[R. E. / 45.]
1,000 -10-5-96.

Pension (1898) Department.

CURRENT No. 174

F. No. 10/98

List

From

The Accountant General
Madras.

Order, 9th March 1898 No. 194.

Recorded with reference to
G.O. No. 151, d/ 25. 2. 98, Pension.

No. Lett. / 576.

GOVERNMENT OF MADRAS, 7-MAR-1898 PENSION DEPARTMENT.

Ist
8.3.98.

9.3.98

Dated 4th March /98.

Received 7 —

Registered 7th — 1898 —

Enclosures

Spare copies.

SUBJECT.

Forwarding letter from the Collector of Tanjore forwarding copies of correspondence relating to the reduction of M. R. Ry. A. Ramasami Aiyar ~~applicant~~ explaining the cause of delay in the submission of his pension application.

BACK PAPERS.

G.O.	No.	Department.	Date.
	151	Pm -	25-2-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Tanjore Collector's office
19th February 1898

Report on cur No. 430 of 1898
ejcRw

From

J: Andrew Roguie,
Collector of
Tanjore.

ACCOUNTANT GENERAL'S OFFICE
23 FEB 98
MADRAS

To

The Accountant-General
Fort Saint George
Madras.

Sir,

With reference to para 1 of your letter dated 25th January 1898, No. J.A.E 496 requesting me to explain the delay of more than one month in the submission of the pension application of Mr. R. Ry. A. Ramaswami Aiyar, late Head Accountant and Treasurer Shrijali Taluk, I have the honour to state that the delay was due to the following causes

(1) The Head Accountant was sent to the Medical officer by the Sub Collector before having the draft pension application ready as required in rule XII of

of the rules regarding the submission of pension applications and

(2) The questions as to whether subsistence allowance should be granted to the officer for the period of his suspension and as to how the period of suspension should be treated had to be decided after some correspondence with the Treasury Deputy collector before the pension application could be passed.

As regards (1), the Sub Collector explains that the pension rules circulated with Board's Proceedings No. 278 dated 11th August 1897 had just then been received and that the rules will be carefully attended to in future.

2. Copies of the whole correspondence explaining the applicant's suspension and his subsequent degradation referred to in para 3 of your letter are herewith forwarded.

3. The discrepancies pointed out in para 2 of your letter under reply have already been explained in my Treasury Deputy collector's letter to you dated 30th January 1898, Ref. on our No. 918 A. of 1897 (vide acc copy enclosed).

I have the honour to be,

Sir,

your most obedient Servant

For Collector.

From

The collector of
Tanjai

To

The Accountant General
Fort St George
Madras.

Dated 19th February 1898
Received

Reference No. 430 / 1898

Enc: 3

Forwarding copies of correspondence relating to the reduction of M:R:Rg A. Ramasami Aiyar and explaining the cause of delay in the submission of his Pension application

Proceedings of the Collector of Tanj
Dated 14th September '96

—

Read

This office reference dated 2nd June '96. on Petition Register No. 1 of '96 requesting the Head Assist Collector to report on the petition of one Ponna Pillai against M. R. A. Ramasami Aiyar, late Deputy Tahsildar and Sub Magistrate of Vedaranniyam and now of Trangue

Read

Head Assistant Collector's le dated 15th August 1896. No. 1310 of Rev Submitting his report on the abov petition.

Read also

The record of the Case

Order

The Head Assistant Collector's repo letter read above is a very full an Carefully worked out report. On i

face

face it shows that the Sub Magistrate M. R. Ry. A. Ramasami Aiyar is quite unfit to exercise Magisterial functions and that he should not be allowed any longer to Continue in office unless he can clear himself. I resolve therefore to suspend him pending the drawing up against him of definite Charges, on which his explanation should be taken when he can be finally dealt with.

(Signed) G. Stokes
Collector & Dt. Magistrate

(True Copy)

F Thulluvarum
For Collector

RS

Memoranda.

Read No. 1310 Rev of 1896 dated 15th August 1896 from Head Assistant Collector, with enclosures, submitting a report on a petition Complaining against M. R. Ry. A. Ramasami Aiyar Late Deputy Tahsildar and Sub Magistrate of Vedaranniyam, Tirutturaippundi Taluk, and then Stg: Deputy Tahsildar of Tranquebar.

Read order of the permanent Collector Mr. Stokes, Rep. on Pet^n. Reg^r No. 1301 Rev of 96 dated 14th September 1896. placing the above Sub magistrate under Suspension pending further enquiry.

Read further Correspondence ending with Head Assistant Collector's report Rep. No. 226 Rev dated 7th February 1897 with Enclosures.

Read Exhibit X Letter written by one Velaumthu to the Sub magistrate, and the latter's reply.

Read Statement given before me by the

the said Sub magistrate on 16th March '97. and his Supplemental explanation dated 20th March 1897.

2. The Charges against the Deputy Tahsildar and Sub magistrate were as follows:—

Charge I. "That the Deputy Tahsildar and Sub magistrate while at Vedaranniyam where he was also Union ~~Panchayat~~ Chairman kept Company with a dancing woman called Velaminthu: that such Connection not only lowered the authority of his office and brought it into public Contempt but also led the Sub magistrate into various misdeeds as stated below."—

Charge I (i). He allowed the said Velaminthu or her relatives to Cut down and remove a forambole tamarind tree worth Rs 50 and when the matter was reported to him Shelved the papers.

Charge I (ii). In like manner he Connived at an encroachment on the public Street made by the said Velaminthu in front of her house.

Charge I (iii) "In like manner he Connived at the removal and appropriation by the said Velaminthu & her relatives of the bricks that formed the Supply Channel of the Thesadi Kolam at Vedaranniyam.

Charge I (iv) "He abused his powers in Convicting one Kuppuswamy Ramasami Pillai in Calendar Case No. 292 of '94 on his file. and one Nagammah and her Son in Calendar Case 425 of 1895 On his file and also one Virabadra Pillai, and in acquitting the elder brother of the said Velaminthu in Calendar Case 312 of 95 on his file."

Charge II. "That while it was his duty as Union Chairman to repress all encroachments in Streets and

and public ways in the town, he took no action in this direction except on paper in spite of the orders of the President of the Taluk Board, and although lists of encroachments were from time to time sent him by the Karnam of the Vattam; and that further he himself encroached on the public Street in front of the house he occupied at Vedaraniyam.

Charge III. "That he while Chairman of the Union allowed the records and accounts to fall into the greatest Confusion and disorder and that to absolve himself, he dismissed the Union Clerk, Gopal Rao.

Charge IV. "That in C. C. 454-457 inclusive, of 1895 on his file he passed an order Confiscating Certain boats in Column 26 of the P. 25 forms (Charge that of

of the Abkari Inspector) and also orally informed the Inspector of such order, whereas in his judgments he did not order such Confiscation.

3. These Charges have been very fully and clearly discussed by the Head Assistant Collector Mr. Mayoribanks in his reports No. 1310. Rev. dated 15th August '96 and 226. Rev. dated 7th February '97 quoted above, and may be read with the Sub Magistrate's printed Explanation (?) on which the latter report was finally based. It is therefore unnecessary to go over the same ground in all details. These reports may be read with this memoranda. Before proceeding I may mention that M. R. Ry. A. Ramasami Aiyar was Sub Magistrate of Vedaraniyam from 21st October 1890 to 18th November 1892, and again from 26th August 1893 to 10th June 1896.

4. Charge I. As to this Charge, it is needless to say that the fact of the Sub Magistrate having

having kept Company with the Dancing Girl is only of importance in this Connection if it is shown that such Connection "lowered the authority of his office and brought it into Contempt" and also "led the Sub magistrate into the various misdeeds" alleged. It is necessary to see first if it is the fact that the Sub magistrate was on the familiar terms alleged. The Sub magistrate denies it and in para 7 of his printed explanation he states the nature of his Connection with the Dancing Girl Velamuthu. He sums up by saying that "the charge of his having kept Company with the Dancing Woman is a pure fiction." The Head Assistant Collector in para 1 of his report dated 15th August 1896, and in paras 6 & 7 of his report dated 7th February 97 states his reasons for believing that the Sub magistrate was on very familiar terms with the girl. In a matter of this sort, proof positive is not easy to get. Few except from enmity like to come forward and speak openly of a Sub magistrate's relations with a Dancing girl, and though it is true that some of the witnesses who speak to the Connection are on bad terms with the Sub magistrate, yet in a matter of this sort, weight must be attached to the universal rumour, of which the Head Assistant Collector speaks, as to the Connection alleged. The Head Assistant Collector dwells on a pencil note written by the Sub magistrate, and though the note does not show to whom it was addressed, I feel — with the Head Assistant Collector — a strong Conviction that it was addressed to the Dancing Girl, a Conviction strengthened by the plaintive tone of the letter, by the familiar "thou" and not least by the palpable way the Sub magistrate quibbled when questioned about it. Another incident that goes

goes to Corroborate the truth of the Charge was that a boy Narayanan, Velauthu's brother, was present during the enquiry, and tried to make off when seen, as related by the Head Assistant Collector. Thus far as regards the evidence to prove the Connection between the two as it stood up to the time of the Head Assistant Collector's second report. I fixed the 16th instant for hearing the Sub Magistrate in person, and just before he appeared, (ate Union Clerk. Gopal Rao (of whom below) gave me exhibit X a sheet of paper, on one side of which is a letter from Velauthu to the Sub magistrate and on the other side his reply. I first showed the Sub magistrate his reply Side of the paper, and then the other side, and to fully understand how the Sub magistrate equivocated, admitted the ~~writings~~ writings as slowly as he could, and denied all recollection. it

it is necessary to read his Statement to me (Exc. 31). I first showed him one side in his handwriting without the addressee's name; then the part with her name in his own handwriting, and then her writing, and only as he saw one part after another would he progress from saying that it looked like his writing, and admitting that he must have written it to some one, that he must have written it to Velauthu. And that she wrote the other half. A perusal of that Statement shows the reluctance with which he made one admission after another, admissions only made under Compulsion, when he found there was no escape. The Head Assistant Collector remarks that the Sub magistrate showed a great familiarity with Velauthu's house (Vide Encroachment Case) and the Sub magistrate in his last Statement (Exc. 33) says that as Union

Chairman

Chairman (for he was this also) he was acquainted with nearly all the houses in the Town, implying that he had no greater knowledge of Velamuthu's house than of other houses, and that he knew it in Consequence of his being Chairman and not as a result of intimacy. But a perusal of Enc. x — of both the letters — shows beyond doubt that the Sub magistrate had been in the habit of frequenting Velamuthu's house: in fact the latter's letter was a letter reproaching the Sub magistrate for having discontinued Coming to her house, and for asking her to see him at "office" (in union office: it was elicited in the Course of the enquiries that Velamuthu had — according to union Clerk Gopal Rao's assertions — been in the habit of visiting the Deputy Tahsildar at the union office. And this is part of the Clerk's defence against the Deputy Tahsildar - alleging enmity. This allegation receives Subsequent Corroboration from Enc. x in which it is clearly implied by the woman and Sub magistrate that she had been in the habit of visiting him in the union office). And in his reply the Sub magistrate mentions that he had been seeing her daily, and that he learned of her changed affections by Coming to her house. These two letters are in short nothing more or less than a lover's "tiff" - Containing mutual reproaches. And it is utterly impossible to accept the Sub magistrate's explanation that all the expressions of affection were nothing more than figures of rhetoric Containing no real meaning. I find, beyond doubt, that the Sub magistrate had been on

on terms of affectionate familiarity with Velamuthu, and that he has deliberately told lies on the subject with intent to deceive the Head Assistant Collector and the Collector, and Consequently no reliance what-ever can be placed on any other Statements he may make unless such statements are corroborated or are in themselves probably true.

5. It now remains to be Considered if the fact of this familiarity with Velamuthu led to an abuse of his powers as a Magisterial or Revenue officer or brought his office into Contempt. It is important in this Connection to see what matters — Revenue or Magisterial — the Sub Magistrate had to deal with in which either Velamuthu or her near relatives were directly interested, and if in such Cases the action of the Sub magistrate was such as to indicate

indicate that he acted Corruptly or with partiality in Consequence of his Connection with Velamuthu.

6. Charge I" This Charge is dealt with in para 2 of report of 15th August 1896. and in para 8 of the report of 7th February 1897 of Head Assistant Collector, and in para 8 of the Sub Magistrate's Explanation.

Bala Subramanian, Velamuthu's brother, Cut a tree in the Village and the question was whether it belonged to him or to the Temple, or to Government. Sometime or other, the Deputy Tahsildar (perhaps because he had received a report, perhaps with an honest intention of deciding rightly) directed the Karnam (inimical to him) to enquire as to the ownership of the tree. The Deputy Tahsildar Examined the Temple Servant Ramesh accordingly but not being satisfied he addressed

the

the Tahsildar for Taluk Painash.
accounts. The Tahsildar replied on
13th April 1892 that they were missing
for that Village. This report the
Deputy Tahsildar "Recorded"; and
took no further action, and let
Vlamuthu's brother keep the tree. The
tree — according to the Temple accounts —
was stood on poramboke lane through
which the Temple Car ropes were
dragged. Up to the Close of Fasli
1305, Vedaranniyam was treated as
"Minor Inam" and included in a
Government Village. In Fasli 1306,
it was for the first time treated
as a Whole Inam Village. I here
refer to the Deputy Tahsildar's
Statement to me on the 16th instant,
as well as to his printed Explan-
ation. He urges that as the tree
Stood on poramboke, and as the
Village was a whole Inam Village,
and as trees in such Villages do
not belong to Government, and as it
has been proved that Balasubra-
manian was in long enjoyment of the
tree, there was no doubt that the
tree was not Government property,
and that he therefore took no further
action. But as to the long enjoy-
ment which he now alleges, that
has only been elicited from wit-
nesses examined during the
Course of the present inquiry. And
that evidence whether true or false-
was not before the Deputy Tahsildar
when he "recorded" the Tahsildar's acti.
The important question is not whether
an examination of evidence, oral or
documentary, would now show that
the tree was Government or not, but
whether on the evidence then before the
Deputy Tahsildar, he was justified
in allowing Balasubramanian to keep
the

the tree in "recording" the Tahsildar's report. The Deputy Tahsildar says he knew it was a whole Inam village, because the Temple People had shown him the Title Deed, though he does not remember the Contents. But as a fact, Vedaranniyam, as above stated, was treated in the accounts as a minor Inam until Fasli 1306, and it is ridiculous for the Deputy Tahsildar to pretend ignorance of the fact— Vedaranniyam being his own head Quarters. The fact of his having in the first instance referred the matter to the Tahsildar, showed he had his doubts, and when the Tahsildar replied, instead of making further enquiries, instead of referring to the Tahsildar, and asking him if the tree should be considered as belonging to the Temple, he quietly "recorded" the Tahsildar's report

report and allowed the Cut tree to remain with Balasubramanian without even passing any formal order to the effect that he had established his claim — which — in fact he had not. The Deputy Tahsildar no doubt began the proceedings honestly when he wrote to the Tahsildar, but I am satisfied that dishonest motives began to operate at a later stage, and this Conviction is strengthened by the Consideration that the man in whose possession he allowed the tree to remain was Velamuthu's brother. Charge D "" is proved.

7. Charge D (2). In August 1895, the Deputy Tahsildar, (ex Union Chairman) on the Maistry's report. Sent orders to the Karnam (his enemy) to report about 3 alleged encroachments in

in his own head quarters. Of these one was an encroachment by Velautham. and another by Ivanambal Ammal. an enemy of the Deputy Tahsildar. The same month the Karnam reported that the other two were old encroachments. but that Velaumthu's was new? The Chairman (Deputy Tahsildar) knew? as he says. that the Karnam's report was false. inasmuch as. to Chairman's knowledge. the other two were new encroachments. and he made a note to that effect. Although he thus knew that the Karnam had submitted a false report as to 2 out of the 3 Cases. and although he knew that Velaumthu was implicated in the third. and that it was his obvious duty to see that She of all persons Should not be screened if she had encroached. he quietly kept the papers without passing any order until 11th May 1896 when he referred them with 8 other Cases. to the Deputy Tahsildar (himself) with the request that the Karnam (who had submitted to his own knowledge. as he says. false reports) might be directed to ascertain the extent &c. The Deputy Tahsildar then endorsed the 11 Cases to the Karnam (it is uncertain if the endorsement went). Meanwhile as these and many other encroachments. and as the President. Taluk Board was pressing on the Deputy Tahsildar Since 1893 to Complete his lists of Encroachments. this order to the Karnam was virtually nothing more than an order to the Karnam to Consider them in framing his Complete list. Up to date. no Complete list has been made out. The Deputy Tahsildar's explanation before me may

may now be read. To sum up:
I find that the Deputy Tahsildar and Union Chairman received a report in August 95 from the Karnam that Dancing Girl Vellanthu had, in the house which the Deputy Tahsildar used to frequent in his own headquarters, encroached on the public Street. that it was his obvious duty, as Chairman and Deputy Tahsildar, to have promptly and specially enquired into the truth of the Charge, that he did not do so, but allowed the matter to drag on until May 1896, that he then managed to let that Case of encroachment get mixed up with a large number of other Cases of alleged encroachments, the result being that it might easily escape attention; & that up to the time of his leaving the Taluk he had taken no proper steps to ascertain the truth or falsehood of the allegations.

allegations. I also find that in August '95 the Deputy Tahsildar and Chairman knowing (if he is telling the truth) that the Karnam had submitted false reports about two encroachments, instead of making prompt enquiries with a view to seeing if the Karnam deserved punishment, took no steps whatever in this direction, but acted in the same dilatory manner as in the Case of Vellanthu and that he left the Taluk in June 1896 without having taken any steps to punish the Karnam. If it be asked why was this, the Karnam being his enemy, the probable answer would be that he was afraid to punish the Karnam lest the latter might turn round and report all about Vellanthu's encroachments &c.

8. Charge I (3). Vide para 5 of Head Assistant Collector's report of August

August '96 and para 10 of his report of February '97, and para 13 of printed Explanation. On 25th July 1897. during the acting incumbency of Deputy Tahsildar, M. R. Ry. Raghunandana Sastri, a relative of this Deputy Tahsildar, two petitions were received Complaining of the removal of bricks from a drainage Channel from a Certain Kulam in Vedaranniyam. One of them was referred for report to a clerk who reported on the same day that bricks had apparently been removed as alleged, and asking for orders to prohibit further removal pending final orders. On 26th August '93 this Deputy Tahsildar resumed Charge of the office. The allegation was that the bricks were made use of by Velamuthu's Sister. No records are forthcoming except the Clerk's report

report. and this missing of the records is not without Suspicion. The Deputy Tahsildar says that it is proved by witnesses now examined on his behalf that the Kulam was private property, that there was then no evidence that it was private property, and the presumption then would have been, in the absence of evidence, that it was not private property, as Vedaranniyam was then only a minor Inam as already stated. The Deputy Tahsildar also brought witnesses before Head Assistant Collector to prove that there was no drainage Channel as alleged, and they deposed so, but the Head Assistant Collector says he himself in 1896 saw traces of the Channel. Nothing was done after this Deputy Tahsildar resumed Charge, and Velamuthu's Sister

Sister was allowed to keep the bricks she had removed. if indeed she did not Continue to remove more. The 2 petitions have never been disposed of. and the Disposal Columns of the Receipt Register show this. It is true, as urged by the Deputy Tahsildar. that there is no evidence that he gave any one permission to remove the bricks, and he urges that he should not be held responsible for what occurred in the time of his predecessor. But what I find proved is that a Complaint having been made about the bricks in July, and a report having been received to the effect that there were prima facie grounds for supposing the Charge to be true, and the Register

Register maintained having shown the papers as "pending", it was the duty of the Deputy Tahsildar to have seen that final orders were passed, and that the bricks were not further removed pending final orders. His plea of ignorance of the matter I cannot accept. It was his duty to have examined his registers to see what papers were pending, and bearing in mind his intimacy with Velamuthu, it is not likely that she would have kept him in ignorance of the Charge against her sister. even if the clerk had failed to bring the pendency of the paper to his notice. I find this Charge proved.

9. Charge I (iv). Vide para 6 of Head Assistant Collector's report of August '96 and para 11 (1) of his report of February

February '97 and paras 14 & 15 of Sub Magistrate's printed Explanation.

In Calendar Case 292 of 1894. the Sub Magistrate Sentenced K. Ramasami Pillai to 7 days' imprisonment without the option of a fine under the ~~Towns~~ Town's nuisances Act. The Matter elicited attention at the time, a departmental enquiry was ordered during which Ramasami Stated that he was unjustly Convicted because he had refused to oblige Vlamuthu in a Civil Suit. The Sub Magistrate acted with great irregularity in the trial. Convicting him on a Charge, which had not been mentioned in the Charge Sheet. The Charge Sheet alleged Keeping rubbish in front of a house. In the Course of the trial evidence Came out that in another place though in the same Street. Defendant obstructed the public way by means of a Screen. On appeal the Conviction was set aside on the ground that there was no evidence that Defendant deposited the filth and that he had not been Charged with obstruction. On 17th January '95. Mr. Thomson recorded his "belief that the Sub Magistrate had acted dishonestly in the matter" and that "if the facts were somewhat less obscure" he would "give effect to this opinion." I quite agree with that view And add that greater probability is now lent to the Charge of dishonesty, by what has Since Come to light of the Sub Magistrate's dealings with Vlamuthu. It is to be observed that for the first and last time in his life. the

the Sub Magistrate, as he admitted to me on 16th March '97. inflicted the exaptional Sentence of Substantive imprisonment (for an alleged obstruction not Charged. and made by a person who alleges enmity with Kalamuthu) for an offence under the Towns Nuisances Act, and though as he urges. that was a legal Sentence. and though other Sub Magistrates have passed Substantive Sentences of imprisonment, the fact remains that this is the only time he ever did To himself. and I entertain no doubt but that he acted maliciously and with a view to please Kalamuthu in passing such a Sentence. Another Curious point in Connection with the above is that the Sub Magistrate before the Head Assistant Collector pleaded

pleaded ignorance of Mr. Thomson's Censure. It is in the last degree unlikely that he would not have heard of it. and would have been so little interested in the enquiry into his Conduct as not to have found out the result of the enquiry. Moreover the Deputy Magistrate Communicated the order of Censure to the Sub Magistrate on 30th January 1895. as proved by his office record. and I am quite satisfied that the Sub Magistrate received it but never sent it into his office.

16. Charge I (4) Continued. Vide paras 8 and 9 of Head Assistant Collectors report of August '96. and para 11 (iv) of his report of February '97 and para 14 of the Sub Magistrate's Explanation.

In Calendar Case 312 of '95. the Sub Magistrate acquitted another brother

brother of Klamuthin and 9 others on a Charge of Hunting & Trespass in a Forest Reserve. It Cannot be said that the order was improper, as it was a matter of appreciation of evidence. And if he disbelieved the prosecution Set of witnesses and believed the alibis Set up by the accused, it is difficult to say that he was wrong. I Can only say that I regard the witnesses who deposed to the alibis with great Suspicion. The different accused produced different witnesses to prove they were in widely different places at the time. If the Charge was utterly false, all I Can say is that it is Extraordinary how the Forest Watchers Should have been so intensely Stupid as to Select a time and place for the alleged trespass when the alleged trespassers Could prove that they were at widely different and distant places. In another Similar Case the Forest Department Got the Case transferred from the file of the Sub magistrate, on the ground that he was prejudiced. And the Court to which it was transfered Convicted the accused. The Sub magistrate Says in his Explanation para 14 there was "absolutely no evidence of hunting. There was about as Strong evidence of hunting (whether true or not is another matter) as one Could Expect by the presence of accused with a knife, the presence of three dogs and the presence of a dead pig. Again bearing in mind that one of the accused was Klamuthis brother. I Cannot but look on the judgment with the greatest Suspicion.

11

11. Charge I (a) Continued. Vide para 7 of Head Assistant Collector's report of August '96 and 11 (ii) of his report of February '97 and para 4 of Sub Magistrate's printed Explanation.

In Calendar Case 425 of '95. the Sub Magistrate Convicted Nagammal and her son under Section 352. Indian Penal Code. Before Head Assistant Collector she stated that Velamuthu, her niece, was at the bottom of the Case. Afterwards She retracted. It is interesting however to observe that this is another instance of relations of Velamuthu appearing before the Sub Magistrate a Deputy Tahsildar as accused of something a Miss. The Case is open to Suspicion.

12. Charge II. Vide para 3 of Head

Head Assistant Collector's report of August 1896 and paras 12 and 13 of his report of February 1897. and paras 17 and 18 of Sub Magistrate's printed Explanation.

The Head Assistant Collector has gone into these Charges fully. There were numerous encroachments in Vedaranniyam (Deputy Tahsildar's Head Quarters). and the Charge is that he did practically nothing to have them removed. The matter attracted the attention of President, Taluk Board So far back as 1893, and the Karnam was asked to prepare a list of encroachments. This he did not do until January '95 when he sent in what the Deputy Tahsildar calls a "small shabby list" of 11 Cases. The Deputy Tahsildar says he does not remember having taken any steps to punish the Karnam for

for persistent disobedience between August '93 and November '95, when the Tahsildar fined the Karnam 8 annas. This winking at the Karnam's disobedience was, as noted under Charge I (2), probably due to the fact that the Deputy Tahsildar was afraid to seriously bring the Karnam to task. The Deputy Tahsildar says he did get a number of encroachments removed, but the Head Assistant Collector says the Union and Deputy Tahsildar's Office records do not show this, and the whole records produced, and his (Deputy Tahsildar's) reference to the karnam's "Small Shabby hist" shows how he — Deputy Tahsildar — utterly neglected his duty.

13. Charge III. Vide paras 2 & 3 of Head Assistant Collector's report of August '96, and para 14 of his report of February '97, and para 19 of Sub Magistrate's printed explanation.

There is no doubt that the Deputy Tahsildar, as Chairman, allowed the Union records to get into a disgraceful State. He says however that the Auditor's inspection of 16th September 95 was the first inspection of the Sat. He also throws blame on the Union Clerk Gopal Row, who's Case is under enquiry before the President, Taluk Board. He seems however to think it was not very much his business to look after the records and registers. There is no doubt he was guilty of great neglect, but in dealing with him I do not think it necessary to take this Charge into any serious Consideration.

14.

14. Charge IV. Vide para 15 of Head Assistant Collector's report of February '97 and paras 20. 21. and 22 of Sub Magistrate's printed Explanation.

Three boats, the property of private individuals, carried salt in sealed bags under permit from Vedaranniyam to Negapatam. The Salt Inspector lay in wait for them. From two of the boats, he observed men get out with bags and walk away. In the case of the third boat, he saw the men on board drop something overboard and on boarding the boat found the bags tampered with and salt spilt about the boat. The Accused were arrested and Charged before the Sub Magistrate of Vedaranniyam in Calendar Cases Nos 454 to 457 of

of '95. In all these Cases, the Sub Magistrate found the accused guilty and Convicted them. In the P.25 form, the order "Confiscated" has been written in Column 26 without details of property, while in the judgments the salt and bags alone were specifically ordered to be confiscated. After the expiry of the appeal time (5th January '96), the Sub Magistrate wrote to the Inspector that he learned that the boats had been proposed to be sold in auction and asked him to refrain from doing so, as, in his judgments, they were not Confiscated. The Inspector who received this letter on the morning of the day (27th January '96) on which the sale of the boats was to be held, pointed out to the Sub Magistrate that he was present in Court when the Cases were

were tried, that the Sub Magistrate delivered Verbal Sentences without written Judgments, and said "yes" when the Inspector asked him as to whether the boats had been ordered to be Confiscated, and that he (Inspector) wrote down the Verbal Order of Confiscation immediately in his record of Cases and Communicated the Same to the boat Owners and reported the matter the Same day to the Assistant Commissioner. In reply the Sub Magistrate wrote to the Inspector that he wrote his judgments then and there, that he did not remember having said "yes" in ~~his~~ the Sense in which the Inspector understood it, and that he never ordered ~~it~~ the boats to be Confiscated, and that they are not liable to be Confiscated.

I have no hesitation in accepting the Inspector's account of what happened. It is not likely that the Inspector mistook what the Sub Magistrate said in the Crowd & in the noise. He at once noted down that the boats were Confiscated. and so reported. I also accept the Inspector's Statement that judgment was not written at the time at which it was pronounced. Whether the Confiscation of the boats would & would not have been a proper order, it is not necessary to determine. The Confiscation would, I Consider, have been a legal order, even though the Sub Magistrate now thinks, or professes to think, otherwise. That is however beside the question, which is, what he thought and did at the time of passing Sentence. Be that as it may, it must be remembered that the Code recognises no such thing as a Verbal judgment, and no matter what the Sub Magistrate

Magistrate may have told the Inspector, the fact remains that the written judgment orders the Confiscation of the salt and bags only. It is true that P. 25 forms show by implication that the boats were intended to be Confiscated. as Column 4 in Each "property seized" Contains entry of "boat" and Column 26 "ordered to be Confiscated" Contains the bare entry "Confiscated" without details, leaving it to be implied that it includes all the articles mentioned in Column 4. This P. 25 form is however not a judicial decree, and we are bound by the judgment which does not Confiscate the boats. Consequently the boats should be handed back to the owners. In thus finding that the Sub Magistrate acted irregularly in not writing and

Signing

Signing his judgment at the time of pronouncing Sentence, in having told the Inspector that the boats were Confiscated. And in Changing his mind afterwards. I cannot say that he acted with Corrupt motives. It may have been that he afterwards thought the order of Confiscation would be unduly harsh & possibly illegal. His Conduct in this respect is however deserving of Severe Censure.

15. To Sum up. I find that the Deputy Tahsildar and Sub Magistrate was on terms of the greatest intimacy with the Dancing Girl Valammathu. That he did his best to mislead the Head Assistant Collector and myself as to this intimacy. And deliberately told lies about it in a manner that

Shows

shows that no reliance whatever can be placed on his word. that in a considerable number of cases he had, as Deputy Tahsildar or as Sub Magistrate, to enquire into cases in which Mlamuthu or her brother or sister were directly interested; that in disposing of these cases he acted in a manner such as to suggest in the strongest manner dishonesty of intention, and a deliberate screening and helping of Mlamuthu and her relations; that by his conduct he must have led the public to believe that in matters in which Mlamuthu was interested, impartiality and justice could not be expected; that he thereby lowered the dignity of his office; that knowing (on his own showing) that

that the Karnam stationed at his own head quarters had submitted false reports, he — probably through fear of exposure of his own conduct by the Karnam — refrained from taking steps for the due punishment of the Karnam; that he as Union Chairman allowed the record and registers of his office to get into a state of confusion; and that, in Criminal cases, he did not write his judgments until sometime after he passed verbal sentence. and then he passed orders as to confiscation in his written judgment different from the oral orders passed at the time of sentence. I have also to remark that in 1891. Mr. Thornton transferred him from Vallam to Vedaranniyam as he found that rumours were getting too

too strong against the Sub Magistrate in the former place. Taking all these things into Consideration, I am of opinion that M. R. Ry A. Ramasami Aiyar is unfit to hold the post of Deputy Tahsildar or of Sub Magistrate, and I accordingly recommend his removal from the post he now holds. If this recommendation meets with approval, it will be necessary to reduce him. I would be willing to see him reduced to a post of Rs 70 or Rs 80 per mensem, but there is no post in this District Carrying a Salary of more than Rs 50 (Taluk Head Accountant) in which I would, in the public interest, be willing to have him. Unless therefore he Can be provided with a post in Some other District, I recommend that he be reduced to the post of Taluk Head Accountant.

(Signed) J. Stedman
Actg: Collector

I annex a petition since received from the Sub Magistrate in which he lays stress on the fact that a District Gazette of 1868 and the printed Census Reports show Vedaraniyam as a whole Inam village. I attach no importance to this. Since as the Sub Magistrate has only ~~filed~~ found out these documents: and the question is not what might now be proved, but what the Sub Magistrate had to go by in 1892. Then beyond doubt the village was in all the accounts treated as a Inam, and the Sub Magistrate admittedly only had the Title Deeds given him by the authorities to go

to a different Conclusion (Vide para 6 ? Supra)

(Signed) J. Andrew
Collector

(True Copy)

Thanthavan
For Collector

Copy of communication from the Deputy Collector in charge of the Treasury to the Accountant General Fort St George Madras. Proceedings No 9184 of 97 dated 30 January 1898

With reference to para 2 of your letter No 102 dated 25 January 1898, to the Collector of Tanjore, I have the honour to state that the age of Mr K R Ramaswamy Iyer on 31st March 1874 and 1875 was 27 years 6 months and 27 days and 28 years 6 months and 27 days respectively as he was born on 3.9.46. The age was therefore noted in the Abstract list in round figures, the fraction not being taken into account. In the office copy of the annual return for 1896 the date of birth is shown as 3.9.46 the entry 13.9.46 in the fair copy should therefore be a clerical error. The other particulars required in the letter will be furnished shortly.

Compd
Dt

Thanthavan
Deputy Collector

Endt No. I. a. E
576

Forwarded to the Under
Secretary to Government
Pension Dept for Continuation
of this Office report No. adj
469
of the 28 January 98.

I O L Power
Chief Inspecting Asst

Accountant Genl Office
Fort St George,
4th March 98

3/3.