 5th August 1897.

R.R. P. Krishnaswami Naidugaru Chairman M.C. Delegate.
P. T. Srinivasa Iyengar Avergal
T. Janakiramiah Naidugaru
M. Appalanarasiah Naidugaru
D. Venkatanarasiah Naidugaru
B. Narasimhaswara Sarmagaru
Shaik Amboo Sarang Saib Bahadur.

Point. 3	Resolution.
Read. G.O. No 1473 M, dated 24th June 1897, ordering the publication, for information and criticism, of draft rules for the election of Vice Chairman of Municipal Councils and stating that any objection or suggestion which may be made in respect of them will be considered on after the 1st August next.	Recorded. The Council has no remarks or suggestions to offer.

(Sd) P. Krishnaswami
Chairman M.C. Delegate

(True Extract)

Krishnaswami
Chairman M.C. Delegate

Cur. No 3278 of 1897
VIZAGAPATAM.

No 3278.

Forward

Spl. m. p. cr.

W.S. 11/8

Despd. 14-8-97.

Submitted [illegible] Rules
[illegible] 9/8/97

1/2958 M of 1897

A18

Local & Munl. (1897) Department.

CURRENT No. 2862 M

From The Chairman
Municipal Council,
Tirupati.

Order

Dis No. 419/M of 97

Dated 5th August 1897
Received 6 AUG. 1897
Registered 6-8-1897
Enclosures one
Spare copies

SUBJECT.

Reporting that the Council has no objection or suggestion to make on the draft rules referred in G.O. No 1473 M dated 24th June 1897.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Extracts from the Minutes of Proceedings of the Municipal Council Tirupati, passed at its Special Meeting held on the 31st June 1897.

Present

M. R. Ry. C. Krishnaswamy Aiyar, Avergal.
" B Laul Singh, Garu.
" C Krishnamachariar, Avergal.
" V. Sundaram Aiyar Avergal
" Kotigari Munnasamy Chetty, Garu.

x x x x

2. Read G. O: No: 1473. M. dated 24th June 1897, ordering the publication in the Fort St. George Gazette &c for information and criticism of certain draft rules for the election of Vice-Chairman of Municipal Councils and stating that any objection or suggestion in respect of them will be considered on or after the 1st of August 1897.

At this stage M. R. Ry. V. Ananthachariar, Avergal, joins the Meeting.

The Council has no objection or suggestion to make.

(True extract)

K. [illegible]
5/8/97
Chairman

1/2882 M of 1897

Tirupati Municipal Office,

Dated 5th August 1897.

LOCAL & MUNICIPAL DEPT. 2882 M

Dis No. 419 of 1897
M

Enclosure one

From

M. R. Ry. K. Gopalachariar Avergal,
Row Sahib,
CHAIRMAN, MUNICIPAL COUNCIL.
TIRUPATI,

To

The Secretary,
to Government,
Local and Municipal Department,
Madras.

Sir,

With reference to G. O. No: 1473. M. dated 24th June 1897, inviting objection or suggestion which may be made in respect of the draft rules for the election of Vice-Chairman of Municipal Council, I have the honor to forward herewith an extract from the minutes of proceedings of this Council intimating that it has no objection or suggestion to make on them.

I have the honor to be,
Sir
Your most obedient servant

K. Gopalachariar
Chairman 5/8/97

CS

AKS

Local & Munl. (1897) Department.

CURRENT No. 3011 M

Order.

From H. Collector of Tanjore

No. 4017/Pun

Dated 14 — 8 — 97

Received 20 AUG. 1897

Registered 20-8-1897

Enclosures nil.

Spare copies

SUBJECT.

Offering remarks on the draft rules for the election of Vice chairmen to Municipal Councils.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

K

17.

TANJORE, COLLECTOR'S OFFICE,

CAMP, 14" August 1897

LOCAL & MUNICIPAL DEPT
3011 M

J. Andrew ESQUIRE,
Acting COLLECTOR,
TANJORE,

To

The SECRETARY TO GOVERNMENT,
Local and Municipal DEPARTMENT,
MADRAS.

SIR,

I have the honour to offer the following remarks on the Draft rules for the election of Vice Chairmen of Municipal Councils received with Government Order No 1473 M, dated 24" June 1897.

2 Rule 4 states that each Councillor wishing to vote shall "write on a slip of paper the name of the candidate he wishes to be elected". This is, I presume, equivalent to voting by ballot, and in any case

a

a Councillor might choose to write the name in a disguised hand or in Roman Characters and in that event it might be impossible for the presiding officer to say that a particular Councillor voted for himself. I therefore think that the sentence "No vote given by any candidate in favour of himself shall be counted" had better be omitted. I do not myself see why a candidate should not be at liberty to vote for himself, just as he is at liberty to canvass for himself prior to, or to urge his own claims during the meeting, though such action may not be altogether according to one's ideas of "good form".

If

If, however, it is deemed desirable to prohibit a candidate voting for himself, and at the same time retain the system of voting in the manner prescribed in the Draft rules, the best way would, I think, be to substitute for the sentence in question the following:— "No candidate shall be allowed to vote".

3. In this connection, I may refer to this office No. 2940/Rev. 1, dated 25" June 1897, reporting on the nomination of a candidate for the Legislative Council by the Tanjore Municipality when an instance similar to the one above mentioned actually occurred.

4. The Rules for the election of a Chairman are exactly the same

as the Draft rules, and if the latter require amendment in the direction indicated above, so do the former.

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

F. Muttusami
For Ag Collector

WS

RS

A/8

Local & Munl. (1897) Department.

CURRENT No. 3082 M

Order

From M. R. Ry. T. Rajagopaul Nayudu
Garu, Pleader
Dindigul

No.

Dated 26-8-1897
Received 27-8-1897
Registered 27-8-1897
Enclosures
Spare copies.

SUBJECT.

Submitting certain suggestions in connection with the rules framed by Govt for the election of Vice-chairmen of the Dt Municipalities.

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Dindigul
26th August 1897.

LOCAL & [illegible]
3082/M

From

M. R. Ry.
T. Rajagopaul Nayudu Garu
Pleader
Dindigul

To

The Secretary to Government
Local and Municipal Department
Fort Saint George

Sir,

Adverting to the Government order inviting suggestions on the Rules framed by Government for the Election of Vice-Chairman of the District Municipalities, I beg to submit that the Rules appear to be the same as those framed by Government for the election of Chairman, considering the nature and extent of the powers entrusted to the Vice-

-chairman, it is very necessary that he should be elected by the majority of members in the council, on the date of election. But sufficient as this condition may appear to be, it will still be found not precaution enough against the election. Many of the Municipal Councils in this Presidency are small ones containing not more than a dozen members and of these, there may be some such as the one we have, in which a family might be unduly represented. Consequently in these municipal Councils, the object of the qualification insisted on for election of Vice-Chairman may easily be frustrated. It is, therefore very necessary that at least the members of one family in the Council, should be

prevented

prevented from playing into one another's hands.

In this connection it may be well to point out that when the Bill to amend the District Municipalities Act was framed, it was sought to prevent the members of the same family entering into the Council. But for some reason or other the provision once made was dropped. And again there is a Government Order prohibiting members of Council voting on questions in which they are directly interested.

I would therefore beg to suggest that provision be made in the Rules for the Election of Vice-Chairman of Municipal Councils, as well as in the rules that might hereafter be framed for the election of Chairman, to prohibit members of the Council who are close relatives as particularized in the Government Order already in force, from voting for one another. This provision, while it will prove to be of immense good in small Municipal Councils, will not in any way affect the larger ones.

I beg to remain
Sir,
Your most obedient Servant
T. Alagiyopaul.

27 AUG. 1897

SUB-COLLECTOR'S OFFICE
19 SEP. 97
TANJORE

Local & Munl. (1897) Department.

Endt on Cur no $\frac{4522}{Rev}$ of 97
Enc one.
Forwarded

W. S. Clayton
Sub Collector
19/9/97.

DESPATCHED
24 SEP. 97

Order. Endt cur. no $\frac{186}{Rat}$ 97
Enc: one
Forwarded

Madura.
Ag Collector

29.9.97.
29.9.97

DESPATCHED
17 OCT. 1897

Lodged with reference to G.O. No. 1207 1897

CURRENT No. $\frac{186}{}$ of 97

4522
Rev
7

From The Chairman Municipal Council, Kumbakonam

No. 605.

Dated 17. 9. 97.

Received 18 OCT. 1897

Registered

Enclosures one.

Spare copies

SUBJECT.

Forwarding Copy of resolution of the Council on G. O. No. 1473 L dated 24th June 1897.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL & MUNICIPAL DEP
CURRENT No. 3572 M

No. 605.

MUNICIPAL COUNCILORS' OFFICE

KUMBAKONAM 17th September 1897.

FROM

S. Sivagurunatha Chettiar Avergal B.A. B.L. Councillor
for CHAIRMAN, MUNICIPPAL COUNCIL
KUMBAKONAM.

TO

The Secretary to Government.
Local & Municipal Department
thro' the Sub Collector & the Collector of
Tanjore.

SIR,

Referring to G.O. No. 1473 Mis dated 24th June last, I have the honor to submit for the information of Government Copy of the resolution of the Council dated 15.9.97 thereon.

I have the honor to be
Sir
your most obedient Servant

S. Sivagurunathan
Councillor for Chairman

Proceedings of the Special Meeting of the Municipal Council, Kumbakonam, held on the 15th September 1897.

Present

Mr. S. Sivagurunadha Chettiar Avergal B.A. B.L.
Chairman-Delegate.
„ Rao Bahadur S. Seshayya Avergal B.A.
„ K. Renganadha Raojee „ B.A.
„ A. C. Narayanasamy Iyer „
„ N. Kistnasamy Iyengar „ B.A. B.L.
„ T. Kistnamachariar „ B.A.
„ V. Kistna Iyer „ B.A. B.L.
„ P. V. Bathrasamy Chettiar „
„ M. C. Amirthalinga Chettiar „

× × ×

4. Read G. O. No $\frac{1473\ Mis}{24.\ 6.\ 97}$ regarding the Draft Rules framed by Government for the election of Vice-Chairmen of Municipal Councils.

Resolution: The Draft Rules are approved.

× × ×

(S) S. Sivagurunathan
Chairman-Dele

(True Copy)

S. Sivagurunathan
Councillor for Chairman

1P

From the Chairman Municipal Council, Cuddapah dated 22nd July 1897 No 919
" " " Madura " 23rd " " " 35
" " " Palghat " 24th " " " 2397
" " " Bellary " 24th " " " 3389
" " " Vellore " 26th " " " 926
" " " Ongole " 26th " " " 312
" Joint secretaries to the Kistna Dt Assoⁿ " 28th " " Dis No 44
" Chairman Municipal Council Vellore " 29th " " No 876
" " " Srivilliputtur " 30th " " 394-1
" " " Cocanada " 30th " " 577
" " " Madura " 31st " " 40
" " " Negapatam " 2nd Aug " " 306
" Collector of South Arcot dated 3rd Aug 1897 No 632 Eng
" Chairman Municipal Council Tirupati dated 5th Aug 97 Dis 419 M
" " " Vizagapatam " 7th " 1003
" Collector of same one dated 14th Aug 1897 No 4017 Rev
" Pleader Dindigul dated 26th Aug 1897
" Chairman, Municipal Council, Kumbaconam dated 17th Septr 1897 No 605

Rd

G.O. No. 61 M. 11-1-98

2 P

LOCAL AND MUNICIPAL DEPARTMENT.

Agar G.O., dated 24th June 1897, No. 1473 M.

Current Nos 2671 M, 2693 M, 2694 M, 2734 M, 2751 M, 2786 M, 2794 M, 2804 M, 2815 M, 2818 M, of 189 , dated from the

Current No. 2825 M, 2842 M, 2857 M, 2862 M & 2958 M & 3011 M. of 189 , dated from the

3082 & 3572 M (97)

For these [illegible] slip attached. P.R.

SUBJECT.

Rules for the election of Vice-Chairmen of Municipal Councils.

H.O. & Circ

FOR ORDERS.

I think Rules 4 & 5 should be altered as suggested below. No other alterations seem to be desirable.

J.S.
21.9/97

G.O. 61 M. 11/1/98

In the Govt. order read above, certain draft rules for the election of Vice-Chairmen of Municipal councils, framed under subsection (8) of Section 14 and clause (n) of Sub section (1) of section 250 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, were published for information and criticism. The letters read above are the replies received.

2. The Municipal Councils of Madura, Nellore, Ongole, Cocanada, Bellary, Tirupati and Vizagapatam approve the proposed rules or have no remarks to offer thereon. The following are the suggestions made by the others.

RULES.

Rule 1. The election of Vice-Chairman in any municipality shall take place at a meeting of the council specially held for the purpose, of which at least fifteen days' and not more than thirty days' notice shall be given by the Collector.

F

The Mun. Council of Srivilliputtur states that the object of providing in this rule that the notice of the meeting for the election of the Vice Chairman should be given by the Collector, is not apparent and suggests that it would be enough if the Chairman of the Council were to give the necessary notice, at the same time sending a copy of it to the Collector for information.

It does not appear to be necessary to insist on the required notice being given by the Collector and the rule may therefore be altered by substituting the word 'Chairman' for "Collector", and by adding the following clause at the end:—

"who should send a copy of it to the Collector for information".

There are many reasons for keeping the initiation of the proceedings in the Collector's hands S. J. R. HS [hss]

The copy might be sent too late S. J. R. HS [hss].

Rule 2. **2.** No election under these rules will be recognized as valid unless the successful candidate obtains the votes of more than half the total number of members then on the council.

(D) The municipal Council of Palghat states that the working of this rule is unnecessarily difficult and cumbrous in requiring an absolute majority of votes for a valid election of the Vice-Chairman, as the powers and duties of a Vice-Chairman can be strictly limited and will be much the same

3

3 P

same as those of a chairman — delegate whose appointment is a much simpler matter.

(E) The Vellore Council suggests that the rule should be amended so as to make the election valid if the successful candidate obtains the votes of a clear majority of the Councillors present at the meeting at which the election takes place.

(G) 'The Negapatam Council considers that in determining the absolute majority for declaring a candidate successful at an election, he (the candidate) should be excluded from the existing total strength of the Council and points out that as a candidate cannot vote for himself, it follows that he cannot be included in

Rd

The rule that a man may not vote for himself is a good one, as much for its educative effect as for any other reason — Md. Councillors have to be taught that it is good form to abstain from voting in any matter in which they are interested, & a provision such as ~~that in~~ rule 4 would help in their education in this respect — A difficulty however occurs to me. Under the system of voting laid down in Rule 4, how is anyone to say whether a man has voted for himself — Two or more members' handwriting may be very similar or a man may write in a feigned hand, & this may lead to wrangles as to the particular person who gave a particular vote — If this can't be got over, and I do not see how it can be, the last sentence of Rule 4 must come out.

HS

See remark below

J. G. [illegible]

I see no reason why a Councillor sh'd not vote for himself, if he pleases. As a Councillor he has a vote, & ~~[illegible]~~ why sh'd he lose his vote if he considers himself the best candidate, as he may be.

In England a voter may vote for himself.

I w'd therefore strike out the last sentence of Draft rule 4. Also the Negapatam obj. falls to the ground. S. J. R. 10/5 in the available voting strength, which should therefore be the total number of Councillors then on the Council *minus* the candidate. If this suggestion is approved, the Council requests that a similar alteration may also be made in the rules for the election of chairmen.

There is an important difference between a vice Chairman and a Chairman delegate, which the Palghat Municipal council has overlooked, viz:- that the Chairman may himself delegate any or all of his powers to a vice Chairman, while in delegating his powers to a councillor, he must obtain the consent of the Council. The Council has thus in the latter case an opportunity to express its opinion as to the desirability

Vide sub-sections (3) & (4) of Section 32 of Act IV of 1884, as amended by Act III of 1897.

or otherwise of delegating any particular power or powers to the individual chosen; but it has no powers to interfere in the delegation by the Chairman of his powers to the Vice-Chairman (except as provided in clause (1) of subsection (3) of Section 32). Besides when the Office of the Chairman becomes vacant and in the temporary absence from the Municipality of the Chairman, the powers and duties of the Chairman devolve upon the Vice-Chairman under Section 15 of Act IV of 1884, as amended by Act III of 1897. It is therefore essential that the person who is selected for the Office of Vice-Chairman, should be one who commands the confidence of a majority of the Councillors and that for this purpose the procedure laid down in the draft rules should be followed for the election of a Vice Chairman.

The Vellore Council is of opinion that it would be sufficient if a candidate obtains the votes of the majority of the Councillors present at the meeting. This would allow the election of a Vice Chairman, who has got the support of a little more than one-sixth of the council, as under sub section (5) of section 30 of the Act, the quorum required at a meeting is one-third of the number of Councillors then on the council; and this is undesirable.

The suggestion made by the Negapatam Council is, however, worthy of consideration. Supposing there are three candidates A. B and C and that the

⊗ Note
when only one third of the total number of Councillors attend the meeting, an absolute majority can be obtained by the votes of more than half the number present (i.e.) of more than one sixth of the Council.

the strength of the council on the date of the election is 20, then as no valid vote can be given by any of the candidates for himself (rule 4) each candidate can, supposing that all the Councillors then on the council attend the meeting and that if he commands the fullest confidence of the council, count upon only 19 votes. This being so, it seems but proper to exclude the candidate from the existing total strength of the Council, in determining the absolute majority of votes required by this rule; and it is submitted that the words "excluding himself" may be added at the end of this rule. If this suggestion is approved the necessary alteration may

I would not alter draft rule 2.
S.B. No [illegible]

may also be made in the rules for the election of Chairman.

Rule 3. Every candidate for the office of Vice-Chairman shall be nominated by at least two councillors in the following form, which shall be sent to the Chairman at least six days before the date of the meeting at which the Vice-Chairman is to be elected:—

Municipality of ________

We, the undersigned, nominate ________, a councillor, as a candidate for the office of Vice-Chairman at the election to be held on the ____ day of ____ 189 .

(Signed) ________.

Date ________.

[The secretaries to the Kistna Dt Association state [that the provision in this rule requiring that nominations of candidates for the office of Vice Chairman should be sent to the Chairman at least six days before the date of the meeting at which the election is to be held is not only unnecessary but possibly dangerous. They point out that in the case of nominations by Taluk Boards to District Boards, nominations are verbally made at the meeting by two of the members, that previous intimation is likely in several cases to lead to certain kinds of abuses incidental

to such elections and that written nominations handed over to the Chairman immediately before the meeting will efficiently serve the purpose in view.

It would no doubt be enough if the nominations are made at the meeting as now proposed, but as the system of requiring the submission of the nominations before hand is more convenient, and does not appear to be objectionable, the system having worked without complaint in the case of the election of Chairmen, the rule may be allowed to stand as

The cases are not in all points the qualifications of a taluq Bd. member are ~~[illegible]~~ presumably sufficient for a Dist. Bd. member. But a councillor may be sufficiently qualified as such without having the requisite qualifications for the official position, with its duties, of Vice Chairman

G. Forbes

On the contrary, it is very desirable that the Chairman shd have some notice of the nominations. It may be proper to make inquiries regarding the nominees, & place facts respecting them before the Council. There shd be some time to canvass their qualifications for so important an office. I wd let the rule stand

G. Forbes

On the day of the election, the Chairman, or the councillor elected to the chair, shall read out the names of the candidates nominated for the office, and at once proceed to the election, which shall be conducted in the following manner:—Every councillor wishing to vote shall at the meeting write on a slip of paper the name of the candidate he wishes to be elected to the office of Vice-Chairman, and place the same in a box so constructed that papers may be placed therein but not extracted without the box being opened. The Chairman shall then open the box and count the votes in the presence of the council. The candidate having the largest number of votes, or, if only one candidate has been nominated, such candidate, shall be considered to have been elected to the office, subject to the condition laid down in Rule 2 above. If no candidate obtains the absolute majority required by Rule 2, a second ballot shall be taken in the same manner, and if this also fails to produce the prescribed majority in favour of any one candidate, the meeting shall be adjourned. [No vote given by any candidate in favour of himself shall be counted.]

See note on margin supra, against rule 2 - G.F. ditto

Rule 4. The Mun. Council of Palghat, & the Kistna District ~~[illegible]~~ ~~[illegible]~~ Association raise the question "if the ballot is "secret and candidates are not "excluded from voting altogether, "how can the election be invalidated on the ground that "a Councillor has voted for himself?" and they suggest that the two alternative ways of remedying this are (1) to exclude the candidates from voting, which may in certain cases render the absolute majority a matter of some difficulty, or (2) to permit the candidates to vote for themselves, which they consider unobjectionable. The Collector of Tanjore also makes the same suggestions. It is ~~further~~ stated that in elections of higher importance e.g. that of a member to represent the Madras Municipality on the Legislative Council, a provision of this nature does not exist and there does not seem to be any legal

I have noted above that the last sentence excluding a member's own vote sh'd be erased. Moreover, as indicated by the objection, it is impossible to work such a rule with a ballot

G. Forbes

~~I hadn't read this when I noted above. I would adopt this course.~~

If a man can't get an absolute majority without his own vote, he had much better not be elected V. Chairman, & his election by his own vote only would be certain to lead to squabbles & factions.

Yes. I w'd substitute for the last sentence: "No candidate nominated for the office shall ~~vote~~ take part in the ballot"

legal objection to a candidate voting for himself.

None
G. Forbes

The rules lay down that no vote given by a candidate in favour of himself shall be counted. There can be no question as to the desirability of prohibiting a candidate from voting for himself, for in providing in the rules for the Election of Chairmen, which have been adapted in the present case that a candidate to be successful should obtain more than half the total number of Councillors then on the Council, it was clearly the intention of Govt. that he should possess the confidence of a clear majority of the other councillors, independently of the confidence which he has in himself, and in this connection, attention is invited to the notes and orders in G.Os' No. 1122 M. of 21st August 1894 and 1966 M. of 17th December 1894. The exclusion of the candidate from voting altogether is

As noted above I see no objection to his doing so.

Vide para. 2 of G.O. No. 1966 / 17.12.94 (L)

But he is himself a member entitled to his opinion & his vote
G. Forbes

(M)

(L)

12

is inadmissible as it would greatly add to the difficulty of obtaining a valid election.

F

The Municipal Council of Srivilliputhur states that this rule authorizes a councillor to write upon a piece of paper the name of the candidate he wishes to be elected to the office. In the case of disputes, the handwriting of the voter would perhaps be sufficient to identify him as the author of it, but the council considers that it would be better if the voting councillor were required to attach his signature to the vote. The suggestion is a good one and the words "under his signature" may be inserted between the words "write" and "on a slip of paper" in this rule and a similar alteration may be made in the rules for the election of Chairman.

It is not necessary to identify him

No - then there w^d be no ballot

See above

Rule 4 may stand as drafted with the excision of the last sentence

10/9/7

See end for note on Rule 5

Rule 6. If, after three meetings have been held, no candidate has obtained the majority of votes required by Rule 2, the fact shall be reported (through the Collector) to Government, who shall pass such orders on the matter as they may think fit, and all such orders shall be final.

J

The Collector of South Arcot

considers

13

8 P

considers that if after two meetings have been held no candidate has obtained the majority of votes required by rule 2, the Chairman should be empowered to eliminate the name of the candidate who had the least number of votes in both the preceding meetings, such candidate having no chance of being elected, but being capable under the rules as drafted of only being an obstructionist, preventing the successful election of another. The Chairman might he considers, be required to obtain the approval of the Collector, if the Govt. thinks it necessary, for the elimination of the name of such candidate and if necessary, the collector might be empowered to refuse to do so for reasons to be recorded and submitted to Govt. Should there be no candidate who had the least number of votes in both the previous meetings and the third meeting produces the same results, the procedure prescribed in the rules might be followed. The above additional provision, would, he thinks prevent the occurrence of unsuccessful meetings causing waste of time, due to the obstinacy of a Councillor whose only aim is to oppose the election of more popular men, he himself not having the least ~~for~~ chance of being elected. He further suggests that a similar provision might be

imported

imported into the rules for the election of Chairmen.

The suggested alterations in the rules do not appear to be either desirable or necessary. In the first place nothing will be gained by excluding the candidate who obtains the smallest number of votes at two successive meetings. If by so doing, it is thought that the votes obtained by the excluded candidate at the previous elections can be divided among the other candidates, who might thus be able to secure the absolute majority of votes required for a valid election, this object would probably be frustrated, for, the supporters of the excluded candidate might still throw obstacles in the way of a successful election by either stopping away from the next election or nominating another candidate under Rule 5. In this connection, however, attention is invited to No. 12 of the rules subsidiary to Rule 8 of the rules framed by Govt. for the conduct of elections to the Legislative Council by the Municipalities and District Boards of the Northern group, which says that "at such later ballot or "ballots the names of such of the candi-"dates as secured a hopeless minority of "votes will be eliminated and "they will not be resubmitted for "election" Vide G.O. 70 Leg. of 4th July 1893.

N

N

Again there does not seem to be any necessity for requiring the Chairman or the Collector to interfere after two unsuccessful elections. If the first two elections prove abortive, the third also need not necessarily be so, and if the result of the third election also is not satisfactory then the Govt. has power to pass such orders in

On the whole I think this consequence of three unsuccessful ballots will be ordinarily sufficient to induce the members to come to a fructuous vote: the rule may stand. S.T.M.

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in the matter as it deems fit.

Rule 8.

8. The validity of any election may be questioned by a petition signed by three or more
cillors, and submitted to the Collector within seven days after such election. Upon the
pt of such petition the Collector shall proceed to inquire, either himself or by the divisional
r in charge of the division in which such municipality is situated, into the matters alleged
ein.

Provided that the validity of an election shall only be contested upon one or more of the
wing grounds, viz.—

(a) that fraud, intimidation or bribery was practised at such election;
(b) that the person whose election is questioned was, on the day of the election, not qualified as a candidate;
(c) that he was not duly elected by a majority of votes;
(d) that the election was not held in accordance with the rules.

M.R.Ry. Venkatesalu Nayudu, one of the Municipal Councillors of Madura states that the minimum number of councillors required for making an objection to the validity of an election should be One fourth of the total number of councillors then on the council, or three members when such number is less than twelve, and not merely three as fixed by this rule. Seeing that a candidate to be successful has to obtain the votes of more than half the total number of members then on the council (rule 2), he thinks it will be hard on a successful candidate to permit his election to be impeached by three members, in the case of all municipalities. Competition is everywhere keen and it not infrequently happens that the objecting members are those who themselves aspired to the office and as experience has shown that these objections are generally unfounded or vexations, he suggests that three members ought not to be held sufficient to call into question the election of a candidate by more than half the total number of Councillors, when that number is more than twelve. It does not appear how an increase in the minimum number of Councillors required to make a valid objection will at all help matters. If three Municipal Councillors cannot be considered to be competent

to

The three objectors rule is the rule prescribed for the election of Vice Presdts. of Taluq Boards — Vide rule 10 in G.O., 29 Oct 94 No 2196 L. — The rule may I think stand.

to call the validity of an election into a question, the same objectio will hold good equally even when the number is four or five. Unlike the elections for Councillorship, which are as a rule objected to by the defeated candidates, objections against the elections of Chairmen have been very rare and the apprehension of Venkatasulu Nayudu seems therefore to have no foundation.

(C) The suggestion made by the Municipal Council of Cuddapah that the words "either himself or by the Divisional Officer in charge of the division, in which such Municipality is situated" occurring in this rul should be omitted, in view o the fact that the Divisional Officer is himself a Councill

The Divisional Officer has the duty of reporting upon the Muni. Admn. generally in all its branches, & may also intervene either on his own initiative in emergencies (S. 36), or on the orders of the Collr. (S. 34). And I think he may be of the Municipality by virtue of his Office, seems worthy of consideration.

The Srivilliputtur Council proposes that in clause (a) of the Proviso to this rule, the words "in reference to" may be substituted for "at" in order to give the rule a more liberal construction. This alteration is however undesirable as it will have the effect of bringing within the purview of this rule, acts which do not directly affect the results of the election.

Rule 9. When seven days from the date of the election have expired, or, if any such petition as is described in the last preceding rule has been received, then, upon the conclusion of the inquiry into the matters alleged therein, the Collector shall report the proceedings, together with his opinion, to Government, who shall pass such orders as they may think fit, and all such orders shall be final.

Nayudu suggests that the Collector may be empowed to allow in anticipation of the orders of Govt. the selected candidate to assume charge of the office after the Expiration of seven days fixed by Rule 8, if no objection

M.R.Ry Venkatesulu

trusted to report on election petitions. He has always done so heretofore in cases of muni. elections & no objection has been raised.

If anything at all were necessary (which I do not think there is) ~~it~~ it wd be the issue of instructions requiring the Divisl. officer not to vote at such elections.

F

It wd. frequently cause great inconvenience to import a Divisl. officer ~~[illegible]~~ from another division to enquire into these petitions.

E.R.

"At" covers every thing necessary, I think

But there is no need for particular hurry in the selection of a Vice Chairman. He is not an essental official.

objection has in the meantime, been put forward to his election, or after the Collector has enquire into any objection to the election, if he considers the objection to be frivolous or unfounded. A great deal of delay will, he states, be saved by some such provision.

As section 21 A requires that appointments of Vice Chairmen should be notified in the Fort St. George Gazette, it does not appear that the appointment can have effec before it is so notified. The proposed amendment seems ther fore to be ultra Vires. Moreover there does not appear to be any great urgency about the appointment of Vice-Chairmen.

Raghavachari

2/7/97

Please see marginal

of Notes.

from Rule 5, to which no objection has however been received, shd, I think, be omitted the last sentence, requiring the same procedure for an adjourned meeting as for an original meeting. For the adjourned meeting the Collector's notice is not needed. It is desirable that the Collector shd. initiate the procg. for the original meeting, so that he may have full notice & in the public interests take any action that may be necessary. But once the proceedings have been started further reference to him about the adjourned meeting is unnecessary; nor is 15 or 30 days notice requisite.

I wd. allow, as in sec 30(5) of the amended Act, the Chairman or Presiding Member to adjourn the meeting to such future day as he may himself fix.

10/9/97

I agree as to this — but wd. it not also be as well to omit the provision as to fresh nominations being put in? I think it would. Fresh nominations will make the matter very complicated. I think I wd. cut Rule 5 out altogether & perhaps say "The proceedings and voting at adjourned meetings shall be conducted under the provisions contained in Rule 4"

HB [Bliss]
15/9/97

I dont see how fresh nominations will make the matter 'very complicated'. If A & B nominate C at the first meeting, & there are other candidates, say D & E, & the result of the ballots shows that C has no chance, the supporters of C may think F. a better man than D or E, & if so, I think

ay shd be allowed to nominate
im.

The last sentence may be written as suggested in the Note, ut there is no direction as to the number of ballots that may be taken at the 2 adjourned meetings. I think this sentence shd be substituted for the last sentence. "At each adjourned meeting ~~two ballots shall~~ a second ballot may be taken. The procedure will be in accordance with that prescribed in Rule 4."

JG [Grose]
21/9/97

I appreciate Sir H. Bliss's argument against fresh nominations under the proposed Rule 5, but even so, the result would only be to delay matters somewhat. The power to make fresh nominations will give larger and freer scope and I think it may be allowed.

I therefore accept the Hon. Mr. Grose's view.

A.E.H[avelock]
7.10.97

~~vote~~ always vote if he chooses by withdrawing his candidature; but the other Cors. may be most anxious to secure his services, while he himself is equally anxious to vote for some one else. How is the dilemma to be solved?

So far as I know, in the countries most advanced in the practice of self government ~~[illegible]~~ no attempt has been made to deprive an elector of his own vote, because he has been made a candidate. Nor wd. it be practicable with the ballot to limit his right to voting in favour of some one else. As we all know in England ~~not~~ an elector who is a candidate not only votes for himself but impresses all his kindred & friends.

I see that by sec 24 of the Public Health Act (11 & 12 Vic c 63) "any person entitled to "vote may nominate for the "office of member of the local "board himself (if qualified to "be elected); or any other person "or persons ...."

What the English law provides against is that a candidate shall not act in his own election i.e. shall not receive the nomination papers & act as *returning officer*. But even then where no mischief has been done the Cts. have held the irregularity insufficient necessarily to set aside the election (Q. v Ward 8 Q.B. 210)

Also that where a *salary* is attached to a municipal office – say Mayor – a candidate cannot vote for

there is or 2, & if so, I think

vide 61 M.

H.Y. + circ

~~N.Y.~~

There is one point in the orders on the ~~ode~~ Note below which I w^d. venture to resubmit for consideration, & that is as to the decision to exclude all candidates from the privilege of voting at an election for a Vice Chairman.

Section 14 (3) of the Act as amended gives the Municipal Councillors the right to elect one of their number to be Vice Chairman. No doubt the clause confers on the Gov^t. the power to prescribe the mode of election, but can that extend to depriving a Councillor of the right of giving his vote?

The G in C may prescribe what rules & conditions he pleases
JG [rose]

It may be said that a Councillor who is a candidate (perhaps against his will) m himself inasmuch as he has a pecuniary interest which the Statute declares to be a disqualification (Nell v Longbottom 1 Q.B. 767)

But beyond such limitations the English law does not go. Is it necessary or desirable here to go beyond English law and practice or opinion in a matter of this sort, and to enact a self denying ordinance which the practical selfgoverning English people have never suggested? From the point of view of some it might be educative but it would not be rather straining at a gnat while swallowing camels all day long.

After all the question is a practical one; what is the material mischief arising from a candidates voting for himself? If there are several candidates each votes for himself then they virtually neutralize each other

I don't see why not?

H.S. [liss]

J.G. [rose]

still am of the same opinion, viz., candidates should not vote at all, and that if they do vote, they can't prevented from voting for themselves. I think we should be too much by English precedent. It will be time before we can safely leave the direction which does no harm fixed.

H.S. [liss]
13/10/97

J.G. [rose]
15/10/97

A.S.H.
7.11.97

16 P

If a candidate does not vote for himself but for another candidate his vote may just turn the election in favor of the latter who may be the best qualified. ~~But if a candidate is ... to ... a candidate~~. But it is not practicable with the ballot to limit a candidate's vote & allow him to vote for another but not for himself.

The two questions are –

(1) Can, as the law stands, a Muni. Cor. be deprived of his right of voting in the election of a Vice Chairman, because he happens to be a candidate?

(2) Even if the law ~~do~~ be capable of such a construction, is it necessary or expedient as a question of practical politics to do so?

G. R... 11/10/97

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No. 61 M., 11 January 1898.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—again the following paper:—

G.O., No. 1473 M., dated 24th June 1897.

Abstract.—Ordering the publication in the *Fort St. George Gazette* and in all the District Gazettes, for information and criticism, of certain draft rules for the election of Vice-Chairmen of Municipal Councils framed under clause 3 of section 14 and clause (*n*) of sub-section 1 of section 250 of the District Municipalities Act IV of 1884, as amended by Act III of 1897; and stating that any objection or suggestion which may be made in respect of them will be considered on or after the 1st August next.

Read—also the following papers:—

From the	Chairman, Municipal Council,	Cuddapah,	dated 22nd July 1897,	No. 919.
,,	,, ,,	Madura	,, 23rd ,, ,,	,, 35.
,,	,, ,,	Palghat	,, 24th ,, ,,	,, 2397.
,,	,, ,,	Bellary	,, 24th ,, ,,	,, 3389.
,,	,, ,,	Nellore	,, 26th ,, ,,	,, 926.
,,	,, ,,	Ongole	,, 26th ,, ,,	,, 312.
,,	Joint Secretaries to the Kistna	Dist. Assocn.	,, 28th ,, ,,	Dis. No. 44.
,,	Chairman, Municipal Council,	Vellore	,, 29th ,, ,,	No. 876.
,,	,, ,,	Srívilliputtúr	,, 30th ,, ,,	,, 394-I.
,,	,, ,,	Cocanada	,, 30th ,, ,,	,, 577.
,,	,, ,,	Madura	,, 31st ,, ,,	,, 40.
,,	,, ,,	Negapatam	,, 2nd Aug. ,,	,, 306.
,,	Collector of South Arcot, dated 3rd August 1897, No. 632-Eng.			
,,	Chairman, Municipal Council,	Tirupati,	dated 5th Aug. 1897,	Dis. No. 419-M.
,,	,, ,,	Vizagapatam	,, 7th ,, ,,	No. 1003.
,,	Collector of Tanjore, dated 14th August 1897, No. 4017-M.			
,,	Pleader, Dindigul, dated 26th August 1897.			
,,	Chairman, Municipal Council,	Kumbakónam,	dated 17th Sept. 1897,	No. 605.

Order—No. 61 M., dated 11 January 1898.

In the Government Order read above, the draft rules for the election of Vice-Chairmen of Municipal Councils, framed under sub-section (3) of section 14 and clause (*n*) of sub-section (1) of section 250 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, were published for information and criticism. The letters read above are the replies received.

2. The Municipal Councils of Madura, Nellore, Ongole, Cocanada, Bellary, Tirupati, Vizagapatam and Kumbakónam approve of the proposed rules or have no remarks to offer. The remarks and suggestions made by the others will now be considered.

3. (i) *Rule 1.*—The Municipal Council of Srívilliputtúr states that the object of providing in this rule that the notice of the meeting for the election of Vice-Chairmen should be given by the Collector is not apparent, and suggests that it would be enough

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if the Chairman gives the necessary no ce, sending at the same time a copy of it to the Collector for information. The Gover ment, however, is unable to adopt this suggestion, as it is desirable for many reasons that the initiation of the proceedings for these elections should be in the hands of t Collector and the copy of the notice might often be sent too late for the Collector t interfere, should he consider such interference necessary.

(ii) *Rules 2 and 4.*—With refe ence to the objection which has been taken to Rule 2 on the ground that its work ng is unnecessarily difficult and cumbrous in requiring an absolute majority of vo es for the election of Vice-Chairmen, whose powers and duties can be strictly limi ed and will be much the same as those of a Chairman-delegate, it is observed that considering the official position, powers and duties of a Vice-Chairman, it is essenti l that the person selected for the office should be one who commands the confidence o a majority of the councillors and that for this purpose the procedure laid down in t is rule should be followed. For the same reason, the suggestion made by the Ve lore Municipal Council that it would be sufficient if the candidate obtains the vote of the majority of the councillors present at the meeting held for the election canno be approved, as this would allow the election of a person who has got the support of only a little more than one-sixth of the total number of councillors. The Negapatan Municipal Council suggests that, in determining the absolute majority of votes for a successful election, the candidate should be excluded from the existing total strengt h of the council and points out that as, under Rule 4, a candidate cannot vote for h mself, he cannot be included in the available voting strength. It is, however, obse rved that, although the provision in Rule 4 prohibiting a candidate from voting for himself is a good one, it is of little practical value. Under the system of voting laid down in this rule, it is impossible to find out whether a man has voted for himse lf. The only test which can be relied on for this purpose is the hand-writing of the candidate, but this cannot lead to any correct conclusion, as the hand-writing of t o or more members may be very similar or a man may write a feigned hand. No is the Government prepared to provide that a voting councillor should attach his sign ture to the voting paper as suggested by the Municipal Council of Srívilliputtúr, si e such a provision would be inconsistent with the system of voting by ballot contemp ated by this rule. In these circumstances, the best course seems to be to exclude the andidates from voting altogether. The following will therefore be substituted for th last sentence of Rule 4:—

"No candidate nominated for t e office shall take part in the ballot."

(iii) *Rule 3.*—It has been sugg sted that, as the provision in this rule requiring that nominations of candidates for t office of Vice-Chairman should be sent to the Chairman at least six days before the ate of the election is not only unnecessary but possibly dangerous, it would be suffici nt if written nominations are handed over to the Chairman immediately before the lection, seeing that in the case of nominations by taluk boards to district boards the ominations are verbally made at the meeting by two of the members. In the first p ace, it has to be observed that the election of a Vice-Chairman is not on all fours with that of a district board member. The qualifications of a taluk board member are presumably sufficient for a member of the district board, but a municipal counc llor may be amply qualified as such without having the requisite qualifications fo the official position, with its duties of a Vice-Chairman. It is therefore very d sirable that the Chairman should have some notice of the nominations, so that he may make such inquiries as he thinks proper regarding the nominees and place facts respecting them before the council. Moreover there should be some time to canvass their qualifications for so important an office. Rule 3 will therefore be retained as it stands.

(iv) *Rule 5.*—His Excellency t he Governor in Council considers that for an adjourned meeting the Collector's notic e under Rule 1 is not necessary. It is desirable that the Collector should initiate the roceedings for the original meeting, so that he may have full notice and in the public ests take any action that may be requisite. But once the proceedings have bee ted, further reference to him about the

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adjourned meeting seems to be unnecessary. It will also be provided that at the adjourned meetings a second ballot may be taken as in the original meetings. The following will therefore be substituted for the second sentence of this rule :—

"At each adjourned meeting a second ballot shall be taken, the procedure being that provided in Rule 4."

(v) *Rule 6.*—The Collector of South Arcot suggests that, if after two meetings have been held no candidate has obtained the majority of votes required by Rule 2, the Chairman should be empowered to eliminate the name of the candidate who got the least number of votes at both the preceding meetings, obtaining, if necessary, the approval of the Collector for so excluding him. The Government, however, does not consider it necessary or desirable that the Chairman or the Collector should interfere after two unsuccessful elections, for if the result of the third election is also unsatisfactory, the Government can pass such orders in the matter as it deems fit. In the opinion of Government, therefore, this consequence of three unsuccessful meetings will be ordinarily sufficient to induce the members to come to a fructuous vote. T. /

(vi) *Rule 8.*—As regards the suggestion that the minimum number of councillors required for making an objection to the validity of an election should be one-fourth of the total number of councillors then on the council, or three members when such number is less than twelve, and not merely three as fixed by this rule, it is observed that the rule which requires objections to be made by three councillors is the rule prescribed for the election of Chairmen of Municipal Councils and of Vice-Presidents of Taluk Boards and the Government sees no reason to modify it. Nor can the Government approve the suggestion made by the ~~Srivilliputtur~~ Municipal Council that the words, "either by himself or by the Divisional officer in charge of the division in which such municipality is situated," should be omitted. As the Divisional officer has the duty of reporting upon the municipal administration generally in all its branches and may also intervene either on his own initiative in emergencies or on the orders of the Collector, His Excellency the Governor in Council considers that he can be trusted to report on election petitions. This he has always done heretofore in the case of municipal elections and there seems to be no objection to the continuance of this practice. The proposal to substitute the words "in reference to" for "at" in clause (*a*) of the *proviso* to this rule in order to give the rule a more liberal construction is also unnecessary, as the rule in its present form covers everything that is required.

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Vide Rule 10 in G.O. no 2196 L / 29-10-94. T.

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(viii) *Rule 9.*—It has been suggested that the Collector may be empowered to allow, in anticipation of the orders of Government, the selected candidate to assume charge of the office of Vice-Chairman, after the expiration of seven days fixed by Rule 8, if no objection has in the meantime been put forward to his election or if, after inquiry, the Collector considers the objection to be frivolous or unfounded. But as the Vice-Chairman is not an essential official there is no need for particular hurry about his appointment and the suggested alteration seems therefore to be unnecesary.

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4. The draft rules, as now revised, are confirmed, and the following notification will be published in the Fort St. George and the District Gazettes in English and in the vernacular language of the district :—

NOTIFICATION.

Under sub-section (3) of section 14 and clause (*n*) of sub-section (1) of section 250 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, His Excellency the Governor in Council is pleased to make the following rules for the election of Vice-Chairmen of Municipal Councils. These rules shall come into force one month after their first publication in the District Gazette in English and in the vernacular language of the district :—

RULES.

The election of Vice-Chairman in any municipality shall take place at a meeting of the council specially held for the purpose, of which at least fifteen days' and not more than thirty days' notice shall be given by the Collector.

2. No election under these rules will be recognised as valid unless the successful candidate obtains the votes of more than half the total number of members then on the council.

Note The period prescribed by sec 25-b (1) of the Act i
3 months, but it has been reduced to one mo
in view of the fact that applications fo
election of vice-chairmen have already bee
sanctioned in several municipalities an
are awaiting the issue of these rules for p
-ceeding with the election.

3. Every candidate for the office of Vice-Ch
councillors in the following form, which shall be
the date of the meeting at which the Vice-Chairm

Municipality of ——————

We, the undersigned, nominate ——————
Vice-Chairman at the election to be held on the —

Date ——————.

4. On the day of the election, the Chairman, o
out the names of the candidates nominated for the
which shall be conducted in the following manner
the meeting write on a slip of paper the name of the
of Vice-Chairman, and place the same in a box so c
but not extracted without the box being opened.
count the votes in the presence of the council. T
votes, or, if only one candidate has been nominated,
been elected to the office, subject to the condition l
obtains the absolute majority required by Rule 2,
manner, and if this also fails to produce the prescrib
the meeting shall be adjourned. No candidate n
ballot.

5. Nominations made for the original meeting
but fresh nominations may also be put in, provided
at each adjourned meeting a second ballot shall be
Rule 4.

6. If, after three meetings have been held, no
required by Rule 2, the fact shall be reported (thro
pass such orders on the matter as they may think fit

7. Immediately after each meeting, the proceed
the names of all the councillors [illegible] attended the s
until fifteen days after the meeting at which it shall

5 8. The validity of any election may be questi
councillors, and submitted to the Collector within
receipt of such petition the Collector shall proceed
officer in charge of the division in which such mu
therein.

Provided that the validity of an election sha
following grounds, viz. :—

(*a*) that fraud, intimidation or bribery was p
(*b*) that the person whose election is questi
qualified as a candidate ;
(*c*) that he was not duly elected by a majorit
(*d*) that the election was not held in accorda

9. When seven days from the date of the electi
is described in the last preceding rule has been recei
into the matters alleged therein, the Collector shal
opinion, to Government, who shall pass such order
shall be final.

5. The Translators to Government will fu
above notification, and the Superintendent, Go
number of copies in English and in the vernac
concerned for publication. Each Collector wil
District Gazette.

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/ From orders / ~~(True Extra~~

V.R
5/1/98

To all Chairmen of Municipal Councils. ✓
" all Collectors. ✓
" the Tamil Translator to Government. ✓ 3
" the Telugu " " ✓ 3
" the Malayalam " " ✓ 3
" the Canarese " " ✓ 3
" the Superintendent, Government Press. 2 ✓

Editors' Table / Gazetted 8/2/98

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