Pension (1896) Department.

ORDINARY MS.

G.O., No. 6

DATED 7 January 1896.

[Despatch Abstract.]

Granting a superannuation pension of Rs. 7 — 4 — — per mensem to Mr. Damarsa late 4th Grade Head Constable No. 409 of the S. Canara Dt.

BACK PAPERS.

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

FURTHER PAPERS.

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

APPLICATION FOR PENSION OR GRATUITY.

1. Name of Applicant. Mangalore Damarsa
2. Father's name. Mallappa
3. Race, Sect and Caste. Serigar
4. Residence showing Village and Pergunnah. Mangalore, S. Canara
5. Present or last employment, including name of establishment. 4th Gr. Hd. Constable No. 409.
6. Date of beginning of service. 11.10.60
7. Date of ending of service. 10.10.95

	Y.	M.	D.
8. Length of service, including interruptions	35	-	-
of which superior	35	-	-
inferior	-	-	-
non-qualifying and interruptions	-	-	-

9. Class of pension or gratuity applied for, and cause of application.* Superannuation
10. [Average] emoluments or pay. 3 years Rs. 15.1.9
11. Proposed pension. Rs 7.8.10
12. Proposed gratuity. "
13. Date from which pension is to commence. 11th October 1895
14. Place of payment. Mangalore, South Canara
15. Date of Applicant's birth by Christian era.† 11th October 1840.
16. Height. 5 Feet 13¼ Inches
17. Marks. Two small moles below right eye. 2 moles 1¼ inches apart below right collar bone. One above hollow of chest and another below left collar bone. 2 Scars on the inner aspect of left leg. A long blue patch on left calf.
18. Date. 7th December 95.

* If the application is for a compensation, pension or gratuity, the nature of the change of establishment which has given rise to the claim should be fully stated.

† If not known exactly, must be stated on the best information or estimate.

H. A. Cole
Superintendent of Police
SIGNATURE OF HEAD OF OFFICE.

HISTORY OF THE SERVICE (SHOWING INTERRUPTION) OF No 409 IV Gr: Hd Consts. Mangalore Damarsa

Establishment.	Appointment.	Pay.	Acting Allowance.	Date of beginning.	Date of ending.	Period reckoned as service. Y.	M.	D.	Period not reckoned as service. Y.	M.	D.	Remarks.	How verified.	Remarks by the Audit Officer.
		RS.	RS.											
Madras Police	I C. Consts.	7 - - -	"	11-10-60	28-2-61	"	4	20	"	"	"			
	II C. Consts.	6 - - -	"	1-3-61	31-5-62	1	3	"						
	I C. Consts.	7 - - -	"	1-6-62	31-10-65	3	5	"						
	Dy. Consts.	10-8 - -	"	1-11-65	30-4-68	2	6	"						
	Head Consts.	14 - - -	"	1-5-68	6-10-72	4	5	6						
	I Gr Hd Consts	25 - - -	"	7-10-72	4-10-74	1	11	28						
	Leave without pay	- - - -	"	5-10-74	24-10-74	"	"	20						
	I Gr: Hd Consts.	25 - - -	"	25-10-74	12-7-77	2	8	18						
	II Gr: Hd Consts.	20 - - -	"	13-7-77	12-1-78	"	6	"						
	I Gr. Hd Consts.	25 - - -	"	13-1-78	26-7-78	"	6	14						
	II Gr: Hd Consts.	20 - - -	"	27-7-78	19-5-80	1	9	23						
	I Gr: Hd Consts	25 - - -	"	20-5-80	30-11-83	3	6	11						
	II Gr: Hd Consts	20 - - -	"	1-12-83	29-2-84	"	3	"						
	I Gr: Hd Consts	25 - - -	"	1-3-84	9-3-85	1	"	9						
	II Gr: Hd Consts	20 - - -	"	10-3-85	15-10-85	"	7	6						
	Leave without pay	- - - -	"	16-10-85	31-10-85	"	"	16						
	II Gr: Hd Consts	20 - - -	"	1-11-85	31-10-86	1	"	"						
	III Gr: Hd Consts	15 - - -	"	1-11-86	16-7-87	"	8	16						
	Leave without pay	- - - -	"	17-7-87	15-1-88	"	5	29						
	III Gr: Hd Consts.	15 - - -	"	16-1-88	2-2-89	1	"	17						
	Leave without pay	- - - -	"	3-2-89	3-3-89	"	"	29						
	III Gr: Hd Consts	15 - - -	"	4-3-89	29-12-89	"	9	26						
	Leave without pay	- - - -	"	30-12-89	13-1-90	"	"	15						
	III Gr: Hd Consts.	15 - - -	"	14-1-90	31-3-90	"	2	27						
	III Gr: Hd Consts	16 - - -	"	1-4-90	30-6-90	"	3	"						
	IV Gr: Hd Consts.	14 - - -	"	1-7-90	8-3-91	"	8	8						
	Leave without pay	- - - -	"	9-3-91	25-6-91	"	3	17						
	III Gr: Hd Consts	14 - - -	"	26-6-91	28-2-93	1	8	5						
	III Gr: Hd Consts	16 - - -	"	1-3-93	31-10-94	1	8	"						
	IV Gr: Hd Consts.	14 - - -	"	1-11-94	10-10-95	"	11	10						
	Total period of Superior Service					35	"	"	"	"	"		By the Dy Accts Genl's Returns &c of the Office of the Supdt of Police, South Canara	

Has no previous Service entitling to Pension or Gratuity

REMARKS BY HEAD OF OFFICE.

1. As to character and past conduct of Applicant. Indifferent

2. Explanation of any suspension or degradation. I Reduced from I to II C. C. from 1-3-61 to 31-5-62 for abuse of authority. II Reduced from I to II Gr: Hd Consts for 6 months from 13-7-77 to 12-1-78 for failing to send in a report to the Magistrate as ordered. III Reduced from I to II Gr: Hd Consts. from 27-7-78 to 19-5-80 for indolence and repeated acts of gross negligence after warning. IV Reduced from I to II Gr: Hd Consts. for 3 months from 1-12-83 to 29-2-84 for delay in disposal of Cases failing to visit beats and other negligence. V Reduced from I to II Gr: Hd Consts from 10-3-85 to 15-10-85 for gross delay in furnishing an explanation called for by Inspector. VI Reduced from II to III Gr: Hd Consts from 1-11-86 to 30-6-90 for delaying Crime report in Puttur Case No 97 of 86. VII. Reduced from III to IV Gr: Hd Consts. from 1-7-90 to 28-2-93 for his gross and persistant neglect of duty and VIII Reduced from III to III from 1-6-91 to 10-10-95 for not going on beat for over 10 months altogether

3. Regarding any gratuity or pension already received by Applicant. (*See* Chapter XXI.) —

4. Explanation under Article 469 so far as the Head of the Office can give it. —

5. Any other remarks. Having attained 55 years of age and being unfit for Service retired. Pension

6. Specific opinion of Head of Office whether the service claimed is established and should be admitted or not. (*See* Article 991 (*b*). The Service claimed is established and should be admitted.

Superintendent of Police
SIGNATURE.

CERTIFICATE AND REPORT OF THE AUDIT OFFICER (1).

CERTIFIED that (subject to the remarks below recorded) qualifying service in inferior or superior grades has been duly proved for years months days; and that a (pension or gratuity) not exceeding Rs. , is admissible under Article of the Civil Service Regulations. The calculations have been duly verified. The (pension or gratuity) is chargeable to (here specify whether to General Revenues, or to what Fund).

Audit Officer.

(1) In the case of Civil Engineers and Telegraph Officers who are eligible for the additional pensions authorized in Article 714, the following addition should be made to the usual form of certificate:—

He has served for three years as {Chief Engineer, Superintending Engineer, &c., as the case may be} and is eligible for a special additional pension of Rs. $\frac{1,000}{2,000}$, if he is considered to have rendered "approved service" under Article 714 of the Civil Service Regulations.

Duplicate

South Canara District
ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲಾ

Declaration of conditions under which the undermentioned Police Officer elects to serve for Pension and Gratuity.

ಈ ಕೆಳಗೆ ಕಾಣಿಸಿಕೊಂಡಿರುವ ಪೋಲೀಸ್ ಉದ್ಯೋಗಸ್ತನು ಯಾವ ಶರ್ತಗಳ ಪ್ರಕಾರ ಪೆನ್‌ಶನ್ ಮತ್ತು ಗ್ರಾಟ್ಯುಟಿ ಯೆಂಬ ಇನಾಮು ಪಡ ಕಾಳ್ಳುವರೆ ಒಪ್ಪುತ್ತಾನೆಂದು ತಾರೀಸುವ ಕಬೂಲಿನಾಮೆ.

General No. ಜನ್ರಾಲ್ ನಂಬ್ರ.	Rank. ಉದ್ಯೋಗದ ಹೆಸರು.	Name in full. ಪೂರಾ ಪೆಸರು	Date of enlistment. ಮೊಕ್ರಾರಿ ತಾರೀಕು	Date of election. ಕಬೂಲಿ ತಾರೀಕು.	Signature of Officer taking declaration. ಕಬೂಲಿ ಪಡ ಕಾಳ್ಳುವ ಉದ್ಯೋಗಸ್ತನ ದಸ್ಕತು.
409	2nd class Head Constable	Mangalore Damarva	11.10.60	5.3.72	Jr. Chrystal Capt. As Supdt. of Police

I, Damarva Mangalore
2nd class Head Constable described above now serving as Madras Police do hereby elect to serve for Pension and Gratuity under Superannuation Fund Rules

Here enter conditions of Superannuation Fund Rules or under conditions laid down in G. O. G. I. dated 19th July 1871.

ಮೇಲೆ ವಿವರಿಸುವಲ್ಲಾಗಿ ಈಗ ಮದ್ರಾಸ್ ಪೋಲೀಸ್ 2ನೆ ಕ್ಲಾಸ್ ಹೆಡ್ ಕಾನ್‌ಸ್ಟೇಬಲ್ ನಾದ ದಮರ್ವ ಮಂಗಳೂರು ನು ಕೆಳಗೆ ಕಾಣಿಸಿದ ಶರ್ತಗಳ ಪ್ರಕಾರ ಪೆನಶನ್ ಯಾ ಗ್ರಾಟ್ಯುಟಿ ಎಂಬ ಇನಾಂ ಪಡ ಕಾಳ್ಳುವಂತೆ ಇದರಿಂದ ಒಪ್ಪುತ್ತೇನೆ.

ಇಲ್ಲಿ ಸುಪ್ರಾನುಯೆಶನ್ ಫಂಡ್ ಯಾ ಇಂಡ್ಯಾ ಗವರ್ನ್‌ಮೆಂಟ್ ತಾ. 19 ನೇ ಜೂಲೈ 1871 ನೇ ಇಸ್ವಿ ಹುಕ್ಕುಮಿನ ರೂಲ್ ಶರ್ತಗಳು ಇಲ್ಲಿ ಕಾಳಿಸು.

Application for Pension or Gratuity—

Date of Application. 6/96

Name of Applicant.

Last Appointment.

Class of pension or gratuity.

Amount of pension sanctioned. 5

Amount of gratuity sanctioned. 14

Date of commencement. 1674

Date of sanction.

FORM No. 90.

Defaulter Sheet.

Number.	Rank and Name.	Name of Offence.	Date when committed.	Punishment.	By whom ordered.	Date of order.
409	4th Gr. Hd Cr. Damersa	For abuse of authority	1. 3. 61	Reduced to II Class	Supt of Police	
		For not filing charge sheets and neglect of duty	21. 4. 64	Fined Eight annas.	ditto	2
		For repeated neglect of duty	17. 5. 65	Fined four annas	Ditto	3
		For irregular attendance in the office and neglect of duty.	1. 7. 67	Fined four annas	Ditto	4
		For disobedience of orders in getting Inspector to sign a pass Report for the return of a Const. to his station House on press of work when he knew he was not to return without order from Superintendent.	10. 7. 67	Fined one Rupee	Ditto.	5
		For absence without permission	6. 3. 68	Fined one day's pay	ditto	6
		For neglect of duty	16. 6. 69	Fined one Rupee	Ditto.	7
		For delaying to send Station House Reports	30. 8. 73	Fined one Rupee	Ditto	8
		For failing to send in a report to the Dy. Magistrate as ordered.	13. 7. 77	Reduced to 2nd Gr: Hd Const for 6 months	Ditto	9
		For delaying to report on a case under Sec. 392 referred for enquiry by the Dy. Magte.	1. 9. 77	Fined 2 days' pay.	ditto	10
		For indolence and repeated acts of gross negligence after warning.	27. 7. 78	Reduced to II Grade Head Constable	Ditto	11

2,000—9-93.

Memo of good service entries on behalf of No 409 H.C. Police Mangalore District Area.

I 19.6.86:- Awarded one red mark for disobeying constable's No 263 how to follow a thief in Puttur Police Court in which resulted in detection of case and recovery of stolen property.

II 14.10.92. Awarded one red mark for detecting Kundapur Police case No 154 Sec 380, 461. Received reinforced 6-9 months R.I. and Rs 20 fine.

D.C. Police Office
South Canara
8th November 1895

[signature]

[signature]
Superintendent of Police

Number.	Rank and Name.	Nature of Offence.	Date when committed.	Punishment.	By whom ordered.	Date of order.
		For delay in disposal of Cases failing to visit beat and other negligence.	14-11-83	Reduced to 2nd Grade 4th Const for 3 months from 1.12.83 under B mark rules.	Supt of Police	
		For gross delay in furnishing an explanation called for by Inspector.	28-2-85	Reduced to 4th Grade 4th Const from 4.3.85 under B mark rules.	Ditto	
		For delaying Crime Report in Puttur Case No 97 of 86	October 1886	Reduced to 3rd Grade under B mark System from 1-11-86.	ditto	1-11-86
		For neglecting to enquire into cases and for willfully delaying the preparation of Referred Charge Sheets.	December 88	Fined two Rupees	Ditto	7.12.88
		For his gross and persistent neglect of duty	Since march 1890	Reduced to 4th Grade 4th Const. from 1st July 1890.	Ditto	1.7.90
		For delaying to send for weeks two medical certificates to Magistrate's Court in Cases Nos 57 & 58 of Hosdroog Station	December 1890	Fined Eight annas	Ditto	4.1.91
		For not going on beat once between	1-1-94 to 18-10-94	Reduced to 4th Gr. 4th Constable from 1.11.94	Ditto	14-11-94

District Police Office
South Canara
7th November 1895

[signature]

[signature]
Superintendent of Police

Copy of Letter No 753 dated 10.7.1877 from the Deputy Magistrate, South Canara, to the Superintendent of Police, South Canara

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Sir,

On the 28th of May last an order was sent to the Taluq Police Station House, Mangalore, applying for a detailed list of property attached by the Police by my orders (Calcase No 21 of 1877). The Head Constable when in the Cutcherry lately, was reminded to send in the Statement. The requisition of this Office has not been complied with up to the present date, and I have the honor to report the matter to you for such notice as you may deem fit.

I have &c
Brooke Leggatte
Dy. Magistrate

(Signed)

(True copy)

7th November 95.

H. Superintendent of Police
South Canara

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South Canara
7th November 1877

Copy of Superintendent's letter No 288
dated 13th July/77 to the Dy Magistrate
South Canara.

Sir,

No 753 of 10th July. In reply to your letter marginally noted, I have the honor to express my regret at the gross misconduct of Head Constable Damarea and to inform you that he has been punished by reduction to the 2d Grade for six months.

I have directed him to furnish the information you require as soon as possible.

I have &c

(Sejnd) J. P. Warlow
Supt of Police

(True copy)

7th November/77.

Dl. Superintendent of Police
South Canara

Copy of Minute dated 13.7.77.

No 409
1st for 7th Co
Damarea

Reduced to 2nd grade Head Constable for 6 months for having failed up to this date (13.7.77) to send in a report which he was ordered by the Dy magistrate (Mr Legett) on 28th May to furnish as soon as possible. The Head Constable is unable to give any explanation whatever for this gross misconduct.

(Signed) J. P. Warlow Major.
Supdt of Police

(True copy)

Nelson

7th November/95 Superintendent of Police
South-Canara

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Copy of Minute dated 15th July 1887.

III Grade Td Const
No 409 Damarsa

On the 21st October 1886 at 2 P.M. this Td Const, who was in charge of Puttur Stn, received a report from Aryappu village Potail that a dead body was lying on a hill at the back of the house of one Subbappu. Aryappu is about 3 miles from Puttur. The Head Constable proceeded to the spot the same afternoon and made enquiries. The body was found to be that of Dasa Shetti, who was one of a gang of coolies who had come from Pejawar (near Mangalore) to do cooly work. The Td Const says that he was unable to close his enquiry that evening, but next morning a Mahazar was drawn up and the body was handed over to the Potail for burial. In the Mahazar it is stated that the body was found lying on its left side on a mat, with the hands under the head. That the flesh of the right leg and of the buttocks

buttocks had been eaten by jackals, that the entrails were protruding, that it was full of maggots; and that there was a bad smell. That on carefully examining the body no marks of violence were visible, nor any trace of a struggle near the place, and that from the position in which the body was lying on the mat "it appeared that the man must have come there and died." That the body appeared to be that of a sickly person and was in a very emaciated condition. Subbappa his wives Doomakka & Kirapole, Abba Biari, Sheke Biari and others were examined and their statements recorded, to show that the deceased had been suffering from fever and asthma and that there was no suspicion regarding his death.

In the Head Constable's note book it is entered that he held his enquiry and drew up the Mahazar on the 21st, but he at says that this is a mistake, & that he only closed his enquiry at 11 o'clock on the 22nd. His Station Report of the 22nd October was written on the 23rd and the crime report giving result of his enquiry was only received by the Sub-Magistrate on the 25th. The Head Const says he does not know by whom the report was sent & is unable to account for the delay except that the 24th was Sunday. But this is no excuse, for the Magistrate's Court is only two furlongs from the Station and he should have received the crime report at the very latest on the 23rd.

Before long the real cause of the deceased's death began to leak out, and on the 2nd November the Taluq Magistrate received a petition from Jaru nephew of deceased, stating that the persons who had returned to Pejawar from

Aryappa

Suryappa reported that Dasa Shetti had met his death at the hands of Abbu Biari and Sheke Biari. Regular inquiries were then instituted, and, as the Divl Inspector G. Venkat Rao reported that there appeared to be no reason to suppose that Dasa Shetti had not died from sickness as stated in the Mahazar, Insp^r. B. Shrinivasa was especially deputed to take up the case. He commenced his enquiries in the beginning of January/87, and, in spite of formidable opposition, succeeded in getting at the real facts of the case. It was proved by the evidence of numerous witnesses that a quarrel took place between the deceased and Abbu Biari (the head of the gang) because the former refused to go and work at Subramania which is a feverish place. That deceased in consequence left, saying that he was going home, but was forcibly brought back and that on the night of the 19th October

October on the deceased declining to take food with the others, another quarrel took place between him and Abbu Biari & Sheke Biari (Abbu Biari's brother-in-law). That deceased received a blow and some kicks from the accused and fell down dead (this took place in a shed attached to Subbappa's house) and his body was afterwards wrapped up in a mat, and removed to the spot in the jungle, where it was subsequently found.

The case was in due course Committed to the Sessions and came on for hearing last June. Owing to some discrepancies in the evidence, and absence of medical evidence as to the cause of death, the prisoners were given the benefit of the doubt and acquitted but the Judge took in his judgment and in open Court expressed his belief in the truths of the charge.

We have now to consider the

Read

Head Constable's share in this case.
That there has been a failure of
justice and that this is the Head
Constable's fault, are two of
undoubted facts. The only question
is whether his omission to make
proper enquiries and send the body
for Post mortem examination, was
due simply to carelessness or whether
he has from first to last deliberately
tried to hush up the real cause
of death. From a careful perusal
of the records and personal enquiries
at Puttur I am convinced that the
latter is the case. It is to be
borne in mind that this Head
Constable, who was once a 1st grade,
is a very sharp fellow, and has
got more than 26 years' experience
of Police work. Such being the case
the very first glance at the spot
where the body was found ought
to and must have aroused his
suspicions. I inspected the spot
myself. It is a steep place and
covered with thick under growth

and

and his about 12 yards off the path
way and 21 furlongs from Subbappa's
house. To get to it you have to force
your way through the brushwood.
A more unlikely place for a sick
man to choose to go and die in
it is difficult to imagine. Sick
indeed do sick men usually wander
out in the jungle to die. And the
theory of sudden death was never
stated and is precluded by the
position in which the body was
found.

The deceased met his death on
the night of the 19th October. The
Head Constable reached the spot
on the afternoon of the 21st
and — as he states — being unable
to close his enquiry that day
stayed the night at Aryappa's. How
the manner of the deceased's death
was known to several of the coolies
of the gang who were putting a upas
Aryappa, Koraga, Mada Duma
& others having been eye witnesses

of

of what took place and it is impossible
to suppose that the Patail managed
to keep things so dark that no hint
even of foul play reached the Head
Constable's ears. At any rate the
most casual enquiries would have
convinced him that the story that
had been put forward about the
deceased's severe sickness was false.
And yet will all this to arouse
his suspicions, and although the
Outlier hospital was only about
3 miles off, the Head Constable
took no steps towards sending the
body for post mortem examination,
or obtaining the presence of a
medical officer. The only possible
conclusion is that the Head Const-
was himself a party to the conspiracy
and the way in which the chalaza
itself is drawn up bears out this
view of the matter. There is no
mention in it of the distance
the body was found off the path
way, though this was a very

important

important circumstance; stress is
laid upon the fact that the body
appeared to be that of a sickly
person and was very emaciated;
and lastly the 2 accused themselves,
Subbaffa and the Patail, all of
whom were interested in hushing
up the murder, were the very persons
who were examined to prove that
there was no suspicion.

But, even if the Head Constable
was misled at his first enquiry, he
had every opportunity of retrieving
himself. The Deluy Magistrate was
not satisfied that the deceased's
death was natural, and sent this
Hd Constable a special order, dated
26th instant, to make further enquiries.
In reply to this the Hd Constable
sent a report dated 23rd December.
It is one of the most curious documents
of the kind I have ever seen. The
Head Constable begins it by enumerating
the names of some 76 persons, and
says that he examined them, and

they

5 of these persons afterwards deposed on oath before Magistrate that they told Head Constable that there was suspicion.

"they say that Dasa Shetti died of sickness and they do not know anything else." "This is truly a strange way for a man of Head Constable Damarsa's experience to buy and get to the bottom of a suspected murder." By this time the real truth about Dasa Shetti's death had got largely noised abroad, and so, to screen himself in case everything came to light, he ends up his report by saying "There is a rumour that Vakeel Subbaya Shetti, Dasa, Koti Shetti and others who came from Dejawar side are buying to get some people as witnesses in this case."

Of this second so-called enquiry the Head Constable himself was apparently not very proud, for he has carefully omitted to make any entry or mention of it in the Crime Register! His explanation is that the writer must have forgotten to enter it.

Looking at all these facts, and many minor circumstances, which though nigh[illegible] significant when taken together, I have no time to enumerate, I am convinced that the Head Constable has taken a foremost part in the conspiracy that was undoubtedly formed to hush up this case.

I have given him two personal hearings and have taken down his explanation. It has been read over and translated to him in Canarese and he acknowledges it to be correct. The delay in the receipt of the Crime report by the Magistrate, he is unable to account for. With regard to not sending the body for post-mortem examination he says:- "As the Potail, Moktesars, and neighbours were of opinion that the deceased had died from sickness, I came to the same conclusion. It appeared that while he was going somewhere, his sickness might-

might have increased and that he had laid down and died." and further on:- "I did not send the body for Post-mortem examination, because I had no suspicion."

I am satisfied that the Head Constable has been guilty of the most serious offence of which he a Police officer can be guilty, viz buying to hush up a suspected murder, & I therefore dismiss him from the Force with forfeiture of all pay due. I only regret that there is not sufficient evidence to institute a criminal proceeding.

15.7.87—
Camp:- Milliet }

(Signed) H. D. Robinson
Ag. Supt of Police

(True copy)

7th November/95.

Sd Superintendent of Police
South Canara

Copy of the order of the Dy. Supt General of Police on appeal petn of H.d Const st.409 Damarsa.

It appears to me to be clear that owing either to appellant's gross negligence or to his corrupt conduct there has been a lamentable failure of justice.
I decline to interfere with Supdt's order.
Dy Supt. Genls office
Camp Erode 19.9.87 } (Signed) H. W. A. Cox Lt. Col
D. I. G. of Police

(True copy)

7th November/95.

Sd Superintendent of Police
South Canara

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No. D. 88

Chief office of the Inspector General of Police,
Madras 5th January 1888.

No. 6

Official Memorandum

Order on appeal Petition No. 313 of 1887 from Damarsa
late 3rd grade Head Constable No. 409 of the
South Canara District.

Read the following:

Minute dated 15 July 1887 by the Ag. Superintendent
(Mr Robinson) of South Canara District dismissing
No. 409 3rd Grade Head Constable Damarsa for trying
to hush up a suspected murder".

2. Discharge Certificate dated August 2d 1887 with
extract from Defaulters' Sheet.

3. Petition from the dismissed Damarsa to the
Ag. Superintendent of Police, praying to be furnished
with the copies of certain records - with endorsement
by the Ag. Supdt that " copies of the papers applied
for cannot be furnished".

4. Order by the Ag. Supdt Genl. dated Septr 19th 1887,
on appeal being made to him declining to interfere
with the Superintendent's order.

5. Order dated July 10th of the Ag. Supdt to the
appellant to appear before him at Puttur on the 12
July.

6. Report dated 11th July of the appellant stating

that he was sick in Hospital at Mangalore and was unable to appear at Puttur on the 12th.

7. Judgment in Sessions Case No. 16 of 1887.

8. Petition dated October 29th 1887 of the dismissed Head Constable to the Insp.r Genl. appealing against his dismissal.

9. Notes by Mr Robinson Asst. Supt., Nilgiris late of Supt. South Canara on the Petitioner's appeal Petition being referred to him for any further remarks.

10. First Crime Report dated 21st October 1887 by the appellant reporting to Head Quarters finding of the body.

11. Notes by the Petitioner dated October 22nd 1887.

12. Diary for October 30th 1886 of Insp.r G. Venkata Rau of 4th II Division.

13. Diary (atrociously written) for Nov.r 6.th 1886. of Inspector Kamal Hanmad, Mangalore.

14. Station House Report dated 11th December 1886 of Subramania Station, written by Head Constable Syed Khader.

Remarks:—

The appellant was dismissed for "trying to hush up a murder." We have therefore two points to prove:-

1st Is it clear that a murder or an offence anything like murder was committed?

2d Did the appellant hush it up or make any attempt to do so?

The Sessions Judge remarks that a Comparison of the evidence of Kenaana Pergade Patel of Aryappu Village with that of Subbappu 2d witness for the defence "affords strong reason for suspecting that the truth of the case may be as urged for the prosecution" {that is, that Dasa Shetti was killed by Abbu Beari and Sheke Beari}

"and that the true cause of Dasa Shetti's death was to be kept secret and that the then Patel — the above mentioned Kenaana Pergade - was a party to that Conspiracy.

The Village Patel who was not cited for the defence but who was a Court witness is here accused of having been a party in the Conspiracy to keep Secret the true cause of Dasa Shettis death, but not a word of Suspicion is leveled at the appellant who appeared as 5th witness for the defence, whose name was prominently brought forward by Nagappa, 1st and Subbaya Shetti, 6th witness for the defence, and who was known to the Judge to have been the Police officer who first enquired into the case.—

I think this is a decided point in favour of the appellant— the Judge would certainly have remarked on the appellant's Conduct if he had taken the same unfavourable view of it that he did of the Patel's behaviour.

Dasa Shetti's body was found on October 21st, the same after noon the appellant who was Head Constable of Puttur came to the spot and after taking a Mahazar reported that death appeared to have been the result of fever and asthma, from which deceased was said to have been suffering. The appellant reported this immediately to Head Quarters but there was some delay in his report reaching the Local Magistrate. I am not prepared to put the whole blame of this on the appellant. It would appear that when the Taluq Magistrate did receive his report, he was not satisfied with it and ordered further enquiry. As this order was given to the appellant it was not at all likely that he would make any second report discrediting his

Mirsh report. It would have been better if the Taluq Magistrate had referred the matter to the Division Inspector or Deputy Superintendent.

On October 30th Inspector Venkata Rau reports in his diary, that after his enquiry, he came to the conclusion that the deceased must have died from sickness only and from no other causes. I also find the Salue Hegg as there are no reasons to suspect any foul play."

On November 2d the Taluq Magistrate received a petition from one Jaru, a nephew of the deceased - stating that Dasa Shetti had been murdered by Abbu Beari and Sheke Beari. On the following day the Taluq Magistrate proceeded to the spot and examined a number of persons, among them

Mangolpete Dunna - 5 "Prosecution witness
Rajawar Mada ——— A Court witness
Subbappa ——— 2d Defence witness
Dunnakke ——— 3d ——— do ——— mother-in-law of deceased.
Deyakku ——— 4th ——— do ——— wife of deceased.

and all these agreed in stating that deceased had been suffering from fever and asthma.

In his diary of Nov. 6th 1886, Inspector Hammad Hammad, specially deputed to enquire into the case, reports nothing suspicious.

On Nov. 9th a second petition was presented to the Taluq Magistrate, by one Koti Shetti who was accompanied by the 1st prosecution witness Koraga and the latter on being examined, stated in detail how the deceased had been beaten, kicked and killed by Abbu Beari and Sheke Beari.

After this the appellant was removed from the Scene to Mangalore and the enquiry was taken up by another Inspector Srinivasa Rau and the case committed for trial at the end of March after the annual recess of the Sessions Court had commenced. The case came on for trial in June and the result after the trial we have summed up in the Judgment before us — Five (5) witnesses were examined for the prosecution and they all agreed that a quarrel had taken place, that the deceased had been beaten, kicked &c and at last fallen down; but the Judge points out a material discrepancy in the evidence given by the 1st prosecution witness (Koraga) before the Magistrate and that given by him in the Sessions Court and the 3d and 5th prosecution witnesses, who were examined by the Taluq Magistrate early in November Soon after the case was reported, stated that the deceased had been suffering from fever and asthma &c but we did not hear them of the beating, kicking &c. This was all brought out between the beginning of November and March - Enough I must say to make one view the case with suspicion.

It is to my mind not quite assured not all clear that there was either murder or culpable homicide but even if there had been, I am not satisfied that the appellant made any attempt to hush up the case; the parties involved were a poor, common, low caste lot in behalf of whom it would be highly improbable that a sharp man of 26 years Service would find it would pay him to interfere.

The Ag Superintendent appears to have thought the worst of the appellant from the bad character which he is certified to have previously borne, but however bad that may have been, I do not consider the present charge in any way proved against him.

That the death having been sudden and immediate cause not clear, the body should have been sent to the nearest medical officer must be admitted and that there are one or two other suspicious points must also be conceded

but they are not such as to warrant the dismissal of an officer of 26 years service.

The dismissal of the appellant is cancelled and he will return to duty.

(Signed) Chas. A. Potteous
Ag. Inspr. Genl. of Police

(True copy)

7th November/95 Superintendent of Police

No 82 Camp:- Pauemangalore
10th February/88.

To
The Assistant Inspector General of Police
Madras.

Sir,

I have the honor to bring to your notice that 3rd grade Head Constable No 409 Damarad has applied for his pay in arrears.

He was dismissed on 16th July 1887 with forfeiture of all pay due. Hence the pay for June 1887 which was drawn and remained undisbursed on that date was refunded to Treasury by short-drawal in Form D for July 1887.

The Inspector General in his order No 8/88 on the Head Constable's appeal remarks "the dismissal of the appellant is cancelled and he will return to duty." The Head Constable returned to duty on 16th January 1888.

I have the honor therefore to request you will have the goodness to instruct me whether the Head Constable is entitled for his pay in arrears viz from 1st June 187 to 15th January/88 both days

days inclusive, and also how the period between the date of dismissal and the date of restoration to duty should be treated in his service.

There was no vacancy in the Grade of Head Constable in the Dt. Force from 10th November 87 and in order to make room for 409 one 4th Jr. Head Constable had to be reduced to I.C.C. I therefore beg to invite your attention to this fact in disposing of the claim of the Head Constable.

I have &c

(Signed) J. Y. Fullerton
Offg. Inspt. of Police

(True copy)

7th November 95

Superintendent of Police
South Canara.

No. 855 Chief Office of the Inspt. General of Police, Madras 16. 2. 88.

Memorandum

Letter from the Inspt of Police, S. Canara No. 82 dated 10. 2. 88.

Has the honor to state that pay of 3rd grade Head Constable No. 409 Damarsa from 1st June to 16th July 1887 may be drawn for payment to him, but the period he was off duty i.e. from 17th July 1887 to 15th January 1888 should be treated as leave without pay. This period counts as service.

(Signed) O. P. Jones
Asst. Inspt. General of Police

(True copy)

7th November 95

Superintendent of Police
South Canara

for Inspt. General of

Memo of calculation of Pension on behalf of No 409 1st Fr Rd Coast Mangalore Damaroo

3 years average emoluments or pay from 11th October 92 to 10th October 1895.

Pay from 11th to 31st October 92 at Rs 14 per month:-	9-7-10
Do from 1st November 92 to 28th Febry 93 @ do —— :	56-0-0
do from 1st March 93 to 28th Febry 94 @ Rs 16 — :	192-0-0
Do from 1st March 94 to 31st October 94 — do — :	128-0-0
Do from 1st November 94 to 30th Septbr 95 — Rs 14 — :	154-0-0
Do from 1st to 10th October 95 —— do — :	4 8-2
Total	544-14-0

∴ Monthly average = $\frac{544}{36}$ = Rs 15-1-9

∴ Monthly Pension = ½ of 15-1-9 = Rs 7-8-10

Dt Police office
South Canara
7th November 95

Supdt of Police

PENSION DEPARTMNET.

No. 675 / P

CHIEF OFFICE OF THE INSPECTOR-GENERAL OF POLICE,
MADRAS, 6 December 1895.

FROM

M HAMMICK, ESQ., I.C.S.,

INSPECTOR-GENERAL OF POLICE,

Madras.

To

THE UNDER SECRETARY TO GOVERNMENT,

PENSION DEPARTMENT,

Fort St. George.

SIR,

Enclosures. 10

I have the honor to submit for orders of Government an application for the grant of a pension to Mangalore Ramakka late a 4th Grade Head Constable No. 409 of the South Canara District.

2. He has served in the Police Department for 35 years ~~months and days~~, and has borne an indifferent character. ~~He is now unfit for further effective service of any kind as certified by~~

3. He is entitled to a Superannuation monthly pension of Rupees (7-8-10) Seven, Annas eight and pies ten, payable at Mangalore, from 11th October 1895 according to Section IV of the Police Superannuation Fund Rules and Articles 502, 503(a) and 552 Scale A of the Civil Service Regulations (Second Edition).

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

M Hammick

Asstt. Inspt General of Pols
for Inspt General of

PENSION (1895) DEPARTMENT.

Current No. 1674

FROM

M. HAMMICK, ESQ., I.C.S.,

INSPECTOR-GENERAL OF POLICE,

Madras.

No. 675/P

Dated 6 December 1895.
Received

SEC.T GOVT. MADRAS
19 DEC 95
REV. DEPT.

SUBJECT.

SUBMITS an application for the grant of a pension to Mangalore Ramakka late a 4th Grade Head Constable of the South Canara District.

[3]
300—16-8-94.

C. No. 1674

PENSION DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

From the Inspector-General of Police, dated 6th December 1895, No. 675/P.

Character. Indifferent.
No. of years' service = 35.
No. of defaulters = 18.
Offences:

1. Abuse of authority.
Reduced to 2nd c.c. .... '64
Nothing against the applicant for 3 years till '64.

2. Not filing charge sheets, & neglecting his duty.
Fined 8 as. '65

3. Irregular attendance in the office, & neglect of duty.
Fined 4 as. '67

4. Disobeying orders in getting an Inspector's signature in a pass Report for the return of a Constable to his station house when he knew he was not to return without the order of the Superintendent.
Fined Rs. 1 .... '67

5. Absence without leave.
Fined 1 day's pay '68

6. Neglect of duty.
Fined Rs. 1 .... '69

Nothing against the applicant for 4 years till '73.

7. Delaying to send station house reports.
Fined Rs. 1 .... '73.

ORDER THEREON, 7th Jan. 1896 No. 6.

UNDER Articles 502, 503 (a), & 552 Rule (b), of the Civil Service Regulations (2nd Edition), the Right Honorable the Governor in Council is pleased to grant to Mangalore Damarea, late 4th Grade 4th Constable No. 409 of the S. Canara Dt., a Superannuation pension — of Rupees (Seven, Rupees Four, (Rs. 7.4.0)

payable at Mangalore from 11th October 1895 in consideration of his qualifying Police service of 35 years, ~~months and days.~~

2. The applicant's absence without leave has, under Article 464 of the Regulations, been commuted into leave without allowances.

2. ~~2.~~ The full pension admissible under the rules has not been granted as the applicant's conduct and character have not been thoroughly satisfactory.

LH 28/12.

To the Accountant-General, with the Register and L. P. C.
" Inspector-General of Police.

C. No. 1674

Govt. of {1895} Madras.

PENSION.

To

THE ACCOUNTANT-GENERAL,

&c., &c., &c.

The Hon'ble Mr Grose

Dated

Desp.

G.O., 7th January 1896 No. 6.

GRANTING a Superannuation pension of Rs p.m. to Mr. Damarea late 4th gr. h d. c, of the S. Canara D.

C. 20/12

When given for copying ____
When copied ____
When examined ____
When signed ____
} 189.

READ AGAIN G.O., No. , DATED 189.

CURRENT No.

ENCLOSURES TO C. No

ORDER OF GOVERNMENT	A*	A	A	A	A	A	A	
LETTER OF GOVERNMENT.								
STATEMENT WITH DITTO.								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

Grantin

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.