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DATED 28-1-28.

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[Despatch Abstract.]

Municipal Council

Ordering with remark the removal
of Mr. Ry. Holandavolu Nynar from the
Tirumannaivali ——— under Section 19 (11) of
Act IV of 1884, as amended by Act III of '97.

BACK PAPERS.

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

FURTHER PAPERS.

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

ORDER.

N. 255 Minis 28/1/98

On a careful consideration of the papers submitted with the Collector's letter read above, His Excellency the Governor in Council is satisfied that the conduct of M.E. By. Kolandavelu Nynar, a member of the municipal council of Tiruvannamalai in connection with the riot which occurred in that town on the 21st January 1897, was such that his continuance in that office is likely to bring the municipal administration into contempt, and he is accordingly removed from it under section 19(IV) of Act IV of 1884, as amended by Act III of 1897.

1/2
17/1/98

H.T.
22. 1.98

To

The Collector of South Arcot.

Gazetted 1/2/98 28-1-98. 29/1/98

NOTIFICATION.

In exercise of the power conferred by Section 10 of the Madras District Municipalities Act, 1884, His Excellency the Governor in Council is pleased to appoint the undermentioned gentleman to be a Municipal Councillor for the Municipality of

~~Whereas the Government is of opinion that, in con-~~
~~sequence of his conduct in the Kibuchiar riot, the~~
~~continuance in office of~~ ^{As the conduct of} ~~M. R. K. Kolandavelu Nynal~~
 a Municipal Councillor of the Municipality of Tiru-
 vana malai, ^{in connection with the Kibuchiar riot which occurred in that town}
^{in the opinion of the Government that it is} is likely to bring the municipal
 administration into contempt, His Excellency the
 Governor in Council hereby removes him from that
 office under clause (iv) of Subsection (1) of Section 19
 of the Madras District Municipalities Act IV of 1884,
 as amended by Act III of 1897.

CURRENT No. 3811/197

G. O. No. _____

Fort St. George Gazette—Part I-A.

For Orders.

In his endorsement No. 301, dated 11th April 1897, the Collector of South Arcot recommended that Kolandavelu Nynar may be removed from the office of municipal councillor, Tiruvannamalai, under clause (iii) of section 19 of the District Municipalities Act IV of 1884, as by his "perfidious conduct" in the Kilnathur rioting case he had shown himself to be unfit to be a municipal councillor or other public servant. The Collector was thereupon requested in G.O. No. 1194 M, dated 14th May 1897 to obtain and submit to Government any explanation which the councillor may have to offer in the matter, and the current read above is the reply received.

2. The facts of the case as they appear from the Proceedings of the Sub-Collector dismissing Kolandavelu Nynar from the office of Managar of the Tiruvannamalai village are as follow:

Tiruvannamalai was in May 1896 constituted a municipality and Kilnathur, an adjoining village was included in it. The people of the latter village frequently assumed a hostile attitude by fomenting an agitation amongst the tax-payers to resist the attempts of the municipality in collecting the taxes and to obstruct the municipal servants in the discharge of their duties. On the 31st January 1897, the Sub-collector, the Chairman-delegate (stationary Sub-magistrate), the Tahsildar, and the Police Inspector went to the village for the purpose of collecting the municipal

42R
28-1-98

municipal taxes which had been in arrears, as ^{the} presence of the Sub-collector always simplified and settled matters smoothly in places where Revenue and other collections had been unsatisfactory and also where disputes existed. On approaching the village, the Sub-collector noticed a crowd of about forty people on the roadside, who told him that they required no municipality and that all of them should be exempted from payment of taxes. The Sub-collector tried to convince them that their request was not in order, that the municipality was constituted for their own benefit, as it was found absolutely necessary to safe-guard their health and lives by much-needed sanitary reforms, and that it was not proper that they should resist the legitimate efforts of municipal employees to collect from them the taxes authorized by the legislature. As, however, they appeared to be very contumacious, they were ordered to withdraw. The Chairman-delegate then proceeded to collect the taxes. The first house in the street in respect of which tax had not been paid, belonged to the municipal councillor in question, who was also the Maniagar of Tiruvannamalai. He appears to have come to the spot reluctantly after he was twice or thrice sent for from Tiruvannamalai and the Sub-collector then directed the Tahsildar to deduct the amount of the tax from his next salary as Maniagar. The second house in the street belonged to the Maniagar's cousin and it was suddenly closed on the arrival of

the

the Chairman-delegate and other officers, and although the Maniagar was directed to fetch the defaulter, he ^{with} great reluctance, went into his own house and came out into the street by opening the door of the next (his cousin's) house. The tax having been duly demanded and refused, ^{was} property attached by the Chairman-delegate and put in a municipal cart. The next house was that of the uncle of the Maniagar and the latter who was directed to go and fetch him having refused to do so, other servants were sent for the purpose. Meanwhile a mob of 500 people ^{had} gathered with the object of impeding the collection of taxes and obstructing the municipal servants, one of whom was also assaulted. The attached property was also carried away by the mob. At this time the Maniagar was quietly going away into another street, but came back with reluctance after being twice called by the Sub-collector. The Maniagar was then directed to seize one of the men who was assaulting a municipal servant, but he would not obey the order. The Sub-collector himself then arrested the man and directed the Maniagar to take him in his custody, but he stood quiet and would do nothing. Meanwhile the arrested man aided by two other persons decamped and the Maniagar who was asked by the Sub-collector to mention his name would not answer him. The rioters, some of whom were close relatives of the Maniagar, were subsequently arrested by the Police and convicted and sentenced to rigorous imprisonment by the Assistant Magistrate, as being

members

members of an unlawful assembly and guilty of rioting. The Maniagar also failed to submit either to the Police or the Sub-Magistrate a report of the occurrence of the riot, notwithstanding the repeated orders given to him personally on the spot as well as on the following day, and pleaded that he would be in danger if he were to do so. However, on the Tahsildar's repeatedly asking him at least to write out the names of the offenders, he with great reluctance mentioned a few names orally, but flatly refused to put them on paper.

5. The charges against the municipal councillor briefly are:-

(1) That, while as a public servant responsible for the preservation of the peace, it was his bounden duty to furnish his immediate superiors-the Tahsildar and Stationary Sub-magistrate-with previous information regarding the existence of any intention on the part of the residents of the village who were his relatives and neighbours to cause a disturbance of the peace, he failed to give any such intimation.

(2) That he arrived at the scene of the disturbance reluctantly after he was twice or thrice sent for; that he showed similar reluctance in opening the door of the house of his cousin who was a defaulter and in fetching him; that he refused to fetch his uncle who was another defaulter; that when the mob commenced to obstruct the municipal servants engaged in collecting the taxes, he was quietly going away into another street, but came back reluctantly after he was twice called by the Sub-collector; and that he refused to seize a man who was assaulting

assaulting a municipal servant & refused to take the man in his custody after he had been arrested by the Sub-collector, and that he did not answer the Sub-collector when asked to give the name of the arrested man.

(3) That he failed to submit either to the Police or the Sub-Magistrate a report of the occurrence of the riot, although personally ordered to do so, and that he refused to give the names of the persons concerned in the riot under the plea that he would be in danger if he were to do so; but on the Tahsildar's repeated demands he with great reluctance mentioned a few names orally, but flatly declined to put them on paper.

On being asked by the Sub-collector to submit his explanation on the above charges, the councillor states that the explanations are contained in his petition to the Collector appealing against the Sub-collector's order dismissing him from the post of Maniagar, and he requests that no steps may be taken to deprive him of his seat on the Municipal Council until the said appeal is finally disposed of. As the Collector did not wish to dispose of the appeal himself, having already formed a strong opinion in the matter, he submitted it to the Board of Revenue, which in its ~~Prop.~~ No. 5625 dated 28th September 1897 dismissed the appeal, observing that it "will certainly not interfere on appellant's behalf".

As regards the first charge, namely that relating to his conduct before the disturbance, the councillor explains that the disturbance was not the result of an organized

conspiracy, that no such conspiracy existed, and that therefore he could not have been aware of it. In support of this he states that the Police Inspector who was examined as the first prosecution witness in the case of rioting, deposed that when they started for the village they did not expect that such a disturbance would occur, a statement which, he contends, shows that even the Police were not aware of such an intention. He states also that the remark in the Assistant Magistrate's Judgment that the crowd ^{armed} ~~armed~~ themselves with the pegs of the municipal cart which supported the tattles, shows that there was no organized conspiracy, for if there had been one, the crowd would have come to the spot well armed to execute their mischievous purposes. The Collector, ^{however,} does not accept this explanation, as from the Assistant Magistrate's Judgment it appears that the inhabitants had conspired not to pay the municipal dues and that when the officials went into the street to secure by their presence the prompt and quiet execution of the warrants, they found all the doors closed. This at 10.0'clock in the morning in a busy town like Tiruvannamalai is, in the Collector's opinion a clear indication of the temper of the inhabitants. The Collector also states that the town previous to the morning in question had been in such a very disturbed condition that it was necessary for him, as District Magistrate, to draft a special force of Police to maintain order and that the rioters, while in jail, informed the District Magistrate

Magistrate that they would not have acted as they did, had they ~~not~~ not been foolishly misled by the maniarar and his relatives.

With reference to the second charge, namely that relating to the councillor's behaviour during the disturbance, he says that he was all along acting ⁱⁿ concert and actively cooperating with the officials and denies having behaved in the grossly disrespectful and contumacious manner mentioned in the charge. In support of this he quotes extracts from the depositions of witnesses in the case of rioting and says that if he had behaved in the manner described by the Sub-collector, some one or other of the officials present ought to have mentioned in their depositions the fact of his reluctance to obey the Sub-collector's orders or of his utterly disobeying them. As regards this explanation, the Collector observes that as the councillor was not one of the accused in the case, any searching enquiry into his conduct was outside the scope of the trial and that the testimony of the Sub-collector regarding facts which occurred within his personal knowledge cannot be set aside on the strength of the allegations of a traitor and coward like Kolandavelu Wynar.

Adverting to the third charge, namely that relating to the attitude of the councillor subsequent to the disturbance, he says that on the day following that of the ~~occurrence of the~~ disturbance, he had been to the Railway station to see the Sub-collector off, that the latter told him to go to

to the Sub-magistrate ^{and take} ~~state~~ his orders, that accordingly in the presence of both of the Tahsildar and the Sub-magistrate, at the railway station, he mentioned seventy names as those of the persons who composed the crowd on the previous day, that these names were noted down in English by the Sub-magistrate who wanted the councillor to mention the names of some Miruvannamalai people who had all along been working against the municipality, as having been present in the crowd, and that in reply he said that he had mentioned the names of all present in the crowd so far as he could recollect, ^{but} ~~and that~~ he demurred to ^{making} ~~verifying~~ additions to the list which were not correct. He denies ever having been asked to sign the list. As regards the explanation, the Collector remarks that the Sub-magistrate distinctly states in his endorsement on the Police report of the 30th January 1897 that Kolandavelu Nynar mentioned names orally, but declined to give a written list.

4. In his note on this subject in G.O. No. 1194-I, dated 14th May 1897, the Hon'ble Member remarked as follows:-

"There was a copy of the new Act in the other file in the box. From this it appears that section 19(IV) now reads, "The Governor in Council may remove..... if his continuance in office is... likely to bring the municipal administration into contempt." I don't see how there can be any doubt as to this in this case. It does not matter that the facts on which the opinion of the Governor in

Council

Civil
Council is based occurred before the new act came into force. The question is, Is this man's continuance in office likely &c.? There can be but one answer to this viz. "yes"- Let him be called on for explanation". As the explanation of the councillor is not satisfactory, it is submitted that the accompanying draft order may issue.

V.R.
11/1/98

H.T.
11.1.98

Local & Munl. (1897) Department.

CURR No. 3811/m

3-NOV.97

From

The Collector
South Arcot

Order

Reg. No. 30/1097

Dated 30th Oct 1897

Received 4-11-97

Registered 4-11-97

Enclosures (6)

Spare copies.

SUBJECT.

Submitting with annexes
explanation of H. R. R.
Kolai Devchi Naimar
in the matter of his
proposed removal
from the Tiruvannamalai
Municipal Council
& other record connected
with the case—

24/11/97

G.O.	No.	Department.	Date.

G.O.	No.	Department.	Date.

Chairman - delegate
urgent

~~gent~~

7000
I only no more was
sect which as herin
alleged. I set for
some. I set for
the things I collect.
unpleasantly he was
yesterday see
the council for a
time. The council
came to meet at
the house of Mr. J. M. Smith
on the 24th.

The Sub. Collector of South Arcot and
Ex-officio Chairman of the Tiruvannamalai
Municipal Council

Respected Sir,

I beg respectfully to acknowledge the receipt of your Memo No. 783 dated 29th May last which only reached my hands on the 12th Instant. Vide Cover with Post Mark 2. I am desired in the ~~following~~ foregoing Memorandum to submit within a week "any explanation" I may have, "shewing cause" why I "should not be removed from the Municipal Councillorship on account of" my "objectionable conduct in re-the rioting case in Connection with the Municipal Bill Collection?"

3. Under Section 19 of the District Municipi-
-palities Act. No. IV of 1884 a councillor can
only be removed on the ground (i) of re-
-fusal to act, incapacity, insolvency, or cri-
-minal conviction for an offence im-
-plying a defect of character.
or (ii) continued absence for more than

3.

Copy ~~of~~ or summary of the same in order
that I may have an opportunity of fully
defending myself.

9. I am submitting a copy of this letter
to Government in order that I may not
be condemned without a hearing.

I beg respectfully
to remain

Respected Sir,
Your most obedient Servant,

21st June 1897.

John Smith

Councillor - Pirmanalei
Municipality South Area
District.

From
 Kollandavelu Ninan
 Municipal Councillor
 Tiruvannamalai
 To
 The Sub-Collector and Ex-officio
 Chairman
 of the Tiruvannamalai
 Municipal Council

Mr. Krishnasami Iyer
1000
This is not a receipt - please return

Respected Sir:

In reply to your Memo No. 12
 dated 28th June 1897 which reached me
 on the 3rd Instant, I beg respectfully to
 state that I have submitted an appeal
 to the Collector against the order dis-
 -missing me from the office of Honorary
 and Councillor. In this appeal, I have sub-
 -mitted a full explanation in regard to
 the allegations made against me in the
 order in question. I therefore request that
 no action may be taken about depriving
 me of my seat on the Municipal Council
 until my appeal is finally disposed of.
 I also request that I may be furnished
 with the copy or summary applied for
 in para 8 of my letter of the 21st June 1897.

I beg to remain
 Respected Sir,

Your most obedient servant

K. L. S. Iyer
 Municipal Councillor
 Tiruvannamalai

7th July 1897

Enc. one

1
 3811 not used

777-0050-1049

Municipal Office
Tiruvannamalai.
20th July 1897. -

From
Muhammad Raza Khan Esq
Sub Collector and Ex-Officio Chair-
man, Municipal Council
Tiruvannamalai.

To
The Collector of
South Arch. —

Li.

Adverting to your endorsement dated 26 May 1897 Ref: on Regn No. 301 ^{Reg}, I have the honour to submit herewith the memos sent to Councillor Kolandaivelu Maniar to him and his two letters received in reply thereto, against the proposal to remove him from the office of Municipal Councillor, Sivaramamalai. From these, it will be seen that the Councillor has no explanation to offer besides what he has already stated in his appeal against

Exc. Two

Exc. Mre.

2/3811 not used

against the order, dismissing him from the office of Village Munsiff, Tiruvannamalai. The appeal petition has been fully reported on by me lately to you.

In his first letter enclosed, the Councillor brings to notice that he was not kept informed of the dates of meetings of the Municipal Council; this is not true; he was invariably found absent from the town in connection with the preparation of his appeal and other private businesses and so no notices could be served on him as intimated to me by the Chairman delegate. The Tahsildar also has brought to my notice that the man has been purposely evading the service of notices.

I have
(Sd) Inak Razakhan
Sub Court & Ex Office Chairman

(True copy)

Sub Court
to Collector



To

A. E. CASTLESTUART STUART ESQUIRE,
Collector of South Arcot.

The humble petition of Kolandaivelu Nynar, late Monigar and Munsif of Cusba Tiruvannamalai in the Tiruvannamalai Taluq, appealing against the Proceedings of the Sub-Collector dated 19th March 1897 No. 555.

MOST RESPECTFULLY SHEWETH,

In continuation of the preliminary appeal petition submitted under date the 20th ^{Ultimo} Instant, the appellant now begs to submit his detailed petition of appeal against the Proceedings of the Sub-Collector dated 19th March 1897 dismissing him from the post of Monigar and Munsif of Tiruvannamalai. A copy of these proceedings was submitted with the preliminary appeal. Copies of the other enclosures 1 to 9 are herewith submitted.

2. The charges set forth in these Proceedings against the appellant fall under three main heads-viz (a) those relating to the appellant's alleged conduct before the disturbance of the 21st January last (b) those which appertain to his alleged behaviour during the disturbance and (c) his subsequent attitude.

3. As to the first head (a) the Sub-Collector, in para 6 of his Proceedings, accuses the appellant in the following terms: "The Monigar whose bounden duty it was as a public servant responsible for the preservation of the peace to furnish his immediate superiors, the Tahsildar and the Stationary Sub-Magistrate, with previous information of the existence of any intention on the part of the residents of his village who were his relations and neighbours, to cause a disturbance of the peace, did not intimate either of them."

4. This accusation assumes that the disturbance was the result of an organized conspiracy and that the appellant was aware of such conspiracy, neither of which assumptions is correct, nor is there an iota of evidence to support them. That the bulk of the inhabitants were opposed to the introduction of the Municipal act, and were unwilling to pay up their taxes every one knew; but that there was any intention to resort to force is neither true nor, the appellant believes, could such an idea have entered into their heads until they saw the officials, accompanied by the Police, mustering in force on the morning of the 21st January to execute warrants of distraint. At this time, the appellant was engaged in another part of the Town (Gopala Naikan street) in collecting the Government Kists. Had such an idea been previously entertained by the inhabitants, the official witnesses examined for the prosecution in the case against the rioters-viz. the Tahsildar, the Stationary Sub-Magistrate, the Police Inspector, the Station House Officer, all residing in the town, would some one of all of them, have mentioned the fact in their depositions, and would have reported the appellant for not having apprised them of the fact. The Station House Officer

Enc. VI, sent up an occurrence report on the 30th January requesting that notice might be taken of the appellant's conduct in not having submitted report *after* the occurrence, and the Stationary Sub-Magistrate and Tahsildar sent this on to the Sub-Collector with a recommendation to punish the appellant*. Not one of these officers charged the appellant with having known that a disturbance was likely to occur, and having failed to give timely intimation of the same. They would have been only too glad to do so if this charge were true. Nor does the Assistant Magistrate who tried and convicted the rioters allude to the existence of any such intention, though he finds (Vide para 2 of his Judgment) that the inhabitants "appeared to have conspired together not to pay the Municipal dues."

5. The Police Inspector, who was examined as the 1st prosecution witness in this case, states "when we started, we did not expect that such a disturbance would occur"—a statement which shews that even the Police were not aware of such an intention.

6. That the assembling of the crowd and the disturbance which ensued, all occurred on the spur of the moment, and did not indicate any previous preparation, will also be evident from the following remarks in the Assistant Magistrate's Judgment:—

"Property was distrained and put into a Municipal cart. Meanwhile, a crowd seems to have collected." "After that, they (the crowd) proceeded to tear up the tatties round the sides of the bandy and to arm themselves with very effective bludgeons in the shape of the so called "pegs" which supported the tatties."

7. Had there been an organized conspiracy, it is only reasonable to suppose that the crowd would have come to the spot well armed to execute their mischievous purposes.

8. It is also urged against the appellant that he himself had not paid his Municipal tax. The appellant had already paid his dues for the first half-year, and only waited to know how much land-tax he had to pay before he paid his dues for the 2nd half year.

9. The charges under the second head (b) i. e. those relating to the appellant's alleged behaviour during the disturbance are stated in para 5 of the Sub-Collector's Proceedings as follows:—

1. That the appellant arrived at the scene of disturbance reluctantly after he was twice or thrice sent for from Tiruvannamalai.
2. That the 2nd house was reported to be the house of the Monigar's own cousin, that the Monigar was ordered to go and fetch him; *after great reluctance* he went into his own house and came out into the street by opening the door of the said house.
3. The next house was that of the own uncle of the Monigar who was directed to go and call him *but he would not do so*. The other servants were sent to call him. By this time the villagers had assembled in large numbers in and near that house, and I was

informed that they were resolutely opposing those servants who were endeavouring to collect the taxes due from his uncle. I at once walked up to the spot and *seeing the Monigar quietly going away into another street I called him out, but he would not come. I again called him out; he then came with reluctance. When I twice asked him what the matter was, he would not reply.*

4. I then directed the Monigar to seize him (i. e. Kilnathuran the person who had seized the Municipal servant) but he would not.
5. I then at once arrested him, and separating him from the crowd, dragged him out, and turning round to Monigar, close by, directed him to take him under his custody but he stood quiet, and would not do anything.
6. I asked the Monigar what his name was; he would not answer me though the said individual was reported to be a resident of Kilnathur.

10. Briefly, the Sub-Collector accuses the appellant of having shewn reluctance in coming up to the scene of the disturbance, and in opening the door of the 2nd defaulter, his uncle; of having refused to obey the Sub-Collector's order to go and call the 3rd defaulter; of attempting quietly to leave the scene of the offence and refusing to come when called back by the Sub-Collector; of having at last returned reluctantly when again called; and of having refused to seize one of the rioters as ordered; of having refused to take him into his custody as ordered; and lastly of having refused to give this rioter's name.

11. The appellant begs most respectfully to represent that he was all along acting in concert with, and actively co-operating with the officials, and that he did not not behave in the grossly disrespectful and contumacious manner mentioned in these charges.

12. Fortunately for the appellant, the Sub-Collector was not the only superior officer present at the scene of the disturbance, and there were besides that officer, the Tahsildar, the Stationary Sub-Magistrate, the Police Inspector and the Station House Officer. These latter officials have all described what occurred during the disturbance in their sworn depositions before the Assistant Magistrate, and it will be seen from their evidence that not only is the Sub-Collector entirely uncorroborated in these highly damaging statements against the appellant, but that the appellant was throughout acting in concert with the officials, and doing his best to put down the disturbance.

13. On the morning of the 21st January at about 6. 30 A. M., the appellant went out to cusbah Tiruvannamalai to collect Government kists. On his way, he found the Municipal servants near Iyenkolam street Toll-gate, and was informed by them that the Sub-Collector, the Tahsildar, the Chairman-delegate and others were about to go to Kilnathur for collecting Municipal tax. The appellant told them he was going to Gopal Naik street to collect kist, and asked a Municipal Peon, Periasawmi, to come and call him as soon as the Sub-Collector arrived. The appellant

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also left a Taliari there to come and tell him. These people came and told appellant as soon as they saw the Sub-Collector's carriage. The appellant was informed by the Peon that they were proceeding to his house, and appellant hastened thither at once. He shewed no reluctance as stated by the Sub-Collector, and not one of the prosecution witnesses in the rioting case, supports the Sub-Collector's statement in this respect.

The Police Inspector, the 1st prosecution witness, states:—"The Joint Magistrate sent for the Village Munsiff and the latter arrived."

The 2nd prosecution witness, Shaik Karim, states:—"The Sub-Collector sent for the Village Munsiff. The Munsiff came."

The 3rd Prosecution witness, Rajappier, Municipal Accountant states:—"The Sub-Collector sent for the Munsiff. He came."

The Stationary Sub-Magistrate, Chairman-delegate Rangasawmi Iyer states in his deposition of the 2nd March 1897 (in the case against Munisawmi). "The Munsiff arrived a few minutes after we reached the place. I cannot say whether he was sent for or came of his own accord. He came from the Trinomalai side."

Municipal Peon, Periasawmi Naikan, has stated in his deposition of the 3rd March in the case against Munisami. "I called and took the Munsiff from Nimandakara street to Kinathur."

And in the same case, the Stationary Sub-Magistrate's Peon, Ponnusami, stated:—"The Munsiff came from the Trinomalai side."

14. Nor has any of the other witnesses stated anything about the alleged reluctance of the appellant to go up to the Sub-Collector.

15. On seeing the appellant, the Sub-Collector asked him if he had paid up his Municipal tax. Appellant said he had paid for the 1st half-year and had not paid for the 2nd half-year as he did not know the amount of land-tax. The Sub-Collector then told the Tahsildar to look into the accounts and deduct the amount due from the appellant's salary.

The Sub-Collector then asked the appellant to open the door of his neighbour's house which was closed, and the appellant entering his own house, through which there was a way to Dorasami Ninar's house, opened the door and came outside.

16. It is not true that the appellant shewed any reluctance to open the door. Not one of the witnesses including the Tahsildar, Stationary Sub-Magistrate, Police Inspector and Station House Officer supports this accusation. On the contrary, the following extracts from the record of the rioting case will shew that appellant willingly and implicitly obeyed this order of the Sub-Collector.

17. The Police Inspector says:—"The house next to the Village Munsiff is that of Dorasami Ninar, a Pangali of the Munsiff. This house was closed when we went. The Joint Magistrate told the Munsiff to persuade the inmates of this house

come when called. He stayed at the scene of the dis-
The Tahsildar deposed as follows:—
i.e. after the Sub-
village

5

to pay Municipal tax. The Village Munsiff went inside his house. Shortly after they opened the door of Dorasami Ninar's house. Dorasami Ninar was not in the house. The Village Munsiff told the 3rd accused Arumugam and the female inmates of the house to pay up their dues. I saw. There is a way inside from the Village Munsiff's house. Even after this advice they refused to pay."

The 2nd Prosecution witness, Bill Collector Shaik Karim, says—"The Sub-Collector told the Village Munsiff to persuade the inhabitants to pay and to open their doors. The Village Munsiff saying he would do so, accordingly entered his house and opened the door of Dorasami Ninar's house. Bill Collector Arunachella Iyer went with the Village Munsiff and they distrained his property."

The 5th Prosecution witness, Head Constable Varadaraja Mudali Station House Officer, states:—"The Sub-Collector called the Village Munsiff and told him to advice so that Dorasami Ninar's house may be opened".

The 9th Prosecution witness, the Stationary Sub-Magistrate, states:—"The 2nd house was closed. The Village Munsiff went into his own house. Immediately the former was opened."

The 10th Prosecution witness, the Tahsildar, states:—"The door of the house next to that of the Village Munsiff was closed. The Sub-Collector ordered the Munsiff to open the door. Immediately the door was opened."

18. It will thus be seen that this second charge of reluctance is equally unsupported by evidence as the first.

19. The Assistant Magistrate writes as follows in para 3 of his Judgment:—"On reaching the street the officials found all the doors closed. The Sub-Collector called up the Village Munsiff and through his intervention, and the door of one Dorasami Ninar occupying the house next to the Village Munsiff's was opened from inside, property distrained and put into a Municipal cart."

20. The distrained property was then put into a Municipal cart. The Sub-Collector then ordered the Taliari and a Municipal servant to go and call Appu Ninar, the next defaulter; but these were prevented by a crowd from approaching that house. The Sub-Collector accuses the appellant of having refused to go and call Appu Ninar; but it was to a Taliari and a Municipal servant that this order was given and not to the appellant, who was guilty of no refusal in the matter.

21. The following extracts from the record of the rioting case will bear out the appellant in this matter:—

The 2nd prosecution witness, the Bill-Collector, says:—"The Taliari was ordered to go and call Appu Ninar, the owner of the house next to Dorasami Ninar's house. I first called out Appu Ninar. His door was closed. Then the Taliari and some Peon went. The crowd prevented the Taliari from going near Appu Ninar's house."

4th prosecution witness, Bill Collector Arunachella Iyer, says:—"I called Appu Ninar. The crowd prevented them from going near Appu Ninar's house."

The 6th prosecution witness, Municipal Peon Iyamperumal Naiken, states. "The Toti and Taliari went to call defaulter Appu Ninar. They were surrounded by the crowd."

The 8th prosecution witness, a Municipal contractor, states:—"Taliari Velayudan and a Mahomedan Municipal Bill-Collector were sent to call the owner of the eastern house. The crowd prevented them from going near that house."

The 12th prosecution witness, Peon Ponnusami of the Stationary Sub-Magistrate's office, states:—"Periasami and Taliari went to call Appu Ninar. They were stopped by the crowd."

Municipal Peon, Periasami, states in his deposition of 3rd March 1897 in the case against Munisami. "I and Taliari went to call Appu Ninar, as ordered. We were stopped by the crowd."

The Stationary Sub-Magistrate's Peon Ponnusami also states in the same case:—"It was Periasami and Taliari who went to call Appu Ninar."

22. Not one of these men nor of any of the other witnesses examined in these cases speaks to the Sub-Collector having ordered the appellant to call Appu Ninar, and to the latter having refused to do so.

23. The other statements made in the Sub-Collector's proceedings as to appellant's conduct during the disturbance are so serious, that if the appellant had behaved in the manner described, some one or other of the officials present, who have given evidence in the rioting case, ought to have mentioned the facts. But not one of these statements is corroborated by their evidence. These statements charge the appellant with positive disobedience and open defiance of the Sub-Collector's orders, in attempting to leave the scene of offence and refusing to return when called by the Sub-Collector; in having refused to arrest the foremost man in the row; in having refused to take him into his custody after the Sub-Collector had seized him and handed him over to the appellant, and in having refused to mention this rioter's name. These charges are of so grave a nature that not even the most patient minded and forbearing official would, under the circumstances, have abstained from summarily dismissing on the spot, a subordinate guilty of the same, and yet the Sub-Collector wishes it to be believed that after repeated display of reluctance on the part of the appellant, and after repeated disobedience of his orders, the Sub-Collector chose him of all others on the spot, (Tahsildar, Sub-Magistrate, Police Inspector, and Head Constable) as the custodian of the ringleader in the disturbance. The appellant would also beg the appellate court to consider whether, if the appellant had been guilty of these serious charges, the Sub-Collector would have remained inactive in the matter until the 4th February or for nearly a fortnight, when the Police reported the appellant's failure to submit a report of the occurrence. Nor did he even then prefer these serious charges, and call on the appellant to explain them as he should have done, if any of these accusations were well founded.

24. That these statements of the Sub-Collector are not correct, will be further apparent from what follows:—

another street" and would not come when called. He stayed at the scene of the disturbance until every one of the officials had left. The Tahsildar deposed as follows:—"I and the Sub-Magistrate turned back to return to Trinomalai (i.e. after the Sub-Collector had left). The crowd made a noise and began to follow us. The Village Munsif and the Police Inspector were keeping them back." Is this conduct consistent with that of a sneak and traitor such as the Sub-Collector would make the appellant out to be?

25. The Sub-Collector did not order the appellant to seize or arrest any one of the rioters, but took the task upon himself, and of his own accord; though he might well have ordered the Inspector, Sub-Magistrate or Station House Officer to do so. It is of course most unreasonable to suppose that he would have fixed upon the appellant, whom he regarded as a most unwilling subordinate, to execute this important task. Nor did the Sub-Collector succeed in capturing any one, for in his attempt to seize Manikam, he was himself dragged into the crowd, and was roughly handled and it was with difficulty that the appellant and others were able to help him. The Sub-Collector did not arrest or drag any one out of the crowd, nor make over any one to the appellant or any one for custody. It was as much as he could do to get out of the crowd himself and escape.

26. What actually occurred was as follows:—

After the distraint in Dorasami Ninar's house, the Sub-Collector asked appellant the name of the owner of the third house, and appellant said it was Appu Ninar. The Sub-Collector then ordered a Taliari and a Municipal servant to call him. When they approached the house, a crowd was met who began to abuse and stop them. The Sub-Collector went up to the crowd and seized the foremost man by the hand. The latter sat down pulling Sub-Collector down with him. When they were struggling on the ground, the appellant and Police Inspector went and extricated him and led him to his carriage. On their return, the appellant and the Police Inspector saw that the Sub-Magistrate who had followed them on their way to the Sub-Collector was hemmed in by the crowd, and they went and extricated him also.

27. For reasons best known to themselves, both the Sub-Collector in his Proceedings under appeal, and the other officials in their evidence, have chosen to suppress all mention of the rough treatment experienced by the Sub-Collector during this disturbance, though this is a notoriously well-known fact. While some witnesses simply suppressed this truth, others have even gone further and positively denied that hands were laid on the Sub-Collector. One witness however has disclosed traces of the act so cleverly concealed in the bag, as will be seen from the following extract from deposition of Peon Ponnusami of the Stationary Sub-Magistrate's office, examined as 3rd Prosecution witness in the case against Munisami:—

"The men sent to call Appu Ninar viz. Periasami and Taliari Velayudan, were stopped by the crowd. There was an uproar then. The Sub-Collector went towards the crowd saying "Don't make a noise. Be quiet. If you have anything to say, you may say it." Just then Manikam removed his upper cloth and tied it round his waist. The Sub-Collector went up to him and advising him to keep quiet, seized

his hand. Immediately Manikam seized one of the Sub-Collector's hands. His other hand was seized by some one in the crowd and he (Sub-Collector) was dragged into the crowd. They were hemmed in by the crowd. There were about 400 people then. Bill-Collector Shaik Karim, Rajappier and orderly went to rescue the Sub-Collector. The crowd dragged these men inside and let go the Sub-Collector. I saw when the crowd was beating these men. While they were being beaten, I the Sub-Collector, Tahsildar and others went away westward. It was Manikam who pulled the Sub-Collector into the crowd by his left hand."

28. The reason why the appellant mentions this fact, is to shew the utter improbability of the Sub-Collector's assertion that he arrested some one, and pulled him out of the crowd, and made him over to the appellant for custody; and also to point out to the appellate court how little regard has been paid to the truth by the official witnesses, and how it has been suppressed on the grounds of expediency or decorum.

29. The Assistant Magistrate who tried the rioters seems, in spite of the caution of the witnesses, to have guessed what really took place, for he writes in para 5 of his Judgment of the Sub-Collector and Municipal servants having been "let go" by the crowd.

30. Lastly, as to the appellant having been asked and refused to give the name of the ringleader, there is the evidence of the Taluk Duffadar—the 11th Prosecution witness, who has sworn that he got Manikam's name from the appellant and noted it down at the time. Why should appellant have refused to the Sub-Collector, information which he readily furnished to the Taluk Duffadar?

31. The Sub-Collector speaks of the Police Inspector having "*taken steps to arrest the parties*," but this is quite incorrect. No arrest was possible at the time, and none was made, as will be seen from the Police Inspector's evidence, and that of the other witnesses, and the charge sheet filed before the Magistrate.

32. It is true that some of the persons convicted of rioting are relations of the appellant, but how can this be an accusation against him? The very person whose property was distrained and forcibly carried off, is a near relation of the appellant, but is at enmity with him in consequence of disputes as to partition.

33. It now remains to answer the charges under (c) viz. the appellant's alleged conduct after the disturbance. These latter were the only charges which were formulated against appellant before his dismissal, and which he was called upon to explain; and all the rest of the accusations have been since piled up against him. Under this head, the Sub-Collector charges the appellant first with having "omitted to submit a report of the occurrence to the Police or to the Sub-Magistrate despite repeated orders at the spot to him personally on the day of the occurrence, and also on the following day." It is not true that any orders, oral or written, were given to the appellant directing him to submit a report of the occurrence, nor would appellant have ventured to disobey them if such had been given. That he failed to submit a report of the occurrence is quite true, and this failure, as already explained,

was due to an error of Judgment, the appellant having fancied that as all the superior Police and Magisterial officers were present, and had seen everything, it was not necessary that he should send them a report as to what they knew already. The appellant has no wish to justify his failure in this respect, but only to explain how he came to err in the matter. On this point it has been held:—"The penalty for neglect to report under Section 45, should not be enforced against one who has omitted to give information to the Police of an offence of which the Police has already obtained information from other sources" (I. L. R. 4 Cal. 623). Had the appellant been the only official cognizant of the occurrence, and had he failed to report he would have justly merited punishment for his omission, but in this case his omission did not tend to defeat justice. As soon as he was taxed with it, and while the trial against the rioters was proceeding, he offered to give evidence in the matter as a witness; but his prayer was not listened to.

34. The next charge is as follows:—

"Again the Tahsildar and the Stationary Sub Magistrate sent for him on the following day, and personally directed him to assist the Police by giving them the names of those Kilnathur people who assaulted the Municipal servants, and carried away the attached property on the occasion. This even he would not do, alleging as reported by the Tahsildar, that he would be in danger if he were to do so. But I understand that on the Tahsildar's repeatedly asking him at least to write out the names of the people, he with great reluctance mentioned few names orally to the Tahsildar, but flatly declined to put them on paper. The Police again asked him for these names but he would not give them.

35. In reply to this accusation, appellant begs to set forth below what actually occurred about giving the names of the offenders:—

When the cart containing distrained property was being dragged away, the Sub-Magistrate asked the appellant if he could give the names of those people and appellant said he would do so. On the following day, appellant went to the Railway Station to see the Sub-Collector off. The latter officer told the appellant to go to the Sub-Magistrate and take his orders. The Tahsildar and Sub-Magistrate then asked the appellant at the Railway Station, after the Sub-Collector had gone, to mention the names which composed the crowd of the previous day. The appellant named some 70 names, so far as he could recollect. The Sub-Magistrate noted them down in English. The appellant was not asked to sign the list. The Sub-Magistrate then said that appellant should mention the names of some Tiruvannamalai people, who had all along been working against the Municipality as having been present in the crowd. Appellant said he had mentioned the names of all present in the crowd, so far as he could recollect, and he demurred to making additions to the list which were not correct.

The Police never asked the appellant for a list of names. On the day of the disturbance, when the Inspector was taking down the complaints of Rajappier. Arunachellai Iyer and Shaik Karim, certain accused were named by them and two others merely identified by marks. The Inspector questioned appellant about these

SOUTH ARCOT.

COLLECTOR'S OFFICE.

No. 39. *284*
Long Dis.

CU Malow

DATED 20th September 1957

FROM

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

To

THE SECRETARY TO THE
COMMISSIONER OF
Land Revenue

MADRAS.

SIR,

I have the honour to forward the Board's appeal of Kandanivelu Nair, proprietor of Chudak Tiruvannamalai against the order of the Sub-Collector dismissing him for unsatisfactory conduct in connection with the Municipal riot at Tiruvannamalai on the 21st. January last, and to make the following remarks: -

My reasons for not wishing to hear and dispose of the appeal will be found in my order of the 19th August 1897, a copy of which is among the enclosures to the petition under reference. The case is somewhat peculiar and though it is not covered

by

2179
2 files

Encl. 4

With 13 enclosures
(Encls 5)

14 / 3811

by Section 24 of Act III of 1895, yet I trust the Board will be pleased to allow that the circumstances are such as to render it desirable that the appeal should be disposed of by itself.

3. Paras 2 of the appeal petition summarises correctly enough the main heads of the charge against appellant.

1. Paras 3 to 8 are devoted to an attempt to meet the first head of charge viz that the appellant must have been aware of the intention of his relations and neighbours, to cause a disturbance of the peace but failed to report the fact to his superiors. He attempts to excuse himself by alleging that the disturbance was not the result of an organised conspiracy; that no such conspiracy existed and therefore he could not have been aware of its existence. The then Assistant Magistrate - the late Mr William St who tried the rioting cases with great care arrived from the evidence before him at quite a different conclusion.

"The inhabitants of this and neighbouring streets" he says in his judgment in C.C. nos 918 of 1897 on his file "appear to have conspired not to pay the Municipal dues, and a large number of distraint warrants issued against defaulters were to be executed."

The

"The object of all these officials in going to the street was, no doubt, to secure by their presence the prompt and quiet execution of these warrants. In this object, they were however, disappointed. On reaching the street the officials found all the doors closed." ... This at 10 o'clock in the morning in a busy town like Tiruvarur is a clear indication of the temper of the inhabitants. The town previous to the morning in question had been in a very disturbed condition and it became subsequently necessary for me as District Magistrate to draft a special force of Police to maintain order. There was most certainly an organised conspiracy to resist the execution of warrants and the payment of just dues. The appellant relies on the statement of the Police Inspector that when he and the other local officials stated they did not expect "such a disturbance". That a disturbance was anticipated is clear from the fact of the local officers going to the place for collection

Collection accompanied by the Sub-Collector himself but it is true that these officers did not expect the disturbance to assume the serious proportions it did. The appellant one of the principal residents of the street in question and also one of the defaulters, cannot but have known of the intention of the residents of the place, some of whom were his own relations, to resist the execution of the warrants, taking the law into their ^{own} hands in the manner they did. I may further state that the ~~rioters~~ ^{rioters} who were convicted by the Assistant Magistrate and whose convictions (except in one case) were upheld by me on appeal as District Magistrate, informed me when in jail that they would not have acted as they had done had they not been foolishly misled by this very appellant and his relatives. The convicts were released - with my full approval in consultation with the Inspector General of Prisons on the occasion of the Jubilee celebrations and it is only 2 or 3 days since the Inspector General of Police here informed me that it is quite true that the appellant was primarily responsible for

For all the trouble which has occurred. The retention of such a man as an inmate and as Municipal councillor, is, I think, quite impossible.

5. Appellant appears to contend that if he had been aware of any such intention he would never have failed to report the fact to his Superior. The value and genuineness of this contention may be judged from the subsequent conduct of the appellant. When the rioting was in full swing, Mr. P. Rangasami Aiyar and Mr. S. Subramanian and Chairman Deleghat (who was examined as a Prosecution witness in the case) asked appellant at the Sub-Collector's instance to give him the names of the rioters, what happened may be stated in his own words given on solemn affirmation.

"The Village Munsif (appellant) said that he knew all the names and would give them afterwards. The Village Munsif was with us. He never gave the names. He did not submit any report of the affair. He has not submitted a report."

I saw the village Innis the next day.
I asked for a report. He said he would not
submit a report, as his life would be in
danger" (Vide his deposition). The truth
of the matter is thus quite clear. The appellant
was not only in secret sympathy with the rickers
who evidently counted upon his ^{aid} ~~evidence~~
and support, but he was secretly instigating
their unlawful ^{mis} conduct, and he was
consequently not prepared in the first instance
to apprise the authorities of their ulterior
intentions and subsequently to report
their names in writing. If he had done so
he would probably have been openly de-
nounced as an abettor and a ringleader
by the rickers when they were put on their
trial and placed in the dock with them.
His machinations saved him from this
exposure and its inevitable consequences.

6. The appellant must also be convicted
of the grossest cowardice on his own showing.
A village Magistrate who at a crisis like
the one under reference had not the pluck
to come to the help of the authorities whom
he was bound to assist in getting the offenders
punished is worse than none and utterly
unfit

unfit for that responsible position.

7. Paras 9 to 32 relate to the 2nd head of
charge concerning the behaviour of the
appellant during the disturbance.

8. The facts on which this portion of the
charge is based occurred within the Sub-
Collector's personal knowledge. His account
of the conduct of the rickers based upon
his personal observation is sought to be
impeached by extracts from the evidence
of certain witnesses in the case. The
appellant was not one of the accused
in the case and any searching enquiry
into his conduct was outside the scope of
the trial. The testimony of the Sub-Collector
cannot be set aside for the allegations of
a traitor and coward like the appellant.

9. The remaining paragraphs deal
with the 3rd head of charge viz that he
refused to give a written list of the rickers.
Appellant attempts to make capital
out of the facts that he mentioned orally
the names of the rickers and lays a serious
charge against the Sd Magistrate to
whom he owes his trouble under this head.

The

Co. I saw the village Innkeeper the next day.
I asked for a report. He said he would not
submit a report, as his life would be in
danger" (vide his deposition). The truth
of the matter is thus quite clear. The appellant
was not only in secret sympathy with the rickers
who evidently counted upon his ^{aid} ~~evidence~~
and support, but he was secretly instigating
their unlawful ^{mis-}conduct, and he was
consequently not prepared in the first instance
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Appellant attempts to make capital
out of the facts that he mentioned orally
the names of the rickers and lays a serious
charge against the Sd. Sub-Magistrate to
whom he owes his trouble under this head.

The

The Sub Magistrate distinctly states that the appellant mentioned names orally, he declines to give a written list (vide his endorsement dated 30th January 97 on Police report of that date). Such conduct is quite intelligible and consistent with appellant's position with regard to the disturbance. So long as he did not commit himself in writing, it was open to him to deny that he had mentioned any names to the authorities and that was the only way in which he could save his credit with the rioters and avoid exposure by them of his very intimate connection with the disturbance.

10 The records as per list ⁺herewith appended are submitted. I request the favour of very early orders, upon receipt of which I have no doubt, His Excellency the Governor in Council will remove the appellant from the Municipal Council.

Records C.C. 19/1897

- (1) Notes of evidence of 12 Prosecution witnesses
- (2) Statements of the 10 accused
- (3) Defence evidence (28 statements)
- (4) Judgment
- (5) District Magistrate's judgment on appeal

Records C.C. 33/97

- (6) Notes of evidence of 3 Prosecution witnesses

(7) Statement of accused

(8) Judgment

(9) District Magistrate's judgment on appeal

I have the honour to be
Sir,

Yours obedient servant

(47) A. R. Eastwood Stuart
Collector

(True copy)

W. L. Cunningham
Collector

W. L. Cunningham

Proceedings of the Board of Revenue
(Land Revenue)

No 3643 Mis. dated 28th September '97

Read:

Letter from the Collector of South Arcot
No. 39 of '97 dated 20 September 1897.
J. Dis.

Resolution:

The Board will certainly not
interfere on appellants' behalf.

The petition is dismissed.

/ True Extract /

(Signed) R. C. C. Carr
Secretary.

/ True copy /

30 Oct 1897.

W. Subramanyam
For Collector.

R/C

5
3811 mos 1897

True fine

SOUTH ARCOT.

COLLECTOR'S OFFICE,

on Regr. No. 306

No. 306

of 1897

DATED

Cuddalore
30.4 October 1897

FROM

3811 M

A. E. Castlestuart Stuart, Esq., I.C.S.,
F.G.S., F.L.S., F.R.G.S.

COLLECTOR OF SOUTH ARCOT.

TO

THE SECRETARY TO GOVERNMENT,

Local & Municipal DEPARTMENT.

MADRAS.

SIR,

With reference to Government Order
No 1194 M Mis: (Local and Municipal
Department) dated 14th May 1897, I have
the honour to submit two petitions from
M. R. Py Kolaundairulu Naimar dated
respectively 21st June and 7th July 1897 as
submitted in answer to requisitions
for explanation with reference to the
orders of Government.

2. In paragraph 7 of the first peti-
tion he complains that he has not
received the usual notices of the
meetings of the Municipal Council
The Sub Collector who is the Ex. officio
Chairman

Enc. Sir.

6
3811 M 1897

Chairman of the Municipality ascribes it to the absence of the Councillor from Tiruvannamalai on private business (vide his letter No $\frac{780}{D}$ of '97 of 21st July 1897 Copy of which is submitted).

3. In the second communication he states that his explanation why he should not be removed from his seat on the Council is the same as the one furnished by him in his revenue appeal against the Sub Collector's order dismissing him from the post of Monegar and asks that no steps may be taken to deprive him of his seat in the Municipal Council till that appeal is finally disposed of. I declined to hear his revenue appeal for the reason that I had already formed a strong opinion, adverse to him, based upon facts which had come to my knowledge as District Magistrate and therefore submitted it for the Board's orders with my report dated 20 September 1897.

No.

No. $\frac{39}{7. \text{Dis}}$ of 1897 (Copy enclosed). The Board dis-
-missed the appeal petition in its Proceedings
29.3643 Mis: dated 28. I enclose Copy of which
is submitted. A printed copy of the
appeal petition is enclosed for the per-
-usal of Government. The Board's orders
are final under Sec: 24 of Act III of 1895
(Madras Hereditary Village Office Act) &
Thus the Councillor's request above ad-
-versed to has been complied with.

4. The continuance of this individual as a Councillor is incompatible with the public interests and I therefore request that Government may be pleased to remove him,

I have the honour to be

Sir,

Your most obedient Servant.

For Collection.

KH

Local & Munl. (1897) Department.

CURRENT No. 4182 M

From

M. R. Py. Kolandaivelu Nair
Councillor, Tiruvannamalai
Municipality.

Order

No.

Dated 1-12-97

Received 3-12-97

Registered 3-12-97

Enclosures 1

Spare copies.

SUBJECT.

Submitting for perusal a copy of his
petition to the Board of Revenue in
connection with a disturbance which
occurred in Tiruvannamalai.

17/12/97

9/12.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

FROM

M. R. Ry.

KOLANDAIVELU NAINAR

MUNICIPAL COUNCILLOR

Tiruvannamalai Municipal Council.

To

THE SECRETARY TO GOVERNMENT

LOCAL AND MUNICIPAL DEPARTMENT

MADRAS.

MOST HONOURED SIR,

In continuation of my humble representations to Government dated 21st June and 7th July 1897, I beg respectfully to submit for the perusal of Government a copy of my petition to the Board of Revenue, of this date.

2. As I understand that the Collector has already recommended my removal from the Municipal Council, and as my appeal on the Revenue side has not yet had a fair hearing, I beg most respectfully to request that orders on the Collector's letter may be deferred pending the disposal of the enclosed petition by the Board of Revenue.

3. I beg respectfully to draw the attention of Government to the marginally noted extract* from the Collector's letter to the Board of Revenue, which has led to the summary dismissal of my appeal, as well as to the arguments contained in the enclosed petition, as a reason for my submitting this humble prayer. I can seek no remedy for the dishonor which an unmerited removal from the Municipal Board will entail on me, while a delay of a few days in passing orders on the Collector's letter will cause no injury to any one.

*"I request the favor of very early orders, upon receipt of which I have no doubt His Excellency the Governor in Council will remove the Appellant from the Municipal Council."

I beg to remain
Most Honored Sir,
Your most obedient servant.



4182 M

3-DEC-1897

To
The Honorable Commissioners of Land Revenue
Board of Revenue
MADRAS.

*The humble petition of Kolandavelu Ninar,
late Village Munsif and Monigar of Gusbah
Tiruvannamalai, in the South Arcot District.*

MOST RESPECTFULLY SHEWETH,

The Petitioner was dismissed by the Sub-Collector of South Arcot on the ground that he had misconducted himself in connection with a disturbance which occurred in Tiruvannamalai in January last, in realizing the Municipal taxes from the residents of that locality.

2. In February last, whilst the trial of the rioters was proceeding, the Sub-Collector called on the petitioner to shew cause why he should not be dismissed on the ground of his connivance and co-operation with the rioters, when the Petitioner denied these vague charges, and begged the Sub-Collector to furnish him with a statement of the grounds and of the evidence upon which this charge was based.

3. This was no more than the meanest official in Her Majesty's Service is entitled to under the terms of the Government order relating to the dismissal of Public Servants which provides as follows:—

“It is not enough that he should be told of the charge he has to meet; he should be told also of the evidence and arguments in support of the charge before he is required to defend himself” Vide para 6 of the Government of India order embodied in G. O. No. 2290 dated 3-12-83.

4. The Petitioner further pointed out that so far from his co-operating with the rioters, there was enmity between him and the chief man concerned in the riot although he was a relation, and he offered to adduce evidence in support of this point.

5. The Sub-Collector without granting this reasonable prayer of the Petitioner, passed orders dismissing him from office, and though this order contained a detailed statement of the grounds on which the Petitioner was charged with connivance, it would be seen that Petitioner had not been allowed an opportunity of defending himself as the very document which first intimated to the Petitioner the grounds of the charge, contained also the Sub-Collector's final order dismissing him without allowing him an opportunity of being heard in defence.

6. It appeared further from this order of dismissal, that the only evidence in support of the charge was a number of statements made by the Sub-Collector, and resting upon his own personal knowledge and uncorroborated by other evidence. In other words, the Sub-Collector who dismissed the petitioner was the sole witness who could prove the charge on which the petitioner was dismissed.

(281 262-23)

7. It will thus be seen that, so far, two of the fundamental principles and safeguards of justice had been violated by the manner in which the Petitioner was dealt with; namely, first in the condemnation of the Petitioner without a fair hearing, and secondly, in his fate being left in the hands of his accuser, who was the sole witness against him.

8. The Petitioner then appealed to the Collector of the District, and was able to shew in his appeal, that not only were the facts spoken to by the Sub-Collector, on which the charge of connivance, was solely based, improbable on the face of them, but that they were many of them contradicted by the evidence of the *official witnesses* in the case of rioting.

9. The Collector appears at the outset, to have had no intention of washing his hands off this appeal as he eventually did, but called for a report thereon from the Sub-Collector. He even fixed a day, some two months after the presentation of the appeal for hearing the Petitioner in person, and called on the Petitioner to appear before him. When the Petitioner did so, on the 18th August 1897, he was simply taken by surprise on learning from the Collector, that he would not pass any orders on his appeal, and that the Petitioner might appeal to the Board of Revenue "if so advised."

10. The reasons set forth by the Collector in his order dated 19-8-97 must have been present in his mind, when the Petitioner presented his appeal on the 3rd June, as none of the facts stated occurred after that date, and the Petitioner is unable to understand the Collector's procedure in delaying action on his appeal for nearly three months, and then finally declining to have anything to do with it, a procedure which constitutes the third in the series of acts of injustice caused to the Petitioner, in as much as he was entitled, under Act III of 1895 (Madras), to have his appeal heard by the Collector, but was denied this measure of legal redress.

11. ~~The~~ submitting his appeal to the Board, the Petitioner pointed out this hardship, and begged that his appeal might, if the Board thought fit, be transferred first for disposal by another District Officer, but the Collector appears, from the

*"I request the favor of *very early orders* upon the receipt of which, I have no doubt His Excellency the Governor in Council will remove the Appellant from the Municipal Council." wording of his covering letter *to the Board of Revenue forwarding this appeal, to have taken care that no such thing should occur, and not only this, but to have pleaded for urgency for the immediate disposal of the matter by the Board, which the Petitioner fears precluded the Board from bestowing that careful and deliberate consideration on the facts of his unfortunate case, which it would otherwise have received.

12. The result was that though the Collector only despatched the Petitioner's appeal to the Board so recently as the 20th September, their orders declining to interfere on behalf of the Petitioner were passed so promptly as the 28th idem; and this leads the Petitioner to fear that his case might not have had the full benefit of that patient and detailed consideration without which he could not have justice.

13. To one in the condition of the Petitioner, no greater misfortune could have befallen than this—For, the Sub-Collector, who dismissed him, was himself his accuser and sole adverse witness; the Collector, to whom an appeal was open, declined

to hear it; and the Board of Revenue, the last and only asylum to which he could have run for succour in his pitiable plight, were led to dispose of his case in a summary manner.

14. The Petitioner does not exaggerate matters in saying that the Board's orders came upon him like a thunder-clap at noon-day, and from a cloudless sky. His sole hope of obtaining justice had vanished and this at the very moment when, owing to the inherent merits of his case, he was ~~hopeful~~ of a favorable result.

15. The Petitioner then addressed the Board, expressing his ignorance of "the representations made by the Collector in reply to his arguments pointing out the utter absence of proof against him, and the existence of ample proof in support of the Petitioner's innocence"—and "in order to explain whatever there may be in the Collector's report which had induced the Board to deal with his appeal in this summary manner," he earnestly begged for a statement of the grounds on which his appeal had been rejected, or that a copy of the Collector's letter might be granted to him.

16. The Board while declining to give reasons for its decision, have yet been so kind as to favor the Petitioner with a copy of the Collector's letter dated 20th September 1897 No. 39, and a perusal of this letter justifies the Petitioner in hoping for a better consideration of his case on a review of the same by the Board of Revenue.

17. Without going the length of meeting all the Collector's arguments in this letter, it seems sufficient for the present purpose, namely to obtain a reconsideration of his case by the Board, to point out, that new matter of which the petitioner had no notice, and of a most objectionable kind, has been used by the Collector as proof on a most important point, namely his complicity in the riots, on which hitherto there was not an iota of evidence.

18. The passage referred to occurs in para 4 of the Collector's letter and is as follows;—

"I may further state that the rioters who were convicted by the Assistant Magistrate, *informed me when in jail* that they would not have acted as they had

*These men, at their trial, "done, had they not been foolishly misled by this very
pleaded not guilty "appellant and his relatives. The convicts were released

"with my full approval, in consultation with the Inspector General of prisons on the occasion of the Jubilee celebration".

19. The Petitioner can now realize how much his case ought to have been injured in the eyes of the Board by this statement, as it supplied the most important defect in the case against him. The Petitioner's contention throughout was that there was an entire absence of evidence to support the Sub-Collector's accusation, and here was the very evidence required, provided it was obtained in a judicial manner, and could be legally used against the person affected, and was untainted in other respects.

20. On the Collector's own shewing, this evidence was available to the Collector in June i. e. very soon after he had received the petitioner's appeal, and it is most

unfortunate that the Collector should have chosen to act on it without examining the deponents in the Petitioner's presence, and recording their statements as well as Petitioners cross examination if any. There was ample time for his between the Jubilee day, when these riotors were released, and the 19th ^{August} September when the Collector returned the Petitioner's appeal to him.

21. The Petitioner would most earnestly beg the Board to remember that this is no trifling matter to him. The whole of his future prospects and a life's reputation depend on the issue of this case. Not only his restoration to ~~this~~ office of Munsif, but the *retention* of the honor conferred on him by the Government in appointing him as a Member of the Municipal Council, depends on the value of this "evidence", which the Collector was able to display at a so late a stage of the case.

22. There are other points in the Collector's letter, on which the Petitioner has a good deal that is important to submit for the Board, but as a preliminary and most urgent measure, in the reconsideration of his case, and one on which it is necessary that no time should be lost, he begs that the Honorable Board will be pleased to give orders to have this evidence recorded in a judicial manner and in his presence. This much would be necessary even were the Petitioner to be merely fined for an assault or a trespass, and the greater importance of the present issue will, the Petitioner humbly trusts, weigh with the Honorable Board and influence them in ordering this act of justice, which he now prays for.

23. In as much as Act III of 1895, constitutes your Honorable Board the *final* asylum of unfortunate people in the Petitioner's plight, and because the procedure of the District Officers in this case has made this the *first and only tribunal* where he has a chance of being heard the Petitioner humbly prays that this important evidence, relied on by the Collector, may be taken in his presence, and that he may then be allowed an opportunity of representing his case to the Board for final disposal.

24. The Petitioner begs to resubmit, for reference, the records returned by the Board with their proceedings dated 23th September 1897, No. 3643 Miscellaneous.

For which act of justice the petitioner will, as in duty bound, ever pray.

10th December 1897.

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