

Public (1897) Department.

ORDINARY M.S.

G.O., No. 700

Dated 22 6 98

INDEXED

[Despatch Abstract.]

According to the report
submitted from the Public Service
N. R. G. K. Thandaramayya, Dy Collector,
Kannur

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—again the following papers :—

G.O., Mis. No. 4190, Revenue, dated 23rd September 1899.

ABSTRACT.—Recording among others the following landed property statement of M.R.Ry. G. Kothandaramayya Garu, Deputy Collector, Salem, for the year 1891.

STATEMENT of lands acquired and relinquished by public servants before and after entering the service.

Name of officer.	Office held and in what department.	Date of entry in the public service.	Whether lands acquired or relinquished.	Before or during 1891.	Nature of property, i.e. lands, gardens with or without houses attached.	Extent and assessment of land.					Situation of land.			From whom acquired or in whose favour relinquished.	By what means and for what purpose acquired.	Year, month and day of deed.	Rights possessed in the land.	Price paid for obtained land.	Remarks.	
						Survey field.	Dry.	Wet.	Sirar or inam.	Village.	Taluk.	District.								
													Extent.							Assessment.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

G. Kothandaramayya.

Personal Assistant, Deputy Collector, Salem.

N/.

I hereby declare that the above statement truly represents all the landed property and houses possessed by me, or in which I am in any way interested, both within the district and elsewhere.

(Signed) G. KOTHANDARAMAYYA,
Deputy Collector.

G.O., Mis. No. 426, Revenue, dated 16th February 1893.

ABSTRACT.—Recording among others the following landed property statement of M.R.Ry.
G. Kothandaramayya Garu, Deputy Collector, Salem, for the year 1892.

[Statement]

STATEMENT of lands acquired and relinquished by public servants before and after entering the service.

1	2	3	4	5	6	7	Extent and assessment of land.				Situation of land.			16	17	18	19	20	21		
Name of officer.	Office held and in what department.	Date of entrance into the public service	Whether lands acquired or relinquished.	Before or during 1892.	Nature of property, i.e., lands, gardens with or without houses attached, and houses and the uses to which they are put.	Survey field.	Dry.		Wet.	Assessment.		Sircar or inam.	Village.	Taluk.	District.	From whom acquired and in whose name registered after acquisition, or in whose favour relinquished, and in whose name registered before relinquishment.	By what means and for what purpose acquired.	Year, month and day of deed.	Rights possessed in the land.	Price paid or obtained for the land.	Remarks.
							Extent.	Assessment.		Extent.	Assessment.										

M.R.Ry. G. Kothandaramayya Garu.
Head-quarter Deputy Collector, Salem, Revenue Department.
9th June 1879.

I hereby declare that the above statement truly represents all the landed property possessed by me, or in which I am in any way interested, both within the Salem district and elsewhere.

SALEM,
17th January 1893.

(Signed) G. KOTHANDARAMAYYA,
Head-quarter Deputy Collector.

G.O., Mis. No. 1578, Revenue, dated 23rd April 1894.

ABSTRACT.—Recording, with remarks, the following landed property statement of M.R.Ry. G. Kothandaramayya Garu.

Statement.

Form A.

STATEMENT of lands possessed, acquired or relinquished by the Head-quarter Deputy Collector up to the 31st December 1893.

No. of entries.	Office held and in what department.	Date of entitlement in the public service.	Nature of property, (1) houses (stating whether they are with or without gardens, and the uses to which they are put) (2) lands whether used for purposes of agriculture or as gardens.	Whether acquired before or during 1893.	Whether relinquished during 1893.	Extent and assessment of lands.			Situation of land.			From whom acquired or in whose favour relinquished.	In whose name registered after requisition or before relinquishment.	By what means and for what purpose acquired.	Year, month and day of deed.	Rights possessed in the land.	Price paid or obtained for the land.	Remarks.
						Extent.	Assessment.	Wet.	Village.	Taluk.	District.							
												8	9	10	11	12	13	14

10th July 1879.

Deputy Collector, Land Revenue Department.

M.R.Ry. G. Kothandaramayya Garu.

Nil.

I hereby declare that the above statement truly represents all the landed property possessed by me or in which I am in any way interested both within the *nil* taluk and elsewhere.

(Signed) G. KOTHANDARAMAYYA,
Head-quarter Deputy Collector.

10th January 1894.

G.O., Mis. No. 202, Revenue, dated 25th January 1895.

ABSTRACT.—Recording the following *nil* statement of landed property of M.R.Ry. G. Kothandaramayya Garu, Head-quarter Deputy Collector, North Arcot district, for 1894 :—

FORM A.

Statement of lands possessed, acquired or relinquished by the Deputy Collector, M.R.Ry. G. Kothandaramayya Garu, up to 31st December 1894, is *nil*.

CHITTOOR,
16th January 1895.

(Signed) G. KOTHANDARAMAYYA,
Head-quarter Dy. Collector.

To the Secretary to Government, Revenue Department.

G.O., Mis. No. 218, Revenue, dated 27th January 1896.

ABSTRACT.—Pointing out the illegibility of the signature in connexion with the following *nil* statement of landed property of M.R.Ry. G. Kothandaramayya, Head-quarter Deputy Collector, North Arcot district, for 1895 :—

FORM A.

Statement of lands possessed, acquired or relinquished by the Deputy Collector, M.R.Ry. G. Kothandaramayya Garu, M.A., up to 31st December 1895, is *nil*.

CHITTOOR,
9th January 1896.

(Signed) G. KOTHANDARAMAYYA,
Head-quarter Dy. Collector.

To the Secretary to Government, Revenue Department.

G.O., No. 236, Revenue, dated 2nd February 1897.

ABSTRACT.—Recording the following *nil* statement of landed property of M.R.Ry. G. Kothandaramayya Garu, Head-quarter Deputy Collector, North Arcot district, for 1896 :—

FORM A.

Statement of lands possessed, acquired or relinquished by the Deputy Collector, M.R.Ry. G. Kothandaramayya Garu, M.A., up to 31st December 1896, is *nil*.

CHITTOOR,
22nd January 1897.

(Signed) G. KOTHANDARAMAYYA,
Head-quarter Dy. Collector.

To the Secretary to Government, Revenue Department.

G.O., No. 199, Revenue, dated 27th January 1898.

ABSTRACT.—Recording the following *nil* statement of landed property of M.R.Ry. G. Kothandaramayya Garu, Head-quarter Deputy Collector, North Arcot district, for 1897 :—

FORM A.

Statement of lands possessed, acquired or relinquished by the Deputy Collector, M.R.Ry. G. Kothandaramayya Garu, M.A., up to 31st December 1897, is *nil*.

CHITTOOR,
10th January 1898.

(Signed) G. KOTHANDARAMAYYA,
Head-quarter Dy. Collector.

To the Secretary to Government, Revenue Department.

Order—Mis. No. 4304, Revenue, dated 7th November 1898.

It has come to the notice of the Government that M.R.Ry. G. Kothandaramayya, Deputy Collector, North Arcot district, has been a party to various transactions in the districts of Madras and Chingleput which appear to contravene the standing rules regulating the personal conduct of public servants in the matter of landholding and loans. A list of documents which evidence such transactions is appended to this order. Further, it is found that in his landed property statements submitted to the Government under G.Os., No. 426, Public, dated 12th March 1890; No. 859, Public, dated 10th December 1890; No. 907, Public, dated 27th October 1891; and No. 487, Revenue, dated 7th June 1893, the Deputy Collector has not reported any of the transactions in question.

2. The Board is requested to instruct the Collector of North Arcot to call upon M.R.Ry. G. Kothandaramayya to submit his explanation on the following matters in which he appears to have violated the rules, viz. :—

(1) Lending money on mortgage with possession to landholders in Madras town contrary to rule 23 of the standing rules.

(2) Lending money in Chingleput district to landholders contrary to the same rule.

(3) Reporting to the Government in the annual statements subsequent to the transactions in question that his interest in land was *nil*.

3. The Deputy Collector should be required to submit his explanation to the Collector within 14 days from the date of the communication of this order to the Deputy Collector.

(True Extract.)

(Signed) G. S. FORBES,
Secretary to Government.

To the Board of Revenue (Land Revenue).

APPENDIX.

LIST PREPARED FROM THE BOOKS OF THE REGISTRATION DEPARTMENT.

Madras District.

I.
1894.

II. Mortgage with possession from Yanamundram Ramaswami Iyer to G. Kothandaramayya, Deputy Collector of North Arcot, for Rs. 2,000—house and ground No. 73 on the west side of Govindappa Naick Street, Black Town—dated 17th August 1894, vol. 347, pages 420 and 421, No. 1603.

1895.

III. Mortgage with possession from Kothamasivaradarajuloo Chetty and K. Venkatakrishnama Chetty to Giddu Kothandaramayya, Deputy Collector of North Arcot, for Rs. 950—house and ground No. 126 on the north side of Andiappa Naick Street, Black Town—dated 14th October 1895, vol. 360, pages 482 and 483, No. 1761.

1896.

IV. (a) Mortgaged with possession for Rs. 2,000 from G. Venkatramayya to G. Kothandaramayya, Deputy Collector of North Arcot, dated 15th February 1896—house and ground No. 30 in Andiappa Naick Street, Black Town—vol. 36, pages 284 to 286, No. 238.

(b) Ditto ditto lease for an annual rent of Rs. 180—document No. 239.

V. (a) Mortgage with possession for Rs. 6,000 from Addappalli Vedavalli Thayarammal and three others to G. Kothandaramayya, Deputy Collector of North Arcot, dated 27th May 1896—house and ground No. 200 in Govindappa Naick Street, Black Town—vol. 41, pages 92 to 94, No. 859.

(b) Ditto ditto lease for an annual rent of Rs. 540—document No. 860

1897.

VI. Mortgage with possession from Mansookonda Alavandar Iyah to G. Kothandaramayya, Deputy Collector of North Arcot, for Rs. 7,500—house and ground with bazaars Nos. 105, 105-1, 106 and 107 in Devaraja Mudali Street, Black Town—dated 2nd August 1897, vol. 54, pages 157 to 159, No. 1315.

VII. Mortgage with possession from Kothamasi Varadarajuloo Chetty and Gouravaram Venkatasubbiah to G. Kothandaramayya, Deputy Collector of North Arcot, for Rs. 2,100—house and ground No. 126 in Andiappa Naick Street, Black Town—dated 9th September 1897, vol. 380, pages 465 to 468, No. 1368.

Chingleput District.

1896.

I. A deed of mortgage for Rs. 250 executed on the 1st of October by Gouravaram Venkatasubbiah in favour of G. Kothandaramayya, Deputy Collector of North Arcot, and registered as No. 147 of 1896 in book I, vol. I, pages 109 and 110, Sub-Registrar's office, Sembium.

II. Ditto for Rs. 500 executed by the same person on the same date in favour of G. Kothandaramayya and registered as No. 148 of 1896 in book I, vol. II, pages 131 and 132, Sub-Registrar's office, Sembium.

READ—also the following Reference from the Board of Revenue (Land Revenue), No. 1371 (Confdl. No. 39), dated 2nd December 1898.

Read—endorsement of J. K. BATTEN, Esq., Acting Collector of North Arcot, dated 26th November 1898, on letter from M.R.Ry. G. Kothandaramayya, Deputy Collector, dated 18th *idem*.

Reference —

The Board submits, for the orders of Government, the explanation of M.R.Ry. G. Kothandaramayya Garu, Deputy Collector, North Arcot district, furnished with reference to G.O., Mis. No. 4364, Revenue, dated 7th ultimo, regarding certain landed interests acquired by the Deputy Collector and not exhibited in his annual statements of lands and landed interests.

(Signed) LIONEL DAVIDSON,
Acting Secretary.

To the Secretary to Government, Revenue Department.

ENCLOSURE.

From M.R.Ry. G. KOTHANDARAMAYYA, Deputy Collector, to the Collector of North Arcot, dated Chittoor, 18th November 1898.

I beg to acknowledge receipt of your endorsement of 13th instant, forwarding to me for compliance by the 27th, Board's Proceedings, Mis. No. 3182 (Confidential No. 123), on G.O., Mis. No. 4364, Revenue Department, of 7th November 1898.

2. The matters on which I am called upon to submit an explanation are—

(1) Lending money on mortgage with possession to landholders in Madras town contrary to rule 23 of the standing rules.

(2) Lending money in Chingleput district to landholders contrary to the same rules.

(3) Reporting to Government in the annual statements subsequent to the transactions in question that my interest in land was *nil*.

3. In explanation of (1) and (2), I beg to submit at once that I was not aware that the rules contained a prohibition against my entering into transactions of the sort at the Presidency town and outside my district.

As to (2) in particular, I was under a misapprehension (not having inspected the property in question or seen the owner, for the matter of that even now), until it was too late, that the holder of the small pieces of land so adjacent to Madras and who was living in Madras belonged to the Chingleput district. The transaction, however, related to my maternal uncle's widow living with her son, a graduate now employed as Head Clerk of the Salt Assistant Commissioner's office at Cocanada, and by her desire I let the transaction remain in my own name as a matter of convenience to her.

I have recently, on her son's expressing a desire to have the transaction in her name only, got it transferred accordingly.

Other transactions in the list forwarded to me, with the exception of V, VI and VII therein, were also closed years ago, *i.e.*, each in about a year of its origin.

No. VII is but renewal of No. III with the name of the changed guardian of the minor owner of the house and under specific sanction of the High Court.

The loans were all meant by me as unavoidable preliminaries to purchase of house property which I wished to make in Madras in suitable localities; and as a fact the houses described in I and IV have been sold by the executors since, though I could not succeed in purchasing either of them. Nos. V, VI and VII are soon to come to sale which I am awaiting.

Looking, however, to rule 23 quoted, I find that it prohibits transactions of the sort by officers "within the province in which they are employed" or "within the local limits for which they are appointed."

The word "province" is not defined, but the qualifying words "in which they are employed" would appear to be out of place (in the rules which, according to the preamble in the pamphlet containing them, apply only to officers employed under the Government of Madras) under any other rendering of the word than "district."

Rule 26 extends this rule 23 to several grades of subordinate officers, such as Head Assistant Collectors' head clerks, taluk head accountants, station-house officers, salt sub-inspectors and hospital assistants whose range of official influence could not extend beyond the district of their employment at all events.

Webster defines the word "province" as district, and even the notifications in the *Fort St. George Gazette* as to public holidays begin with the words "All public offices at the presidency and in the provinces will be closed . . .", the word "provinces" here necessarily meaning "districts."

4. (3) The returns were filled up by me according to the requirements of the headings and the terms of the certificate prescribed without a special study of the various orders together.

It did not occur to me that mortgages by which no rights to use or to manage the property and enjoy its revenues were secured to me should be entered in the column wherein absolute interests "acquired by purchase, inheritance, etc.," were specified as the sort of interests to be noted.

The declaration prescribed in rule 12 refers only to any *beneficial* interest in land, and as a fact even in respect of the so-called mortgages with possession relating to the houses (item 1 of the points for explanation), I had neither a lien on the rents derived by the owner from the house nor any title to oust him or his tenants from it, but was entitled only to the interest stipulated in the bond.

Even when a lease deed happened to be taken—which was but a matter of accident at the pleasure of the agent for the time being—it was only for the amount of interest stipulated in the main document itself, quite irrespective of what rents the house might fetch or was actually fetching to the owner, which as a fact have always been considerably higher than the lease amounts.

The lease deed was merely for the sake of a *speedy remedy* against non-fulfilment of the terms of the loan and was neither intended to secure nor did it actually secure for me any profitable enjoyment of the property with its revenues for any time—the houses themselves continuing throughout and still in the sole occupation and management of the owners themselves, so that it was a matter of perfect indifference to me whether the houses were well or ill kept, or whether they were occupied by any tenants or not.

All the possession I had was of the documents and title-deeds relating to the property which I am bound to restore on repayment of the loans.

5. In these circumstances, not being conscious of having secured any beneficial interest in respect of the properties themselves beyond the right to proceed against them specifically in the event of necessity which has never arisen as yet, and acting upon the spirit of the rules, I felt no call to enter these transactions in the annual returns.

6. I had no sort of motive for the omission. The parties concerned were absolutely out of the range of my official influence, and the transactions have always been by cheques issued upon my bankers, Messrs. Arbutnot & Co. There has been nothing secret in respect of any of them, and I trust that for any omissions on my part in the matter my head rather than the heart may be taken as at fault.

7. If I am directed to do so, I shall be prepared to close the transactions still existing as soon as I can manage it; but I wish that these three transactions should continue until the houses themselves are brought to sale, as I wish very much to purchase one or other of them which are in localities that I prefer to own a house at, so that on my retiring from the service, as I intend to do at the earliest possible date, I may have a house to go to and spend the rest of my days; and in the meanwhile my sons whom I have soon to send to Madras for education would be requiring a house of some sort there.

8. The Board's Proceedings in question with the list forming its enclosure is returned as desired in your endorsement.

Forwarded to the Secretary to the Board of Revenue (Land Revenue), with reference to Board's Proceedings, Mis. No. 3182 (Confdl. No. 123), dated 11th November 1898.

CHITTOOR,
26th November 1898.

(Signed) J. K. BATTEN,
Ag. Collector.

ORDER—No. 328, Revenue, dated 25th May 1899.

The above papers relate to the conduct of M.R.Ry. G. Kothandaramayya, Deputy Collector, with respect to certain land-holding and loan transactions entered into by him between the years 1894 and 1897. These transactions came to the notice of the Government in October last. As they *prima facie* disclosed a violation by the Deputy Collector of the standing rules regulating the personal conduct of Government servants, his explanation was called for in G.O., No. 4364, dated 7th November 1898. The explanation is submitted by the Board in its Proceedings read above.

2. The Deputy Collector impliedly admits the transactions evidenced by the documents, a list of which is appended to G.O., No. 4364, dated 7th November 1898. It thus appears that the Deputy Collector lent in six separate transactions between 1894 and 1897 Rs. 19,600 on mortgages with possession of houses and grounds in Madras town, and that he lent Rs. 750 on mortgage of landed property in the Chingleput district in two cases in 1896.

3. Regarding these cases *first* as acquisitions of a beneficial interest in land, the Deputy Collector has violated the standing rules referred to above, inasmuch as the acquisitions were not for agricultural profit or for *bona fide* residence. The acquisitions were in the nature of securities on loan transactions. But the matter presents a far more aggravated and serious aspect owing to the failure of the Deputy Collector to report these acquisitions in the annual returns prescribed under rule 12 of the rules referred to. The Government considers that the Deputy Collector's explanation on this point consists of evasive falsehoods, and cannot accept it. The returns submitted by the Deputy Collector up to that for the year ending the 31st December 1893 were the complete returns required by the standing orders. For the year 1894 and onwards he contented himself with forwarding a statement with the word "*Nil*" subscribed below, containing merely the title or heading of the prescribed form and omitting the body of the form as well as the appended declaration. This heading or title, it is true, does not contain any reference to *interests* in land as distinguished from *acquisitions*. But the Deputy Collector was well aware that the body of the form as well as the declaration at the foot thereof distinctly required the inclusion of such interests. He had, as already mentioned, filled up the complete forms and subscribed the declaration in his returns up to the year 1893. There is no evidence before Government of these mortgage transactions before 1894; and it is for that year and subsequent years that the Deputy Collector has submitted the *nil* returns of the nature described. The Deputy Collector's beneficial interest in the lands covered by the mortgages is perfectly clear and his omission truly to report it is an undoubted breach of the rule. For this part of the case which His Excellency in Council regards as the most grave of the charges against the Deputy Collector, the Government can find no exonerating circumstances.

4. Next, the transactions entered into by the Deputy Collector have to be regarded in their character as loans to landholders in the districts of Madras and Chingleput. Rule 23 of the Rules for the personal conduct of Government servants absolutely prohibits officers such as the Deputy Collector from lending money at interest to landholders with or without security within the province in which they are employed. Under the same rule in every case in which such an officer lends money he is bound to report it to his superiors.

5. The Deputy Collector states in explanation that as regards the loans in Chingleput he did not discover that these loans were to landholders in that district until it was *too late*. This excuse is inadmissible. With regard to the loans in Madras town, the Deputy Collector's explanations must be regarded as most disingenuous. His contention that the word "*province*" as used in rule 23 denotes "*district*" is obviously put forward as an after-thought and is clearly untrue. Not only has the Deputy Collector deliberately disregarded the prohibition against the making of such loans, but he has also entirely ignored his obligation under rule 23 to report them to his superiors.

6. In conclusion, the Government must pronounce the present case to be one of the most daring instances of deliberate breach of the rules regarding the personal conduct of Government servants that has come to its notice in recent years. The rules provide that the penalty for their violation is dismissal from the public service. The Government is unable to perceive any extenuating circumstances in the case of M.R.Ry. G. Kothandaramayya and accordingly directs that he be dismissed the public service from the date of his relief under this order by the Collector of Kurnool.

(True Extract.)

H. C. S. S. S. S. S.

Secretary to Government.

To the Board of Revenue (Land Revenue).
" Collector of Kurnool.
" Accountant-General.
Copy to the Public Department.

Ed. J. HARRISON.

5th Copy.

To pay

for the balance that
the ... papers are
now due the ...

$\frac{1000}{1000}$ for $\frac{1000}{20.6.18}$

To Public Dept. as.

NOTE FOR THE UNDER SECRETARY.

Public Cas 1744

The original Rev. So.
was called for to see
for what purpose the
So. was communicated
to Public, but it
appears that the papers
are now with the C.S.

No action appears
called for in Public
of the So. might be
recorded.

When the matter
was under discussion
in Rev., a point raised
by the Hon. was referred
to Public W.O., - as to
whether the words
"Service discontinued with"
or "dismissed" should
be adopted in
the Gazette notification
in such cases.

[$\frac{9}{71}$]

500-1-2-28.

Public Department.

For C. No. 1744/77.

MEMORANDUM.

Requested for reference the undermentioned paper:—

Original of Co. No. 32 Rev. 8 25.5.28.

CHIEF SECRETARY,

To 17th June 1897.]

The Revenue Department.

814
12/6/98.

10/6/98

Under
Secretary to Government.

DL
12/6/23

The Revenue Department.

To

CHIEF SECRETARY,
17th June 1899.

Perusal of document for
underlying fictitious land
return, has been modified
by G.O. no 464 Public of
22.4.22. Nothing more
can be done in Public.

Cy
20/6/22.

To H.C.O

Chief Secretariat

Kindly arrange to have the following
correction made in
G.O. no 328 Rev d, 25
May last re Kothanda
Ramayya

On page 2 of the
L.O. for "23rd September
1890" read "23rd Septem-
ber, 1892"

12/10
27 11/11
H.C.O.

To
The Pub Ref.

Please have the correction made
in the G.O. of 25.5.22. H.C. will be asked to
have the G.O. corrected.

27.6.22

Corrected to S.G.

for perusal. DL
29/6/22

Secretary to Government.

OK
17/6/78

To
The
Revenue Department.

Under
Secretary to Government.

Handwritten signature

Handwritten marks

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 DISTO.

PAPERS NOT PICKED UP, BEING WANT FOR DESPATCH
IN ORIGINAL.

A.B.
A.B.
A.B.
A.B.
A.B.