(17)

Revenue Department

Minutes of Consultations

19th May 1857

Book Nos 5-6

Order no 447 dated 13th May 1857

Report

பாதுகாப்புப் பிரிவு-1

செப்பஞ்செய்பவர் பெயர் ஆர்.விஜயலெட்சுமி

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 8/06

செப்பனிட்டு முடித்த நாள் 10/06

சரிபார்க்கும் முதல் மு.நி.பா.எ. கையொப்பம்

சரிபார்க்கும் 2-ம்-மு.நி.பா.எ. கையொப்பம்

ஆராய்ச்சி உதவியாளர் கையொப்பம்

Fort Saint George, Revenue Consultation of 19th May 1857.

Read the following letter.

No. 5. From KRISHNYAH, late Javabnavis on the establishment of the Collector of Rajahmundry; to H. FORBES, Esq., Acting Secretary to Government; dated Madras 1st April 1857.

SIR,

I beg respectfully to request that you will be pleased to lay the accompanying memorial in triplicate before his Lordship the Governor in Council, and with his permission transmit it to the Honorable the Court of Directors.

No. 6. ORDER THEREON, No. 447; dated 13th May 1857.

Resolved that the Board of Revenue be requested to call upon the Collector of Rajahmundry to forward as early as possible all the Proceedings (with translations) connected with the case of the Memorialist, and to submit them to Government when received.

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

To,

The Honorable the Court of Directors
of the East India Company

The humble Memorial of A. Kistniah
late Magisthate Jawabnavies of the
Collectorate of Rajahmundry

Respectfully Sheweth

That your Memorialist having been
unjustly dismissed from his Service without any regard
to the strict orders conveyed in your Honorable Courts
Letter to the Government of India dated 6th August 1851.
Financial Department No. 42 for the protection of the
uncovenanted Servants, he respectfully seeks the
interference of your Honorable Court, the local
Government having denied the same.

2. That your Memorialist was removed
from his Situation by Mr. A. Burnes Magistrate of
Rajahmundry on a Charge of bribery - The question for
Consideration is whether the charge was framed - The
Conduct of the Complainant before he actually pre-
ferred the Charge will your Memorialist trusts
Satisfy your Honorable Court that the accusation
was a Concocted and trumped up one - The Magistrates
decision itself will shew that shortly after the ar-
rival at the Magistrates office of the Prosecutor, also
a Public Servant, sent for to the Magistrates Office
to answer to certain Charges, he told the Magistrate
personally that your Memorialist was asking him
for a bribe and that he required two Duffadars

Pour

Peons to detect him in the act of receiving it - That
the Prosecutor could not have seen your Memorialist
before that period is self evident from an introducting
letter which he said he procured for your Memorialist
from a third party and produced to the Magistrate
not having been presented to him - The Duffadars
were given and the subsequent history will be related
below, but what is [redacted] ent to shew that
the charge was [redacted] it will not

3. [redacted] shew what reason there was for any malice on the part
of the Prosecutor - Your Memorialist was the Chief
ministerial Servant of the Magistrate, and the
Prosecutor himself plainly stated in his deposition
before the Magistrate that he anticipated some injury
from your Memorialist in the matter of enquiry then
pending against him and that he therefore preferred
the Charge - The local Controlling authorities Viz"
the Board of Revenue and Government were not even
so kind as to send for this Document and peruse it
though it decidedly is the best proof of the Prosecutors
[redacted] ed malice -

4 That your Memorialist will be now
enter into the further circumstances connected
with the Charge - The Prosecutor brought the two
Duffadars Concealed them near the house in which
your Memorialist was put up, and, came to your
Memorialist wishing to talk to him - Your Memo-
rialist then met him on the Shut which is beyond
doubt

d out on pretence to receive a bribe if he offered
any such - Immediately after he came to the street
the Prosecutor called out for the Peons by a false name
as previously arranged - They came and the Prose-
cutor told them to take possession of some money
wrapped up in paper and placed by your Memo-
rialists side with his knowledge - It was then
dark night - They then went to the Magistrate - The
Magistrate afterwards conducted an investigation
but the evidence contained many contradictions, as
detailed in the appeal Petition presented to the Board
of Revenue, Copy of which is included and with a
repetition of which your Memorialist is not willing
to encroach upon your Honorable Courts precious time -
In the face of these contradictions the Magistrate
dismissed him and the Board of Revenue were not con-
descending enough even to send for the records, and
satisfy themselves of the character of the evidence - They
summarily disposed of the appeal Petition with an
endorsement to the effect that "they cannot permit
Petitioners re-employment in the Public Service he
having been dismissed for bribery" - The point for them
to Consider was whether the bribery was proved, but
it will beyond doubt be evident to your Honorable
Court that they have not shewn the least willingness
to afford your Memorialist any redress by Calling
up the record and ascertaining the character of
the evidence -

That the Government have in their
turn disposed of your Memorialists case as a
mere

mere matter of form by an endorsement to the effect that your Memorialist will Consider the Board's endorsement final without any reason assigned. A Copy of this endorsement is also enclosed.

That your Memorialist trusts that your Honorable Court will not fail to understand that he is labouring under two grievances 1st his unjust dismissal from Public Service and 2dly the indifferent manner in which his appeals have been disposed of by the Bd of Rev and the Government. The former have unjustly deprived your Memorialist of the Service under the Company with which he commenced his Career in life and the latter tends to shake off the Confidence which the Public Servant must have in the orders which your Honorable Court have put the local Government for the protection of your own Servants for arbitrary and Capricious dismissals.

That your Memorialist in Conclusion respectfully solicits your Honorable Court attentively to perus all the Documents Connected with his dismissal copies of which are herewith forwarded and declare him eligible for reemployment in this Public Service.

Your Memorialist as in duty Bound

Shall ever Pray

Madras
1st April 1807

No. 5

The President and Members of the Board of Revenue

The Appeal Petition of Ristnah late Magistrate Javabnevies of Rajahmundry

Humbly Sheweth,

That your Petition was sent for from Chittoor to Rajahmundry by S. Solasingah Chettyar while Head Shirastadar of that place, and through his recommendation soon raised to the situation of the Magistrate Javabnevies. This was of Course disagreeable to the Servants of the Cutchery. Who raised their envy against your Petitioner as they failed to secure the vacant post for one of their own body. After the transfer of that Gentleman to Chittoor a Charge of Bribery was set up against your Petitioner which ended in his dismissal. The facts of the Case are briefly as follows.

In April last Authinaramappah Police Peshcar of Pallapoor Talook was charged with incompetency of his Post by his Superior the head of Police. He was then Summoned for enquiry, and in an interview with the Magistrate on the very day that he arrived at the Hoozoor represented to him the Magistrate that your Petitioner was asked him for a bribe, and to prove the same he requested him to send Two Duffadars with him. These he took and Concealed near the place where your Petitioner was put up with instructions to Come out on his giving the Signal by Calling out Rungah, Rungah. This was at about 8 o'Clock in the night of the New Moon when it was of Course very dark. Having thus preconcerted with them he Came to my quarters and wished to talk with me. I went out to the street where he placed the

Silver

Silver Coin was tied up in a cloth in the Street pyal of the house - and gave the Signal - The Duffadars hastened and took away the Money but the Prosecutor says the Magistrate, deposed and the Duffadars who had hid themselves in a Corner and a Dan - -layet who was present on the occasion, Conformed that the Peishe- - plaid the Money in his (Your Petitioners) hands, but a fourth Witness on the same side Contradicted their statements. On your Petitioners side four Witnesses were examined, two of them, according to the Magistrate deposed materially in his favour while the Character of the testimony of the other two was not noticed -

Your Petitioner begs to Submit that the depositions of the Peishcar and his Witnesses disagree with each other in Seve- -ral points, but as your Petitioner is unable to Submit those papers with this Petition he is precluded from entering into them at any great length - To impress however on your Board the necessity for Calling for those papers he begs to point out some of the many discrepancies in their Statements - The Prosecutor States that the Head of Police who had written against him advised him at the same time to Bribe the Hoozoor Servants assuring him that he (Head of Police) also spoke to them about his acquittal - It is for your Honorable Board to judge whether it is probable that an officer who had made his will to charge a man formally before the Magistrate should at the same time speak in his favor and advise him on the measures he ought to take for his escape - The Prosecutor in deposed that his first and Second Witnesses were asked by the Petitioner to receive a bribe of 30 Rupees each and speak in his favor - First Witness stated that the amount offered was 80 Rupees for both, and the Second Witness deposed that the sum was 60 Rupees - The first Witness states that he took the Money tied in the Petitioners handkerchief but when asked to produce it he could not do so - The Prosecutor states that the handker- -chief was called Chucky roomal which was contradicted by one of his own witnesses - When the Prosecutor was questioned as to the cause of bringing this to notice he declared in plain words that he anticipated some injury from your Petitioner and to prevent it he was led to do so - This formal Statement Combined with his demeanour throughout strongly points out the na- -turious motive which led him to get up this Case and that private pique was at the bottom of the whole -

Your Petitioner next proceeds to shew that the reasons adduced by the Magistrate in his decision herewith Submitted as grounds of his Course he pursued are based on no good grounds and are susceptible of easy refutation -

1st The Magistrate relies on the evidence on the prosecutors side, because to test their evidence he took the Witnesses to the Spot where the bribe is alleged to have been offered, and made out in the absence of Course of others point out the different Spots at which each stage of the proceedings took place, and that their accounts tallied on every point of importance - Your Petitioner most humbly submits that such questions as the above are usually put by the different Courts of Justice, and therefore the Salaried Witnesses are better able to stand to the test than the most honest and truth telling individual - Your Honorable Board will, the Petitioner trusts, take into Consideration the worthlessness of this kind of test and testimony -

2ndly The Magistrate argues that because one of the extracts gave the Prosecutor a recommendatory note to the address of your Petitioner making some mention therein of the bribe, the latter must have been implicated in the matter. The fallacy of this argument can be easily exposed. The mere fact of so addressing a letter is not sufficient to arrive at that Conclusion - It is necessary that its actual delivery to the addressed and its acceptance by him should be previously established. But in the present instance the letter was not even delivered - It was at once produced by the Prosecutor before the Magistrate. Suppose any man writes a similar letter to the Magistrate is it proper to Conclude in the absence of proof as to its delivery and acceptance that the Magistrate was concerned in the matter, seeing that in the present instance a Conspiracy was formed against your Petitioner, is it not possible that the very "Raz" was a member of it -

3rdly If the four witnesses on your Petitioners side (the Magistrate thinks two deposed materially in his favor, but even these two he does not believe, because one of them came out for sea breeze which is improbable while the other followed his master when he knew that Something not ordinary was about to take place - Your Petitioner here begs to observe that there can be no improbability whatever in a person coming out for sea breeze from a Hindoo Building, and in the month of April during which the days and nights are very sultry - Your Petitioner did not know previously that the Prosecutor was going to offer a bribe to suppose that he must have prevented his servant from accompanying him - If he did know it and was willing to accept what might be offered, the court was not of Course the proper place for him to go to for the purpose of Committing a wrong; what would

have deposed him after the situation and position in society -

4thly The Magistrate states that if the Petitioner had been innocent he would at the moment have appeared before him, and denounced the Conspiracy against him, and this your Petitioner did not do, because he believed that no advantage could have been derived by him if he had followed that Course, seeing that the Magistrate who had sent the Duffadar must have by that time been Cognizant of the whole Concerted affair. It was moreover too late in the night to intrude upon a Gentlemans residence - Your Petitioner therefore submits that the fact of his not having made any immediate reference to the Magistrate is no proof of his Guilt -

5thly In awarding punishment the Magistrate stated that the Defendant (Petitioner) did not take the Money to do or refrain from doing any particular act, because he Cannot having not the power - What then was the object for which the alleged bribe was tendered - In the Charge it is stated to have been for securing his good offices with the Magistrate - Your Petitioner is at a loss to understand the meaning of this expression - does it imply that the Magistrate is in the practice of Consulting the opinion of his Subordinate thus giving him an opportunity to exercise his influence with him or that the money was received on false pretences -

6thly The Magistrate would not of Course admit the former Construction, nor does the latter Construction, arbitrary as it is hold good, at least in the present instance, for it Cannot be said that the briber was duped, he not being ignorant of the duties of the Jawabnuvees as he himself had been

stating

exting for some time on the same appointment, and on the absence of even an allusion to any such doing throughout the proceedings the latter interpretation cannot stand -

From the statement of the Magistrate as given in his decision and the arguments advanced above your Petitioner believes that your Honorable Board cannot but arrive at the conclusion that there being no specific object to be attained by the person giving the money, it cannot in the legal sense of the term be called a bribe, and that the charge therefore when probed amounts to nothing -

Your Petitioner trusts that your Honorable Board will patiently consider the strangeness of the circumstances connected with his case - A certain person comes to the Koozoor to stand an enquiry apprehends, as he kindly admits that your Petitioner will do him injury and concerts a plan to procure his dismissal from office - To this end he gets a friend to tells him that he intends to offer your Petitioner a bribe, and asks him to send his Peons to stand as Witness - He puts the same in possession of certain money alleged to be put into the Petitioners hands as a bribe, and makes a Complaint to the Magistrate who upon an unworthy evidence as already shewn dismisses him from employment - your Honorable Board will see that how deprived of his employment at the whim of the Magistrate, the injustice of such a proceeding was strongly pointed out, and protection given to the uncovenanted Servants in the Honorable Courts Despatch quoted in Note 2 to the Boards circular dated 15th January 1852 -

Your Petitioner therefore begs that he the Petitioner may be declared eligible for employment in the Company's service or rather that he may obtain his discharge - He does not wish to serve any more in the Rajahmundry District among people of such intriguing character

In conclusion your Petitioner begs to add a word of explanation for the delay in making this appeal the limited time of which had already passed - Ignorant of the orders of Government which vested in the Board the power of hearing appeals from the Magistrate as well as Revenue Servants he first appealed to the Sessions Court - Having since found the mistake he was prepared to apply to the Commissioner N.C., but before he could have actually presented the urzee the Commission was dissolved, and he was obliged to have his affairs settled and come down to Madras which has certainly taken up a long time - These Circumstances will therefore he humbly begs, be considered satisfactory and redress granted to the aggrieved Petitioner

For this act of Justice Your Petitioner as in duty bound shall ever pray &c.

Madras }
4th November 1856 }

(Signed) Appy Kistniah

Prosecutor
Sanyasy Sudenarainuppah }
Police Peishcar of Pittapoor Talook }

Defendant
Appy Kistniah Magistrate's
Gomastah

The Prosecutor in this case had been sent for to the Magistrates office in order that the latter officer might personally ascertain what grounds there were for the reports made by the Head of Police who complained that the Prosecutor (Police Peishcar of the Talook) was incompetant and unwilling to discharge the duties which devolved on him - The day after his arrival he requested an interview with the Magistrate when he represented that the Magistrate's Gomastah (Defendant in this case) was asking him for money to make

make matters pleasant - He also produced a letter which he stated had been written by one Gotaly Venalayaz (a party who had been sent from the Magistrate's office temporarily to supply the place of the Sub officer of Montymaundy who had been suspended) and given to him (Prosecutor) to give to the Magistrate of Jaffna - The letter commended the bearer to the tender mercies of the addressee, and begged he would let him off cheap -

The Prosecutor proposed that he should pay the Jaffnamenies a sum of money and that arrangements should be made to detect him in the act - For this purpose the Magistrate sent the two Duffadars of his Cutcherry, and the result is shown in the Statement of the Prosecutor and these Duffadars confirmed by that of another Delayet who was present on the occasion - It is seen from their Statements that the Prosecutor went to the house in which the Jaffnamenies had put up, called him outside, placed the money in his hands, after which the Duffadars were called when the receiver discovered he had been caught - He did what he could to escape giving back the Money and do proclaiming his venality but without effect, and he after considerable hesitation, delivered it up, and it was at once brought by the Duffadars to the Magistrate - The latter Officer has no doubt whatever of the truth of the account given by the Prosecutor and the Duffadars as to what took place at the house in which the Jaffnamenies halted - To test their evidence he took them to the place and made each separately, in the absence of of course of the others, point out the different Spots at which each stage of the proceedings as detailed by them took place and their accounts tallied on every point of importance -

The man who wrote the letter above referred to was at once sent for - He admits having done so but says he was compelled to write

write the letter by the threats used towards him by the Prosecutor - He cannot however say how it was that he did not bring the matter, as soon as he was released by the Prosecutor, to the notice of the Head of Police, or to the Magistrate, or even report it to the party most interested the Jaffnamenies - His statement that he was forced to write the letter carries falsehood on the face of it - Another letter subsequently written to the Prosecutor by the same party, as is seen from the hand writing the Jaffnamenies by the man himself, is also produced by Prosecutor - The former certainly would not have written to the party who had previously extorted a letter from him - The Servant of the Prosecutor is brought forward as a Witness - The Magistrate sees reason to think that this man has deposed to facts of which he was not Cognizant and does not place much Confidence in his evidence -

The accused denies the Charge, states it has been brought out of Spite, admits having accompanied Prosecutor out of the house when, he says, the Duffadars were called and money in Prosecutor's hand given to one of them - Names four Witnesses, who were duly examined, only two of them give evidence materially in support of the accused's statement, and their evidence is not in the Magistrate's opinion worthy of Credit - It is much stranger that the 1st (the accused's servant) should have, when he was aware that some subject not of the ordinary kind was about to be discussed, accompanied his master out side of his own accord, as he states he did, and the story of the second, who went outside for the sake of the Sea breeze, is very improbable - The Conduct of the Jaffnamenies after the affair was not that of an innocent man - Had he not been conscious of guilt he would at the moment have

enclosure your Petitioner was dismissed from employment by the
Magistrate—

3. The Board more as a matter of form rejected your Petitioners appeal on the ground that he was dismissed for "bribery" What they had to do was to find out if a case of bribery had been proved against your Petitioner but they did not in the least take the trouble to arrive at the truth and ascertain if redress was due to your Petitioner. It requires no strong argument to shew that such summary and arbitrary disposal of Petitions presented to the Board in the face of the repeated and strong orders issued by the Court of Directors and local Government for the protection of their Public Servants cannot be calculated to check the caprice of the Collectors in the treatment of their native Subordinates which it was the object of those orders to put an end to—

4. Your Petitioner therefore begs your Lordships in Council with his dismissal from office and declare him eligible for re-employment in the public service—

Your Petitioner &c. in duty bound—

Madras — — —
18th December 1856

Shall ever Pray—

(Signed) Nary Ristniah

Endorsement of the Government
No. 3109 of 1856—

From N. Ristniah late Magistrate Jawaheneis in the Distr. of Rajahmundry dated 18th Decr. With 2 enclosures
Complains that he was unjustly discharged by the Magistrate from his situation on a malicious charge of corruption preferred against him by the Peishcar late forth his innocence Protests against the enclosed orders of the Magistrate & the Board of Revenue - Prays for Consideration & orders declaring him eligible for Public employment—

No. 3109 of 1856.

Petitioner is referred to the endorsement of the Board of

of Revenue which he will Consider final—

Fort Saint George
13th January 1857

By order—

(Signed) M. Norman

Dy Secretary to Government

For Orders. 114

Revenue Department No 330-

From Krishnyah late Sarvebnavis on the Establishment of the Collector of Rajahmundry Of 1st April 1857-

I submit these papers with my proceedings in this case.

H

14

No. 124

H. Forbes Esquire

Acting Secretary to Government

Sir,

I beg respectfully to request that you will be pleased to lay the accompanying Memorial in triplicate before his Lordship in Council, and with his permission transmit it to the Honorable the Court of Directors.

I remain Honored Sir
Your most obedient humble Servant

Madras — }
7th April 1857 }

late Magistrate of Javaleneries
of Rajahmundry.

6th Q. Decr. 27/57

Revenue 1857 Dept.
Dft to Court 8th May

No 330

Rec. Kreshnajah late Boatmen in Mr S. Establishment of the Collector of Rajahmundry

Dated 1.4.57
Rec. 1.4.57
3 Encls

Prays that the Memorial, against his dismissal from the Public Service, which he herewith submits in triplicate, may be forwarded to the Honble Court of Directors

With an order No 447. 13th May

6th Q. Decr. 27/57

Copy in a Letter to E. Dept. 9th April 1858 No 1

No 516.

No 447

Resolved that the Board of Revenue be requested to call upon the Collector of Rajahmundry to forward as early as possible all the Proceedings with translations connected with the case of the Memorialist and to submit them to Government when received.

Fort St. George
13th May 1857

To Copies to the Bd of Rev
Dispt the 14th

C 15 April 27 — C 8 May Do