

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <i>704</i>	Press
<i>40-41</i>	~~Mis~~
Dated <i>31-5-</i>	~~19-1888~~

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 1st June 1858.

No. 40. Read the following Extract from the Proceedings of the Foujdaree Udalt, under date the 18th May 1858, No. 15.

Read also Extract from the Minutes of Consultation, under date the 27th March 1858.

1. The Judges have been called upon by the Government to give their judgment upon certain proceedings held relative to C. Streenawasa Row, late Tahsildar and head of Police of Peddapolliem, in the district of Chingleput; with the view to enable the Honorable the Court of Directors to dispose of a Memorial, addressed to them by the said individual; apparently for restoration to his office.

2. It seems that, on the 5th October 1855, the said Memorialist was fined in the sum of Rupees 5, for ill-using one Sowdapan and others, to compel them to discharge an arrear of Motturpha tax, due from them as weavers: and also that, on the 25th January 1856, he was fined by the Magistrate, with the approval of the Right Honorable the Governor in Council, as to the measure of punishment, (Minutes of Consultation of 10th January 1856) in the sum of Rupees 25, for having (under circumstances of provocation) hand-cuffed, abused and placed in confinement one Narraina Pillay; and that he was subsequently dismissed from office by the Board of Revenue, on grounds which are not before the Court.

3. The first case attracted attention in the House of Lords, and this led to the Court's calling the notice of the Session Judge thereto, and to his taking the case up and commenting on it after communication with the Magistrate. This correspondence occurred in May 1856.

4. The Magistrate's sentence in the said case, as more fully explained in his letter to the Session Judge of the 23rd of the said month, shows that the evidence adduced by the complainants was not considered by him satisfactory; and that his conviction of the Tahsildar really rested upon the presumption that his success in levying the tax, notwithstanding the strong disinclination to pay it, arising from the prospect of its abolition, was probably gained by coercion. The Session Judge in his letter of the 28th of the same month, expresses a total distrust of the evidence offered, from contradictions, exaggerations, and improbabilities connected therewith.

5. The Magistrate's sentence appears to the Judges a very unsatisfactory one. The grounds he gives to support his conviction of the Tahsildar, are obviously insufficient: and, as he could not rely on the evidence adduced against him, he should have acquitted him. Again, if justified in convicting the Tahsildar, the sentence passed was a very inadequate one.

6. The petition of complaint in this case was drawn out in English, a language with which the complainants, from their condition in life, must have been unacquainted. It is doubtless, as observed by the Magistrate, the work of a professional petition writer. It is evidently written for effect, and under advantage of the impression then made upon the public mind by the proceedings of the Committee appointed for inquiring into the prevalence of torture, as inflicted on the people by the native public officers; and it contains various serious allegations, of which neither the complainant Sowdapan, when examined, nor his witnesses, speak.

7. The evidence adduced affords but few means of testing the veracity of the complaint; but where specific details do appear, it is discordant. The Judges would think it unsafe to act upon such evidence, especially as the allegation of ill-treatment was unsupported by any appearance, on the persons of the complainants, of any violence used towards them. Nor should such evidence have been acted upon, without receipt of the counter-evidence upon his defence, which the Tahsildar was prepared to offer, but which was not taken.

8. As regards the second case, the evidence shows that the head of Police was subjected to much provocation; and it seems to the Judges that, apart from his having abused the complainant, which of course was unjustifiable, he took no measures but what the unruly and violent conduct of the complainant compelled him to. The complainant had been summoned to answer a charge of assault. In lieu of attending at once to the summons, he addressed the head of Police by letter, with a requisition to return to him a sum of Rupees 15, which he alleged he had taken from him, as a bribe in another matter. The day following, the complainant appeared before the head of Police; defied his authority; resisted his peons; abused him; and, when taken into custody, made attempts upon his own life; that the Tahsildar then had him hand-cuffed, appears to the Judges what the circumstances amply justified.

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9. The original record of the previous case, referred to in para. 2 of the Extract from the Minutes of Consultation, dated 27th March last, together with a copy of a letter from the Magistrate of Chingleput, dated the 30th Ultimo, are herewith forwarded.

(True Extract.)

(Signed) C. F. CHAMIER,
Acting Register.

To the Chief Secretary to Government.

From C. J. SHUBRICK, Esq., Magistrate; to W. DOWDESWELL, Esq., Sessions Judge of Chingleput, dated Sydapet, 30th April 1858.

SIR,

Agreeably with the request contained in your letter of the 9th Instant, I have the honor to forward herewith the original record called for in para. 2 of Extract from Minutes of Consultation, No. 410 of the 27th Ultimo, copy of which was therewith transmitted for my information. Transcript of my letter to Government on the subject and of their reply thereto, are also enclosed which afford full information relative to the imposition of a fine of Rupees 25 on the Tahsildar referred to by the Honorable Court.

Judicial Department.

No. 29.

Extract from the Minutes of Consultation, under date the 10th January 1856.

Read the following letter from the Magistrate of Chingleput.

(Here enter 21st December 1855, No. 50.)

The Right Honorable the Governor in Council approves of the measure of punishment proposed by the Magistrate to be inflicted on the Tahsildar of Peddapolliem Talook, and resolves to direct the Magistrate to dispose of the case accordingly in his official capacity, intimating to the Tahsildar at the same time the censure of Government, and cautioning him against any similar future abuse of his official authority under however irritating circumstances, the existence of which in the present instance when a charge of bribery was openly preferred, which the complainant has failed in any way to substantiate, the Government are willing to admit as some palliation of his conduct, which would be otherwise inexcusable.

(A true Extract.)

(Signed) T. PYCROFT,
Chief Secretary.

To the Magistrate of Chingleput.

From C. J. SHUBRICK, Esq., Magistrate of Chingleput; to the Chief Secretary to Government, Fort Saint George, dated Sydapet, 21st December 1855.

SIR,

I have the honor to report on Petition No. 7, bearing the Government Endorsement of the 24th July 1855.

The Petitioner complains of having bribed the Tahsildar of the Poonamallee Talook in a complaint he had with one Eggatheecha Thur and of having been hand-cuffed, abused, slippered, and placed in confinement with Pariahs on his afterwards asking him to return the money.

It appears from the records of this office that in the complaint referred to by the petitioner, the Tahsildar recommended him to be fined 25 Rupees and himself reported that he had hand-cuffed him for his violent conduct in the Talook Cutcherry where, on his being directed to be removed by the Peons till the appearance of the other parties in the complaint, he had attempted to commit suicide by strangling himself with his cloth. It further appears that the Magistrate

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Mr. Smollett severely condemned the conduct of the Tahsildar pointing out its impropriety and giving him a warning but did not visit him with any specific punishment.

From the examination held before me, with the exception of the bribe and slippering, the other charges are substantially proved against the Tahsildar and are in fact admitted by him, the Petitioner's conduct being assigned as the justification.

There can be no doubt that the justification is an inadequate excuse for the Tahsildar's extreme measures which were doubtless caused by the Petitioner publicly accusing him of bribery. A fine of 25 Rupees will, in my opinion, be a sufficient punishment for his ill-judged and arbitrary conduct, and I beg to recommend that it maybe imposed on him with a warning from Government, cautioning him against any further infringement of the Regulations enacted for his guidance, and directing him to a stricter observance of his legitimate powers in future.

(True Copies.)

(Signed) C. F. CHAMIER,
Acting Register.

No. 41. ORDER THEREON, No. 704; dated 31st May 1858.

These Proceedings will be transmitted to the Honorable Court.

2. The record forwarded by the Sudder is returned.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

30th March 1858 No 35.

In Dy Dfons 1st June
Judicial 1858 Departe

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No. 704

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These Proceedings will be
transmitted to the Hon. Court.

2. The record forwarded by the Sudder
is returned.

JH-25/5/58

Fort George.

31st May 1858-3

To the J. Alalat - with 16 orig Encls. Dispt 3rd

JH

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23 May 1858

of a previous case and
copy of a letter from
the Magte of Chingletub
X in an order A

B 30th March 1858 No 35.

Jud^l. L^o to C^o. 1st June
May of 1858.

Report No 13 of 1858.

In Dy W^o 1st June
Judicial 1858 Dep^t.

No
Extract from the
Proceedings of the
Fouj^o d^o d^o d^o

Dated 18th 3 May 1858
Received 20

with sixteen Enclosures

No 901.

(No 15)

submitting the report
called for in extract Min.
Cons: dated 27th March
1858, relative to C. d^o d^o
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dar and Head Police of
Poddapollie together
with the original records
of a previous case and
copy of a letter from
the Mag^{te} of Chingleput
+ in an order A

c. 28 May 40 & 41.
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