Revenue Department

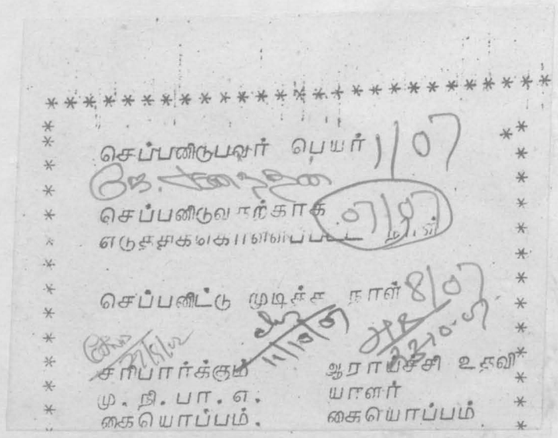
Minutes of Consultations.

15th Dec. 1857.

Back Nos. 22 & 23

Order No. 1286 to 10th Dec. 1857.

(5) Revenue



3V

3/ 2/ 1286

2V

1V

Fort Saint George, Revenue Consultation of 15th December 1857.

No. 22. Read the following Extract from the Minutes of Consultation in the Judicial Department; under date the 20th November 1857, No. 1515.

Read the following letter from H. A. BRETT, Esq., Magistrate of Salem; to EDWARD MALTBY, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 6th November 1857, No. 382.

Sir,

I have the honor to report the following case for the orders of the Right Honorable the Governor in Council.

2. On the receipt of the Government's Circular, No. 798, dated the 10th July 1857, cautioning all Magistrates to scrutinize all Fackeers, Byragees and Pundarums, "as deserters from the Bengal Regiments are likely to assume such characters for disguise," I addressed a Circular to the several heads of Police in this District, directing them to detain every one belonging to the above classes, and report particulars to me. The Heads of Police were warned in the same order that they would be dismissed from office if they failed to act in strict conformity with this order.

3. With my letter to you under date the 3d Instant, No. 348, I sent a copy of a deposition given by one Baladava Row, who described himself as a native of Guzarat. This person according to his own statement was wandering about the country dependant on alms for support, and was obviously a Fackeer and one of the classes which the Heads of Police have been required to detain, pending my orders.

4. Having learnt from this person's statement that Mullar Row, the Tahsildar of Raizepoor, had treated him with food, &c., and then allowed him to go,* I called upon that officer to explain on what ground he had disobeyed the order above mentioned.

* *He was subsequently apprehended at Darampoory.*

5. He states in reply that the person referred to did not appear to him to be a disbanded Sepoy, and that, in consequence he did not detain him. A translation of my order, and a translation of the arzee received from Mullar Row, explaining his conduct, are submitted with this letter.

6. This explanation is very unsatisfactory. The order from my office made it imperative on the Heads of Police to detain every one belonging to the classes named in the order. No discretion was given them to release any person belonging to these classes, though the ground on which it was considered necessary to detain them, pending a report to the Magistrate, was explained. Mullar Row had been fore-warned as to the consequence if he disobeyed the order, and he was equally well informed that the Government attached great importance to the proper discharge of the duty required of him. I have therefore suspended Mullar Row from duty, and have now to request the sanction of Government for dismissing him from office.

7. The present occasion is not the first on which Mullar Row has been charged with misconduct. On the 30th of June last, I requested the Board of Revenue to sanction my suspending the same officer for 6 weeks from office and pay, on account of a case brought to my notice by the Joint Magistrate, in which Mullar Row had been guilty of gross partiality.

8. I explained in my report to the Board that Mullar Row was appointed by Mr. Phillips a Tahsildar, and Head of Police in August 1853; that previously his services had been entirely confined to the Marahmut Department; that he was not an efficient officer; and that the case then referred to was not the first in which I had seen reason to be dissatisfied with the way in which he performed his duty.

9, In para. 6, I referred to the probable motive which had induced him to act so unjustly. I thought his motives might be traced to the fact that the defendants in that case were Brahmins as well as persons of some influence. In the present instance likewise the Fackeer whom he fed, and then sent on his way, was a Brahmin. My letter to the Board, of which I beg to annex a copy, has not yet been answered.

(Signed) H. A. BRETT,
Magistrate.

From H. A. BRETT, Esq., Collector of Salem; to J. D. SIM, Esq., Acting Secretary to the Board of Revenue, Fort Saint George, dated 30th June 1857, No. 86.

SIR,

I have the honor to submit for the Board's orders, copy of a letter with enclosures from Mr. Dykes, Acting Joint Magistrate of Salem, dated the 21st Ultimo, reporting that Mullar Row, Head of Police of the talook of Razepoor has been guilty of bribery and the most gross injustice.

2. Mr. Dykes explains at length on what grounds he has come to this opinion.

3. A ryot named Comaruppen, preferred a complaint before Mullar Row, as Head of Police on the 23d January last, stating that he had been forcibly dispossessed of certain lands in an Agraharum by the Maneyemdars, and that the standing crops on the land had been wantonly destroyed. The Head of Police neglected to enquire into this complaint till the case was brought to the notice of the Joint Magistrate, who then called for a report on it. Mullar Row subsequently reported that the land had been given up voluntarily; and that such being the case he did not believe that any crops were left on the ground to be destroyed. He therefore recommended that the complaint should be dismissed as not proved; and that the complainant should be compelled to remove his cattlefold which was still on the ground.

4. The Joint Magistrate is of opinion that the proceedings in the case are sufficient to shew that wilful injustice was perpetrated; and that Mullar Row's own explanation affords conclusive evidence that he was induced by a bribe to act so unjustly.

5. I concur with the Joint Magistrate that Mullar Row shewed gross partiality. He made a highly unjust report, knowing, I believe, that it was unjust; and his mode of investigating the case from the commencement proves that he never had any wish to arrive at the truth.

6. As to the alleged bribe, I do not see in the circumstances of the case sufficient ground for convicting Mullar Row on that charge. Though the proceedings were unjust, and Mullar Row could give no proper explanation in regard to them, his conduct may have proceeded from other motives than the one supposed. A sufficient motive may be found in the fact that the defendants are Brahmins and persons of some influence. I now recommend that Mullar Row be suspended from office and pay for six weeks.

7. Mullar Row was appointed by Mr. Phillips, a Tahsildar and Head of Police in August 1853. Up to that time his services were entirely confined to the Maramut Department. He is not an efficient officer, and this is not the first occasion I have had reason to be dissatisfied with the way in which he has performed his duty.

8. It should be remarked that in this case no decision was actually passed by Mullar Row. The case was one for the Collector to dispose of under Regulation V. of 1822, though it was first treated as a Police case, and Mullar Row, as Head of Police, was directed to report on it.

(Signed) H. A. BRETT,
Collector.

Translation of a Circular Takeed issued to the Heads of Police under date the 14th July 1857.

With reference to my two Circular Takeeds dated respectively the 29th and 30th of June last, directing you to apprehend any disbanded Sepoys of the Bengal army, Fakeers, Foreigners or other evil disposed persons who might come into your talook, pending a reference to my office, I now issue the following order again on the same subject under instructions from Government dated the 10th Instant.

As the Bengal Sepoys might come in the disguise of Fakeers, Pundarums and Byragees, you are directed to detain Fakeers, Byragees, Pundarums and such people who may happen to come into your talook, make the necessary enquiries to find out who they are, and report the circumstances to me immediately.

Should it appear that any Police officer has failed to act in strict conformity to this order, such Police officers will be removed from their offices.

(True translation.)
(Signed) H. A. BRETT,
Magistrate.

3/1286

Translation of an Arzee address by the Head of Police of Raizepoor, dated 17th October 1857, No. 31.

I beg to acknowledge the receipt of your order, No. 73, forwarding the deposition of one Baladava Row, a Bramin of Baroada in the Guzerat country, and requiring me to explain, why I did not arrest the above individual when he came to my talook, and report the same to you in conformity with your Circular Takeeds.

In reply, I beg to state that I found the said Bramin lying down on the outer pial of the Cutcherry with urine complaint. He told me that he had been travelling for the last two years, and visited Ramsweram, and other places, living by alms; that he was now returning to his native land, that he had fallen sick and was hardly able to breathe.

As he appeared to be very sick, I afforded him medical aid, and during the 4 days he was under treatment, I fed him.

I did not give him a present of the Chemboo he has. He purchased the same with the money he begged from the people.

The Circular Order dated 14th July 1857, No. 57, as well as the two other previous Circular Orders, and the Government order dated 10th July, state that disbanded Sepoys of Bengal might come in disguise as Fackeers, Pundarums, and Byragees: and require that such persons should be detained pending a reference to you.

From the statement of the above individual, the public manner in which he came to the Cutcherry and begged in the town, and from the enquiries I made respecting him, it did not appear to me that he was disguised person of the character mentioned in the above Circular Orders. It did not appear that he had attempted to persuade any thing to the people, neither did he appear to be an evil designed person. He appeared to be a beggar returning from pilgrimage. Under these circumstances, I did not suspect him, and so I did not act according to the above orders.

I have taken necessary steps to arrest the individuals contemplated in the Circular Order. Had I suspected this man to be a person of the description referred in the above quoted orders, there is no reason for the Head of a talook to let him go without detaining him. I have thus stated the real facts of the case, and return the deposition which accompanied your Takeed.

(Signed) MULLAR ROW,
Head of Police.

(True translation.)
(Signed) H. A. BRETT,
Magistrate.

On the grounds stated by the Magistrate of Salem, in the foregoing letter, the Right Honorable the Governor in Council authorizes the dismissal of Mullar Row, the Tahsildar of Raizepoor.

(True Extract and Copies.)
(Signed) T. PYCROFT,
Chief Secretary.

No. 23. ORDER THEREON, No. 1286; dated 10th December 1857.

Ordered to be communicated to the Board of Revenue.

(Signed) H. FORBES,
Acting Secretary to Government.

No. 1515.

Extract from the Minutes of Consultation under date the 20th November 1857.

Read the following letter from H. A. BRETT, Esq., Magistrate of Salem; to EDWARD MALTBY, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 6th November 1857, No. 382.

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2. On the receipt of the Government's Circular, No. 798, dated the 10th July 1857, cautioning all Magistrates to scrutinize all Fackeers, Byragees and Pundarums, "as deserters from the Bengal Regiments are likely to assume such characters for disguise," I addressed a Circular to the several Heads of Police in this District, directing them to detain every one belonging to the above classes, and report particulars to me. The Heads of Police were warned in the same order that they would be dismissed from office if they failed to act in strict conformity with this order.

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4. Having learnt from this person's statement that Mullar Row, the Tahsildar of Raizepoor, had treated him with food, &c., and then allowed him to go,* I called upon that Officer to explain on what ground he had disobeyed the order above mentioned.

*He was subsequently apprehended at Durampoory.

5. He states in reply that the person referred to did not appear to him to be a disbanded Sepoy, and that, in consequence he did not detain him. A translation of my order, and a translation of the arzee received from Mullar Row, explaining his conduct, are submitted with this letter.

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7. The present occasion is not the first on which Mullar Row has been charged with misconduct. On the 30th of June last, I requested the Board of Revenue to sanction my suspending the same Officer for 6 weeks from office and pay, on account of a case brought to my notice by the Joint Magistrate, in which Mullar Row had been guilty of gross partiality.

8. I explained in my report to the Board that Mullar Row was appointed by Mr. Phillips a Tahsildar, and Head of Police in August 1853; that previously his services had been entirely confined to the Marahmut Department; that he was not an efficient Officer; and that the case then referred to was not the first in which I had seen reason to be dissatisfied with the way in which he performed his duty.

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(Signed) MULLAR ROW,
Head of Police.

(True translation.)

(Signed) H. A. BRETT,
Magistrate.

On the grounds stated by the Magistrate of Salem, in the foregoing letter, the Right Honorable the Governor in Council authorizes the dismissal of Mullar Row, the Tahsildar of Raizepoor.

(True Extract and Copies.)

Chief Secretary.

To the Magistrate of Salem.
" Revenue Department. 2 spare copies

Exd. F. Cartledge.

Revenue 1857 Dept.
D° to Covers 15th December

No. 1471

Extract from the Mins. of Govt. in the Judicial Depart.

Dated 20th November
Rec. 26th 1857.

(Authorizing the dismissal of Mullar Ross the Tahsildar of Raizepoor on the grounds stated by the Magistrate of Salem.

No. 1286

Ordered to be communicated to the Board of Revenue

Fort St. Geo.
10th December 1857

J. Lopies to the Bd of Rev. Desp. 11th

1855

572 & 23

With an order
No. 1286. 10th December