

Public Works (1899) Department.

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[Despatch Abstract.]

*Selection of Candidates for nomination to the Madras
Legislative Council:*

*Pres. Legislative Deptt issuing revised
instructions to the Dist. Boards and Municipalities
on the subject of the _____ as additional
members, Comm^d to officers of the P. W. D.*

2 sheets only

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MAY.

Communicated
to officers of the P.W.B.

C. G. Ford

S. G. H. G.

C. N.

S. W. L. H. D.

Officers on Special duty

with 26.6.11

Selection of Candidates for nomination to the Madras Legislative Council.

Issuing to the District Boards and Municipalities revised instructions on the subject of the selection of candidates for nomination as additional members of the Madras Legislative Council.

• L. 5227

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

ORDER—No. 59, Legislative, dated 10th May 1899.

The following revised instructions relating to the selection of candidates for nomination as additional members of the Madras Legislative Council are issued to district boards and municipalities:—

(i) Upon receipt of a request under Regulation IV of the regulations framed by His Excellency the Governor-General in Council under clause (4) of section 1 of the Indian Councils Act, 1892, to recommend persons for nomination as additional members of the Madras Legislative Council, each municipality and each district board of the northern and southern groups constituted by the notification appended to G.O., No. 32, Legislative, dated 12th April 1893, will submit to the Secretary to Government in the Legislative Department within one month from the date of the receipt of such request a statement of two names, one of the person recommended by the municipality or district board for nomination to the Legislative Council by His Excellency the Governor and the other of the person appointed voting delegate.

(ii) The voting delegate should be specified by name and not by official designation, if any, and must at the time of his appointment as delegate be a member of the municipal council or district board concerned; but if he ceases to be a member thereof after he has been appointed delegate and more than one month before the date fixed for the meeting of the voting delegates, another person must be appointed delegate by the municipality or district board concerned, and such appointment shall be reported to Government at least fifteen days before the meeting of the voting delegates. The voting delegates must be furnished by the local bodies concerned with credentials for the purpose of proving their identity to the Collectors of Trichinopoly and Kistna on the occasion of the meetings at Trichinopoly and Bezwada.

(iii) The several municipalities and district boards have power to instruct their voting delegates exactly how they are to vote under any circumstances which may arise at the meetings of the delegates. Each municipality and district board is therefore at liberty, after all the recommendations for the northern and southern groups of municipalities and district boards have been made, and one month before the date fixed for the meeting of the delegates, to give to its voting delegate, in addition to the name already specified by it, one or more names to be proposed *seriatim* in the event of the candidature of the person first proposed being withdrawn or falling through, provided that the name or names so given are taken from the list of persons recommended for the group concerned and are reported to Government three clear weeks before the date fixed for the meeting of the delegates.

(iv) Officers in the service of Government will be considered to be on duty during the period for which they are necessarily absent from their offices in consequence of their appointment as voting delegates, and shall receive travelling and halting allowances at the rates to which they are ordinarily entitled. Non-official delegates shall receive these allowances at the rates prescribed in the Civil Service Regulations for officers of the second class, as defined in article 1096 of those Regulations, being treated for this purpose as if they drew the maximum pay of a second-class officer.

(v) In regard to the person to be recommended for nomination to the Legislative Council, the Government desires to draw the attention of the municipalities and district boards to Regulation VI of the regulations referred to in instruction (i) *supra*. A municipality or district board in the northern group may propose as a candidate any person resident within the northern group of districts, and similarly a municipality or district board in the southern group may propose any person resident in the southern group of districts. A candidate will be considered to fulfil the requirements of this regulation if he has a fairly practical and real connection with the locality in question, provided that such connection is of a residential character; in other words, he will be regarded as possessing the necessary qualification if he is ordinarily accustomed to visit the locality and to remain there for some reasonably long period at least once a year on the average. No hard and fast interpretation of the words "ordinarily resident" will, however, be laid down, and each case in which the question arises will be dealt with on its merits. Any person desirous of being nominated to the Legislative Council may submit his name to one of the municipalities or district boards in the group wherein he resides, but those local bodies are at liberty to propose as a candidate any person who has not so applied, provided he is properly qualified as to residence. Officials may also be proposed, but His Excellency the Governor may decline to nominate them, in order to maintain the proper proportion of non-officials or for other reasons.

(vi) Upon receipt of the statements referred to in instruction (i) *supra*, the Secretary to Government will compile therefrom a list containing the names of all the candidates proposed in each group and of all the voting delegates, and circulate it as soon as possible to all the municipalities and district boards in the group. This list will be revised on receipt of the additional recommendations referred to in instruction (iii) *supra* and the revised list will likewise be circulated.

(vii) At noon on the day to be appointed by His Excellency the Governor in this behalf, the voting delegates of the northern and southern groups of municipalities will assemble at Bezwada and Trichinopoly, respectively. Each set of delegates will then proceed to select from among the candidates proposed by its respective group of municipalities one person for recommendation to His Excellency the Governor. The voting of the delegates at the meeting shall be open and not by ballot. The person selected must obtain a clear majority of the votes of the delegates present and voting. If at the first time the votes are recorded an absolute majority of the votes of such delegates is not obtained, the voting shall be repeated until such majority is obtained. The selection must be completed by noon of the following day at latest, and the result immediately reported to Government by the Collectors of Kistna and Trichinopoly to whom the general superintendence and arrangement of the proceedings will be entrusted.

(viii) Exactly similar rules will guide the selection of candidates by the northern and southern groups of district boards, except that the delegates will meet at noon on the day following that on which the voting delegates of the municipalities proceed to select a candidate, and must complete the selection by noon of the succeeding day at latest. This distinction in the dates is made in order to avoid the chance of municipalities and district boards selecting the same candidate.

2. The following subsidiary rules have also been framed for the guidance of the voting delegates and the presiding officers at the meetings of the delegates at Trichinopoly and Bezwada:—

(i) The meeting will be held at the—(Here enter place appointed by the Collector of Trichinopoly), Trichinopoly.
Kistna Bezwada.

(ii) The public will not be admitted into the meeting; but if the delegates so desire, spectators and Press reporters will be allowed access in limited numbers to the verandahs and to the gallery of the building in which the meeting is held.

(iii) No candidate will be admitted into the meeting, or the verandahs or the gallery of the building in which the meeting is held.

(iv) The proceedings will commence at 12 noon on the dates fixed for selection.

(v) There will be no proposing and seconding.

(vi) A printed list containing the names of all the candidates will be furnished for information to each delegate.

(vii) Prior to voting, the delegates may, if they so desire, one after another make set speeches discussing the claims of the candidates.

(viii) No delegate will be allowed to make more than one speech which must be limited to ten minutes.

(ix) The recording of votes for the first time shall be completed by 4 P.M. or so soon as each voting delegate has voted, whichever is earlier. Should it be necessary to have the votes recorded a second time, it shall be finished by 5 P.M. and in no case will voting be continued after 6 P.M. In the event of the voting not being completed on the first day, it shall take place at 9, 10 and 11 A.M. and 12 noon on the second day.

(x) Whenever the votes are recorded and any candidate secures a hopeless minority of votes, the name of such candidate shall be eliminated before the votes are taken again and it shall not be resubmitted for selection.

(xi) If at any time the votes are recorded there are more candidates than two and the result of voting is that two or more persons get an equal number of votes and are in a hopeless minority, the person to be eliminated shall be decided by a majority of votes of the delegates present and voting. If no such majority is obtained and there is a tie, the Collector shall decide on the person to be eliminated.

(xii) If at any time the votes are recorded there are only two candidates and the result of the voting is a tie, votes shall be recorded once again, and if the result be the same, the fact shall be reported to Government and the nomination will rest with His Excellency the Governor at his discretion.

(xiii) The Collector is empowered to give a decision on any point of order or question relating to the interpretation of the rules which may be raised during the course of the selection.

(xiv) If at the end of the time allowed by the rules no candidate has been selected, the fact will be reported to Government.

3. The Government finally desires to convey to Government servants sitting as members of local boards or municipal councils its opinion that it is undesirable purpose of carrying out the regulations.

(True Extract.)

A. J. Jeyaraj
for Ag. Secretary to Government.

To all Presidents of District Boards.
" all Chairmen of Municipal Councils.
" the departments of the Secretariat. (CPN.D)
" the Collector of Kistna.
" the Collector of Trichinopoly.
" all other Collectors.
Gazette.

Exd. A. Rungaswamy Iyengar.

[Appendix.

APPENDIX.

Regulations under Section 1 (4) of the Indian Councils Act, 1892, for Madras.

I.—Of the persons, other than the Advocate-General or officer acting in that capacity, to be nominated Additional Members of Council by the Governor of Madras for his assistance in making Laws and Regulations, not more than nine shall be officials.

II.—The nominations to seven seats shall be made by the Governor on the recommendation of the following bodies and associations respectively, namely:—

A.—The Corporation of Madras;

B.—Such Municipal Corporations or group or groups of Municipal Corporations other than the Corporation of Madras as the Governor in Council may from time to time prescribe by notification in the *Fort St. George Gazette*;

C.—Such District Boards, or group or groups of District Boards, as the Governor in Council may from time to time prescribe as aforesaid;

D.—Such Association or Associations of merchants, manufacturers or tradesmen as the Governor in Council may from time to time prescribe as aforesaid;

E.—The Senate of the University of Madras:

Provided that the bodies described above under A, B, C, D and E, respectively, shall each (except as hereinafter provided in Rule VII) have at least one person nominated upon its recommendation, and A, D and E not more than one each.

III.—The Governor may at his discretion nominate persons to such of the remaining seats as shall not be filled by officials in such manner as shall in his opinion secure a fair representation of the different classes of the community; provided that one seat shall ordinarily be held by a zamindar paying not less than Rs. 20,000 as *peshkash* annually to Government.

IV.—When a vacancy occurs and is to be filled under Rule II of these Regulations, the Governor shall cause the proper body or group of bodies or association or associations to be requested to recommend a person for nomination by the Governor.

V.—The recommendation shall be made—

(a) in the case of a Municipal Corporation or of a District Board, or of the Senate of the University, by a majority of votes of the Corporation, Board, or Senate respectively;

(b) in the case of associations not established by law, in the manner laid down in their rules or articles of association for carrying resolutions or recording decisions upon questions of business brought before the association;

(c) in the case of a group of Municipal Corporations, District Boards, or Associations, by the majority of votes of representatives to be appointed, according to such scale as the Governor in Council may from time to time prescribe, by the Corporations, Boards, or Associations.

VI.—It shall be a condition in the case of any person to be recommended by a Municipal Corporation or group of Municipal Corporations that he shall be a person ordinarily resident within the Municipality or the district in which it is situated, or in some one of the Municipalities constituting the group or of the districts in which they are situated. A similar condition shall also apply to persons to be recommended by District Boards.

VII.—If within two months after receiving the request of the Governor as provided by Rule IV the body or association or group of bodies or associations fails to make a recommendation, the Governor may nominate at his discretion a person belonging to the class which the body or association or group is deemed to represent.

VIII.—If the Governor shall decline to nominate any person who has been, under these Regulations, recommended for nomination, a fresh request shall be issued as provided in Rule IV, and the procedure laid down in Rules V and VII shall apply.

IX.—(a) As soon as conveniently may be after these Regulations come into force, seven of the seats held by non-official persons shall be filled up by recommendation under Rule II.

(b) If there shall not be the full number of seven vacancies available at once for this purpose, the Governor shall determine at his discretion, subject always to the proviso in Rule II, which of the bodies or groups mentioned in that rule shall be requested to recommend the persons to fill up such vacancies as may then be available; and so whenever and as often as any further vacancies among non-official members become available, until the full number of seven has been completed.

NOTIFICATION appended to G.O., No. 32, Legislative, dated 12th April 1893.

The Governor in Council is pleased, with reference to Rule II of the Rules made under section 1 (4) of the Indian Councils Act, 1892, to declare that, for the present, one seat in the Legislative Council will be filled upon the recommendation of each of the following groups of Municipalities and District Boards and of the following Association of Merchants:—

- (i) The Municipal Councils situated in the districts of Ganjám, Vizagapatam, Gó dá vari, Kistna, Nellore, Kurnool, Bellary, Anantapur, Cuddapah, North Arcot and Chingleput.
- (ii) The Municipal Councils situated in the districts of South Arcot, Salem, Coimbatore, Trichinopoly, Tanjore, Madura, Tinnevely, The Nilgiris, Malabar and South Canara.
- (iii) The District Boards of Ganjám, Vizagapatam, Gó dá vari, Kistna, Nellore, Kurnool, Bellary, Anantapur, Cuddapah, North Arcot and Chingleput.
- (iv) The District Boards of South Arcot, Salem, Coimbatore, Trichinopoly, Tanjore, Madura, Tinnevely, The Nilgiris, Malabar and South Canara.
- (v) The Chamber of Commerce, Madras.