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(19)

Revenue Department

Minutes of Consultations

15th September 1857

Book Number 5 - 57

Order No. 916 dated 9th Sept 1857

(13)

பாதுகாப்பு பிரிவு-1

செப்பனிடுபவர் பெயர் — ஏ.ஜகதீசன்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 11/2006 3/2007

செப்பனிட்டு முடித்த நாள்

சரிபார்க்கும் முதல் மு.நி.பா.எ கையொப்பம்.

சரிபார்க்கும் 2ம்.பா.எ. கையொப்பம்.

ஆராய்ச்சி உதவியாளர் கையொப்பம்

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

No. 5. Read the following Extract from the Proceedings of the Board of Revenue; dated 27th July 1857, No. 2520.

Read letter from the Acting Collector of Masulipatam dated 26th May 1857.*

* *In Cons. 27th July* 1857.

(Here enter No. 86.)

In his letter dated 10th October 1854, the Commissioner for the Northern Circars submitted to Government a letter from the Collector of Masulipatam detailing the steps which had been taken in regard to the demolition of a Choultry at Bezoarah, and reporting on a claim to compensation preferred by its founder Ramanooja Row, then Head Serishtadar of the district.

2. The Choultry in question was removed to make way for the bed of the main channel on the left bank of the Kistna at the Bezoarah Annicut. As however there appeared to him to be little doubt that the funds required for its erection were the proceeds of illegal exactions levied from the ryots by the exercise of public authority, the Commissioner recommended that an enquiry should be instituted, and that should the circumstances elicited by the evidence justify such a course, the Head Assistant or other officer trying the case should be instructed to decline compliance with any demand for indemnification and to refer Ramanooja Row to the Civil Court, if disposed to prosecute his claim further.

3. The Government approved† of this course, and the result of the investigation entered upon is given in extenso in the report of the Acting Sub-Collector which accompanied the letter placed at the head of these Proceedings. This report is dated 22d May 1857.

† *Ex. M. C. 6th Nov.* 1854, *No.* 1435, *R. D.*

4. It was clearly proved that Ramanooja Row made use of his official position in the most unscrupulous and shameful manner, that large sums of money were levied from the ryots through the instrumentality of the local officers, and appropriated by him in furtherance of his own schemes, and that the materials for his Choultries were obtained by dishonesty and fraud.

5. However this may be, there is ground for doubt whether the provisions of Regulation IX. of 1822, would in a Court of law be held applicable to the case, and adverting to the length of time which has elapsed since these circumstances occurred, the Board think it very undesirable that a formal enquiry should now be entered upon under Regulation IX. of 1822, but resolve to recommend that in this respect the matter shauld be allowed to drop.

6. The past records in connection with the charges of malversation preferred against Ramanooja Row will be fresh in the memory of Government, and it may here be observed that the Choultry in question was one of those attached in satisfaction of the judgments given in those cases.

Encl. No. 3 in letter from Collr. of Masulipatam dated 2d in D. C. N. C. 12th October 1854.

7. Thus far the orders of Government have been carried out and it only remains to pronounce finally upon the claim to compensation.

8. Upon this point, the Board are inclined to adopt a different view from that expressed by the Commissioner, and they think that on reconsideration the Government will admit the claim.

9. The Choultry, no doubt, was built with money improperly exacted, but the persons who contributed put forward no claims, and however flagrant the means employed by Ramanooja Row for raising money, it can hardly be maintained that his dishonesty gives the Government a title to what it never possessed, or a right to come forward as an interested party and decide upon its own case.

10. The investigation was held, not under Regulation IX. of 1822, but upon the Magisterial side, and the Board can see no way out of the difficulty but by acceding to the demand, and paying to Ramanooja Row a fair equivalent for the Choultry and the site on which it stood. This course they would recommend in preference to that suggested by Mr. Knox, who proposes that the value of the land should be paid him in money, and that Government should build him another Choultry in place of that removed in 1854.

Government

11. Should the Government take their view of the case, the Board will instruct the Collector to ascertain, as nearly as may be after so long an interval, the value of the property, and to pay the amount to Ramanooja Row.

12. With reference to the concluding part of para. 11 of Extract Minutes Consultation dated 17th March 1857, No. 264 R. D. the Acting Collector and Sub-Collector afford explanation, the former in para. 2, the latter in paras. 2 and 3 of their letters under review.

13. The enquiry was conducted by Mr. Fraser and his successor Mr. Blair, the case having been referred to the former in February 1855.

14. The delay which occurred in their Proceedings is stated to have been occasioned by the difficulty in procuring the attendance of the witnesses who gave evidence before Mr. Bird, some having died, and others from various causes not being forthcoming.

15. It appears from the Collector's letter that Mr. Chase, who joined the District as Acting Sub-Collector in November 1856, completed his report in the following month, but as he had to take charge of the District very shortly afterwards, the matter escaped notice, and further delay was the consequence.

(A true Extract.)

(Signed) L. FORBES, *Acting Sub-Secretary.*

No. 6. ORDER THEREON, No. 916; dated 9th September 1857.

Para. 1. With these Proceedings, the Board of Revenue submit with their own opinion, a report from the Acting Collector of Masulipatam, on the circumstances connected with the construction of a Choultry at Bazoarah, by the late Sheristadar of the District Ramanooja Row. The investigation, of which the result forms the subject of the correspondence now laid before Government, was ordered in consequence of the probability of a claim being preferred by that individual to the value of the Choultry in question, on account of its removal to make way for the main channel on the left bank of the Kistna at the Annicut. The Commissioner, at whose instance the enquiry was made, suggested it as a means of establishing by evidence, the fact of the Choultry having been erected by means of illegal exactions made by the exercise of the Sheristadar's public authority; and recommended, in the event of the evidence obtained being of a nature to warrant such a proceeding, that any demand for indemnification which might be brought forward, should be declined, and the party advancing it referred to a Court of Law for redress, if he felt aggrieved.

2. The Acting Collector, noticing the Acting Sub-Collector's report on the subject, agrees with that officer that the land on which the Choultry was built, was a bona fide purchase made by Ramanooja Row, and as such that he is entitled to receive payment of the price he gave for it; but in respect to the structure itself, Mr. Knox, though quite satisfied that it was raised by means of exactions obtained through the Agency of the Tahsildar of the talook, now deceased, yet entertains doubts whether, under the existing law, Ramanooja Row could be tried for raising compulsory subscriptions to a public Choultry. The Board also appear to share in the Acting Collector's doubts, and suggest that this part of the affair should be allowed to drop.

3. As regards the claim to compensation, the Board express an opinion different from that given by the Commissioner. They recommend that the claim should be at once met by a payment to Ramanooja Row of a fair equivalent for the Choultry, as well as for the ground on which it stood, and their reasons for this recommendation are stated in their Proceedings, and are such as the Government cannot but recognize. The Right Honorable the Governor in Council resolves therefore to intimate to the Board, his approval of their recommendation; and to direct in conformity with it, that the Collector be instructed to ascertain the value of the property, and to pay the amount to Ramanooja Row, reporting the payment so made for the information of Government, and for communication to the offices of Account and Audit.

Ordered that the above correspondence and proceedings be brought to the notice of the Honorable Court of Directors, with reference to para. 42 of their Despatch in the Revenue Department dated 13th August 1856, No. 11.

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

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Fort Saint George, Revenue Consultation of 15*th September* 1857.

Ordered that the following Minute by the Honorable Mr. Elliot be recorded.

No. 7. MINUTE.

I have passed these drafts, because, under the circumstances, there appears to be no other way of disposing legally of the claim brought forward by Ramanooja Row, late Head Sheristadar of Masulipatam.

But while I do so, I feel constrained to call attention to the additional instance thereby afforded of the inapplicability of our system of laws, and mode of procedure, to the circumstances of the country, and to the difficulties which they impose on Revenue officers in checking flagrant acts of malversation, and in protecting the ryots from oppression and extortion.

In this case, an individual who had for years employed the authority and influence of the highest office open to his class, in the exercise of a systematic course of exaction, and who had successfully evaded the prosecutions to which he had been subjected in consequence, unblushingly demands compensation for a Choultry which he had constructed out of the forced contributions of the ryots, not for the general good, but that he might establish a character for charity among the members of his own caste. And this claim, the Government is perforce compelled to admit!

I am aware that the inefficiency of the Revenue laws for the punishment of such offences has of late been fully admitted, and that drafts of new enactments are now under consideration.

But I greatly fear that it will be found impossible to secure the objects in view by any such means, until the condition of the great mass of the population has been ameliorated to a degree which it is hopeless to expect for many years to come.

The difficulty in obtaining proof of such acts consists mainly in the superior intelligence and ability of the class to which the public servants belong, and in the ignorance, apathy, and stupidity of the cultivating classes.

At present, and so it will be for many years to come, the efforts to diffuse education do not extend beyond the former description of persons. The great body of the people, and the agricultural classes in particular, remain wholly illiterate. Intellectual advancement does not necessarily secure moral improvement, and from the examples I have seen, I am not led to expect more uprightness and honesty from the men educated according to the European system, than from the old class of Native servants. Several instances have occurred under my own immediate observation, in which the most promising individuals have failed to realize the expectations formed of them in this respect.

I greatly fear therefore that, unless a summary power of dealing with cases of malversation is left in the hands of Revenue officers, it will in a great measure be out of their power to afford effectual redress for illegal demands or oppressive treatment.

Regulation IX. of 1822 was passed at the instance of Sir Thomas Munro, as the preamble expressly declares, to give such a power. But its spirit was neutralized by the subsequent enactment of Regulation VII. of 1828. And the drafts of Revenue Law now under consideration, do not contemplate the restoration of this kind of jurisdiction.

The large discretionary powers vested in Commissioners of unsettled Districts enable them effectually to put a stop to all such license.

But in the older settled Districts, the more perfect the system of jurisprudence applied to a state of society, no whit more advanced in civilization than what is found in the latest acquired territories of the Indian Empire, the greater appears to be the difficulty of securing the end and object of all legislation, security of person and property to those under its control.

29th August 1857. (Signed) WALTER ELLIOT.

Government

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Revenue Department.

N°. 2520

Extract from the Proceedings of the Board of Revenue, dated 27th July, 1857.

N° 2520

Read letter from the Acting Collector of Masulipatam dated 26th May 1857.

In Cons. 27th July 1857.

(Here enter N° 80)

In his letter dated 10th October 1854 the Commissioner for the Northern Circars submitted to Government a letter from the Collector of Masulipatam detailing the steps which had been taken in regard to the demolition of a Choultry at Bezoarah, and reporting on a claim to compensation preferred by its founder Ramanoja Row, then Head Sheristadar of the District.

2. The Choultry in question was removed to make way for the bed of the main Channel on the left bank of the Kistna at the Bezoarah Anicut. As however there appeared to him to be little doubt that the funds required for its erection were the proceeds of illegal exaction

levied

Government

levied from the Ryots by the exercise of public authority, the Commissioner recommended that an enquiry should be instituted and that should the circumstances elicited by the evidence justify such a course the Head Assistant or other officer trying the case should be instructed to decline compliance with any demand for indemnification and to refer Ramanooja Row to the Civil Court if disposed to prosecute his claim further.

3. The Government approved of this course, and the result of the investigation entered upon is given in extenso in the Report of the Acting Sub Collector which accompanied the letter placed at the head of these Proceedings. This report is dated 22d May 1857.

Extract Minutes Cons. 6 November 1854 No 1435. R. D.

4 It was clearly proved that Ramanooja Row made use of his official position in the most unscrupulous and shameful manner, that large sums of money were levied from the Ryots through the instrumentality of the local officers and appropriated by him in furtherance of

of his own schemes, and that the materials for his Choultries were obtained by dishonesty and fraud.

5. However this may be, there is ground for doubt whether the provisions of Regulation IX of 1822 would in a Court of Law be held applicable to the case, and adverting to the length of time which has elapsed since these circumstances occurred the Board think it very undesirable that a formal enquiry should now be entered upon under Regulation IX of 1822, but resolve to recommend that in this respect the matter should be allowed to drop.

6. The past records in connection with the charges of Malversation preferred against Ramanooja Row will be fresh in the Memory of Government, and it may here be observed that the Choultry in question was one of those attached in satisfaction of the Judgments given in those cases.

Encls N.3 in letter from Collector of Masulipatam of 2d in 6 N.C. 12 Oct. 54.

7. Thus far the orders of Government have been carried out and it only remains to pronounce finally upon the claim to compensation.

Upon

Government

9. Upon this point the Board are inclined to adopt a different view from that expressed by the Commissioner, and they think that on reconsideration the Government will admit the claim.

9. The Choultry no doubt, was built with money improperly exacted, but the persons who contributed put forward no claims, and however flagrant the means employed by Ramanooja Row for raising money - it can hardly be maintained that his dishonesty gives the Government a title to what it never possessed or a right to come forward as an interested party and decide upon its own case.

10 The investigation was held, not under Regulation IX of 1822 but upon the Magisterial side, and the Board can see no way out of the difficulty but by acceding to the demand, and paying to Ramanooja Row a fair equivalent for the Choultry and the site on which it stood. This course they would recommend in preference to that suggested by Mr Knox who proposes that the value of the land should be paid him in money, and that Government should build him another Choultry in place of that removed in 1854.

11. Should the Government take their view of the case the Board will instruct the Collector to ascertain, as nearly as may be after so long an interval, the value of the property, and to pay the amount to Ramanooja Row.

12 With reference to the concluding part of Para 11 of Extract Minutes Consultation dated 17th March 1857 No 262 R. D. the Acting Collector and Sub Collector afford explanation, the former in Para 2 the latter in Paras 2 and 3, of their letters under review.

13. The enquiry was conducted by Mr Fraser and his Successor Mr Blair, the case having been referred to the former in February 1855.

14. The delay which occurred in their Proceedings is stated to have been occasioned by the difficulty in procuring the attendance of the Witnesses who gave evidence before Mr Bird, some having died and

Government

and others from various causes not being forthcoming.

15. It appears from the Collector's letter that Mr. Chase, who joined the District as Acting Sub Collector in November 1855, completed his report in the following month, but as he had to take charge of the District very shortly afterwards, the matter escaped notice, and further delay was the consequence.

(A true Extract)

L. Forbes
Ag. Sub Secretary

To,
R. Forbes Esq:
Ag Secretary to Government,
Revenue Department.

W.P. 2 Sheets.

Enclosure in Board's Letter dated 27th July 1857 No 33

Copy of a Letter from the Collector of Salem to the Board of Revenue

Dated 23rd July 1857

Rec'd 29th Do

2 Encl. Returned

No 2320

(6) Nos 916. 917 & 918.

Submitting with the Boards remarks a letter from the Collector of Madura reporting the result of the enquiry as to the manner by which the Chattry at Bera[illegible] had been erected by its founder Ramaswamy Ra[illegible] and stating the Board's opinion that a few rupees would be sufficient to defray the cost of the building and the sum which it should be found necessary to expend on the repairs of the Chattram to the Pagoda.

Read 24 July 1857

[illegible] various, of which the result forms the subject of the Correspondence now laid before Government

6
916 R. D

No. 916.

Extract from the Minutes of Consultation
Under date the 9th September 1857.

Read the following
Extract from the Proceedings
of the Board of Revenue.

Fort William 27th July 1857. No. 2520.

To With these proceed
ings, the Board of Revenue
submit with their own opin
ion, a report from the Acting
Collector of Nuddea on
the circumstances connected
with the construction of a
Chaukey at Bazoorah by the
late Sheristadar of the District
Ramcanaya Row. The investi
gation, of which the result
forms the subject of the
Correspondence now laid before
Government

Government, was ordered in
consequence of the probability
of a claim being preferred
by that individual
to the value of the Choultry
in question on account of its
removal to make way for
~~the bed of~~ the main Channel
on the left bank of the River
at the Eminent. The Commis-
sioner at whose instance the
Enquiry was made, suggested
it as a means of establish-
ing by evidence, the fact
of the Choultry having been
erected by means of illegal
exactions made by the over-
the Theristadars
seers of 51 public authority; and
recommended, in the event
of the evidence obtained
being of a nature to warrant
such a proceeding, that no
any demand for indemnifi-
cation

2d

cation which might be brought
forward, should be declined
and the party advancing it
referred to a Court of Law
for redress, if he felt aggrie
2 The acting Collector
acting the acting Subcoll
report on the subject, agreed
with that officer that the
land on which the Choultry
was built, was a bona fide
purchase made by Ramas
-rooja Row, and as such tha
he is entitled to receive co
payment of the price he
gave for it; but in respect
to
of the Structure itself, Mr Ra
though quite satisfied that
it was raised by means
of exactions obtained through
the agency of the Tahsildar
of the Taluk, now deceased
yet entertains doubts whether
under

under the existing Laws as Ramanooja Row could be tried for raising Compulsory Subscriptions to a public Charity. The Board also appear to share in the acting Collector's doubts, and suggest that this part of the affair should be allowed to drop.

As regards the claim to Compensation, the Board express an opinion different from that given by the Commissioner. They recommend that the claim should be at once met by a payment to Ramanooja Row of a fair Equivalent for the Charity, as well as for the ground on which it stood, and their reasons

for this recommendation are stated in their proceedings and are such as the Government cannot but recognize. The Right Honorable the Governor in Council resolves therefore to intimate to the Board, his approval of their recommendation; and to direct in conformity with it, that the Collector be instructed to ascertain the Value of the property and to pay the Amount to Ramanooja Row, reporting the Payment to made for the information of Government and for Communication to the Office of Account and Audit.

Ordered that the above Correspondence and proceedings be brought to the notice

notices of the Honorable Court
of Directors with reference to
paragraph 2 of their Dispatch in
the Revenue department
dated 13th August 1856 No 11.

Ordered that the
following Minute by the Hon.ble
Mr. Elliot be recorded in
the Home Letter of August 1857.

Copied to the Bd of Rev.
with 2 Encls.
Desp.ch No 10.

Copied to the Bd of Rev.
with 2 Encls.
Desp.ch No 10.

Commr Nellore to Govt
No 10 Rev. dated 15th Jany 1857 No 33

Govt: 14 March 1857 No 229

Govt: 17 March 1857 No 345

Collector of Masulipatam to the Board of Revenue
dated 15th January 1857

Govt: 6th March 1857 No 229

Govt: 17th March 1857 No 345

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14
916

Mauritius.

Extract Min[ute] Com[mit]e August 1807 No. 19.

Letter to the Honorable Court.

I have passed these drafts, because, under the circumstances, there appeared to be no other way of disposing legally of the claim brought forward by Ramanaga Row late Head Shroffadar of Manufapatam.

But while I do so, I feel constrained to call attention to the additional instance thereby affordeds of the inapplicability of our system

of

of laws, and mode of pro-
-cedure, to the circumstances
of the Country, and to the
obstacles which they sup-
-pose an Revenue Officers
in checking flagrant
acts of malversation,
and in protecting the
ryots from oppression &
extortion.

In this case, an
individual who had for
years employed the au-
-thority and influence
of the highest Officer
open to his class, in
the exercise of a syste-
-matic course of exaction,
and who had successfully
evaded

15/916 prosecutions
evaded the ~~prosecutions~~
to which he had been
subjected in consequence,
unblushingly demanded
compensation for a check-
-ing which he had con-
-structed out of this
forced contributions
from the ryots, not
for the general
good, but that he
might establish
a character for chari-
-ty among the mem-
-bers of his own caste.

And

And this claim, the Government is perforce compelled to admit!

I am aware that the inefficiency of the Revenue laws for punishment of such offences has of late been fully admitted, and that draughts of new enactments are now under consideration.

But I greatly fear that it will be

be found impossible to secure the objects in view by any such means, until the condition of the great mass of the population has been ameliorated to a degree which it is hopeless to expect for many years to come.

The difficulty in obtaining proof of such acts consists mainly in the superior intelligence and ability of the class to which the public servants belong, and in the ignorance, apathy, and stupidity of the cultivating classes.

All present, and so it will be for many years to come, the efforts to diffuse education do not extend beyond the former description of persons. The great body of the people, and the

Agricultural

it will in a great measure be
out of their power to afford effec-
tual redress for illegal demands
or oppressive treatment.

Regulation IX of 1822
was passed at the instance of
Sir Thomas Munro, as the
preamble expressly declares, to
give such a power. But its
spirit was neutralized by the
subsequent enactment of
Regulation VII of 1828. And
the drafts of Revenue Law
now under consideration, do
not contemplate the restoration
of this Kind of jurisdiction.

The large discretionary
powers vested in Commissioners
of unsettled districts effectually
to put a stop to all such licenses.

But in the older settled
districts

agricultural classes in particular,
remain wholly illiterate. Intellec-
tual advancement does not ne-
cessarily secure moral improve-
ment, and from the examples
I have seen, I am not led to
expect more uprightness and
honesty from the men educated
according to the European
system, than from the old
class of Native Servants. Several
instances have occurred under
my own immediate observation,
in which the most promising
individuals have failed to
realize the expectations formed
of them in this respect. I greatly
fear therefore that, unless a summary
power of dealing with cases
of malversation is left in
the hands of Revenue Officers,
it

districts, the more perfect the system of jurisprudence applied to a state of Society, no which more advanced in civilization than ~~what is found in~~ the latest acquired territories of the Indian Empire—, the greater appears to be the difficulty of securing the ~~—~~ end and object of all legislation, security of person and property to those under its control.

Wm Edwardes

29th August 1857

Edwardes

Edwardes Smith

C. of J. ... & Lt. Govs to Govt
dy 10th Septr 1857. No 33.

18
916

Revenue 1857 Departt
Dr. 16 Encs: 15th Septr.

No. 1099.

Minute by the Honorable
Mr. Elliot.
dy 29th August 1857.

Encl 916 new
dy 9-9-1857

No. 7.

Stating that he feels constrained in the claim brought forward by Ramanjia Row, to call attention to the addl. instance thereby afforded of the inapplicability of ~~a~~ System of Laws to the circumstances of the Country, & to the difficulties they impose on Revenue Officers