Proceedings of the Madras Government, Revenue Department, 4th December 1873.

No. 45. Read the following Proceedings of the Board of Revenue, dated 20th October 1873, No. 2,149 :—

Read again Board's Proceedings, dated 12th August 1873, Miscellaneous No. 5,088, and 8th September 1873, Miscellaneous No. 5,756.

Read also the following papers:—

From R. W. BARLOW, Esq., Acting Collector of the Chingleput District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Saidapet, 5th September 1873, No. 381.

ABSTRACT.—Forwards copy of the Acting Sub-Collector's letter and the Gumasta Subbasamy Mudali's explanation regarding the concealment of cultivation at Valluvattúr.

Petition No. 2,180, dated 12th August 1873, from Sama Ravu, Thasildar of Chingleput Taluq, furnishing explanation regarding the charges against him.

THE Board have now before them the explanation of Sama Ravu the suspended Tahsildar of Chingleput, as regards the charges brought against him by the Acting Sub-Collector Mr. Crole, in connection with a case of concealed cultivation in the village of Valluvattúr.

2. The facts of the case are briefly as follows:—A petition alleging concealment of cultivation in thirty-three fields was presented to the Tahsildar on the 15th October 1872. He referred it for inquiry to the Acting Head Gumasta Subbasamy Mudali, who proceeded to the village, and on the 18th October submitted a report with depositions, to the effect generally that the lands having been again cultivated it was impossible to ascertain whether the previous cultivation alleged to have been concealed had taken place. The Tahsildar ordered the petition to be endorsed that the complaint appeared not to be true. This endorsement however was not issued the Taluq Sheristadar having put certain questions to the Head Gumasta regarding the report, and it is alleged, that on the 22nd October the circumstance was brought to the Tahsildar's knowledge by the Taluq Sheristadar.

3. On the 7th November the Acting Sub-Collector having received another petition (anonymous) on the matter, called for the record, and on the 11th November directed the Tahsildar himself to go to the village and examine the fields in question. According to the Tahsildar this order reached him on the 13th and he at once started for Valluvattúr which he reached on the 14th and on the 18th November reported the result of his examination. It was that (after excluding certain house sites, etc.) it was impossible, the lands being under cultivation, to say definitely whether the alleged previous cultivation had taken place or not. The assessment involved was Rupees 88-0-5.

4. The Acting Sub-Collector dissatisfied with this report, sent his Acting Sheristadar and a clerk to examine the lands, and these officers having reported that the charge was true, he sent seven persons, viz., the Deputy Tahsildar of Teroporur, the clerk abovementioned, three Village Munsifs and two Revenue Inspectors to examine the village in detail. These persons obtained what they considered to be evidence of the previous cultivation of the lands in question not brought to

account and of further frauds in the village involving a loss to Government of Rupees 269-7-10. The evidence on which reliance was placed was the existence of stubble of the kar crop and of ragi, and of plants of the former which had again sprouted. The Board believe that practical cultivators find no difficulty in coming to a right conclusion on such data, and regard the concealment of cultivation as established.

5. The question however is what bearing has the evidence of these extensive frauds upon the honesty and efficiency of the Tahsildar. Mr. Crole considers that his report could only be due to wilful complicity in the fraud, and relies upon certain collateral circumstances as establishing this conclusion. These fall under two heads—

(1.) Connected with his disposal of the petition to himself as Tahsildar; that it was not brought upon the usual register, with a view to preventing the matter being brought on record; that instead of referring it to the Revenue Inspector in the usual course, he sent the Head Gumasta to enquire, and that he failed to notice the Taluq Sheristadar's objection as to the inadequacy of that report.

(2.) Connected with his conduct after the reference made to him by the Sub-Collector; that his own examination was designedly cursory and partial being conducted in a few hours with the assistance of the accused Village Officers and the person who afterwards acted as their Vakil when they were brought to Criminal trial; and that the presence of the Revenue Inspector through whom the inefficiency of the examination was exposed, was accidental.

6. The Board consider the explanation of the Tahsildar as to the first set of circumstances to be quite satisfactory. They do not think that his conduct indicates that he either neglected the original complaint or wilfully concealed its existence. He immediately sent the petition into the office and despatched a special officer to enquire into it, and the non-registry of the petition at the time may have been owing to accident but certainly is not shown to have been due to any action of the Tahsildar. He denies that any communication on the subject of the Gumasta's report was made to him by the Sheristadar, and on a perusal of these queries they do not seem to show that officer suspected fraud in the case. The Tahsildar denies that the matter was brought to his notice on the 22nd October, and asserts that the Sheristadar now admits that he was mistaken in the statement he made to that effect. The proceedings of the Taluq Office, in connection with the petition were unfinished, and the case was not finally disposed of when the case was called up, and the Board think that the irregularities noticed are not such as to prove corrupt motive and in any case there is nothing to show that the Tahsildar was privy to them. The Board attach no force to the objection that his proceedings were irregular with reference to Regulation IX. of 1822 and VII. of 1828. The course he pursued was they believe not unusual.

7. As regards the Tahsildar's examination of the fields, the Board observe that the Sub-Collector's instructions extended only to the examination of a few fields and did not contemplate such an examination of the whole village as was afterwards carried out. The Board see no reason to believe that the time devoted to it was insufficient. The examination might as was subsequently shown, have been more thorough, but it might have been honestly held by an ordinary official that when a fresh crop was some months old it was useless to look for signs of

Proceedings of the Madras Government, Revenue Department,
4th December 1873.

the previous cultivation. The presence of the accused persons was a matter of course and that of the Vakil is perhaps explained by the previous inquiry (the Tahsildar does not seem to have been asked to explain the presence of this person) and it appears that the Revenue Inspector was ordered by the Tahsildar on his arrival at his head-quarters to attend him to the examination. Had his absence been desired it might have been easily procured. As to the alleged cultivation of No. 242, (house site) the Tahsildar states that the cultivation was on land entered hitherto as No. 241, that there was none on the land entered as No. 242 and that No. 241, was not one of the fields he was told to examine. Mr. Crole's queries were not directed to this point. The Board have been unable to find either number in the map.

8. The Board after a careful and anxious consideration of the whole of the papers and of Sama Rayu's explanation as to the circumstances relied on as proving his complicity in the fraud, have come to the conclusion that the chain of evidence which on first reading of the Sub-Collector's report appeared to them so strong, does not really involve conclusions so clearly condemnatory of the Tahsildar as they thought, and they are of opinion that he must be acquitted of fraudulent or corrupt intent. In the circumstances they think it advisable that he should be transferred from the Sub-division and accordingly request the sanction of Government to the proposal of the Acting Collector that he be appointed Tahsildar of Ponneri, Bhujanga Row being transferred to Chingleput.

9. The Board do not attach importance to the direct testimony against the Acting Head Gumasta Subhasamy Mudali who is also under suspension, and consider that there is no more evidence of corruption on his part than on that of the Tahsildar. He should be restored to his post.

10. The Collector will be requested to ascertain from Mr. Crole the circumstances under which Tambiran one of the witnesses last called in the criminal case has been made a Village Munsif.

11. The Acting Sub-Collector should complete the settlement of the village on the assumption that the concealment of cultivation really took place.

No. 46. ORDER THEREON, 4th December 1873, No. 1,347.

Miscellaneous.

THE Government sanction the proposal of the Board of Revenue to transfer the Tahsildar, Sama Rao, from the Sub-division to the charge of a taluq in the principal division of the Chingleput District. It is observed that he has been acquitted by the Board of all fraudulent or corrupt intent in the case lately under investigation.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Board of Revenue.

Ed. G. A. Turton.

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Chingleput District Collector's Office
on circuit Settlement
19th July 1873.

No. 284.

From,

R. N. Barlow Esqre
Collector of the
Chingleput District.

To,

J. Grose Esqre,
Secretary to the
Board of Revenue
Madras.

Sir,

I have the honor to forward, at the request of the Acting Land Collector, the enclosed letter No. 313, dated 7th instant, bringing further charges against Lama Rai, the Tahsildar of Chingleput, for the orders of the Board.

2. The Board are aware that complaints have already been brought by the Ryots against the conduct of this Official; and should they take a different or a more favourable view of his conduct in connection with these alleged frauds at Valavanthan, I request that he may be at once transferred to the Principal Division, for which only he

the Taking of Colingleput in a bad state, as pointed out by the Last Collector, though Lama Rai is not responsible for this, but his remaining there, under the existing circumstances, is not likely to improve matters. This can be done at once by transferring him to Pomeny, and Poojaya Rai to Colingleput, both being of Class Salary.

3. The several points regarding the Revenue to be actually levied, are properly disposable of by the Collector and Last Collector, as the Court of the Circuit having acquitted judicially of the charge of fraud, is not bound whatever to the realization of Revenue, he may have omitted to bring to account through neglect not proved; but as the whole matter is connected with charges against Lama Rai, and as the acting Last Collector seems to desire, without reference to consequences, that the matter should be heard before the Board, I shall

shall be only too glad, with reference what has passed hitherto, to be permitted to leave the matter entirely in their hands, more especially as the present charges against Lama Rai are virtually opposed to the conclusions, which I arrived at when disposing of the appeal preferred by the Curnum of the Village, as hereafter explained.

4. Mr. Crole's letter may be divided under two heads.

I. Charges against Lama Rai of infficiency and dishonesty, and

II. An explanation required with a plan explaining what the considered the real facts of a concealed cultivation case, and questioning the correctness of the appeal decision already alluded to, and passed by me as District Magistrate, reversing a decision against the said Curnum of Colawakkum for preparing false accounts in this identical case, in which the Inhabitants are now accused by the Last Collector of being an accomplice.

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5. The circumstances, under which Lucas unfortunately compelled the attested with the last Collector regarding this Tahsildar, whom I found under a cloud, though very recently a promise of his Court for 1st class powers, and afterwards enjoying his confidence, will be in the recollection of the Board, who concurred in my view, and directed this trial on the first opportunity as a Tahsildar on the Principal Division. This unfortunately was not done, for under the Standing Orders, by order of the Board, and in the face of opposition by the last Collector, Lucas was confirmed in Chingleput as Tahsildar on certain charges of Cruelty, Torture, Extortion, Using base language &c.

Vide Proceedings dated 13th February 1871, Para 18.

6. On receipt of the Proceedings on the Magisterial side, I received the Appeal decision, and kept it back until the Magistrate

The

with Mr Croke, alluded to at page 58.

7. The appeal decision speaks for itself and was written, after great consideration, though much that is now urged by Mr Croke, was of course set before the Court when disposing there of. Called in question, however, as the correctness of my judgment is, I may fairly add as Collector what I did not feel myself justified in stating as Magistrate, on the actual occurrence being brought before me, i.e. that I should cause the reduction to the Peace only of one or two officers employed, as well as of that of the Town and Port.

8. The Board will recollect that the Lieutenant Governor was, by this transfer of the whole case, for the time as it were, one of the Revenue Board, and the Magistracy appeal, which I was bound to decide then and there on the evidence as it stood, and which decision has committed me to one view of the case.

9. I believe, in conclusion, from a letter of an Orji, just received, from Cawa Kain, on which he prays, for the reason stated therein, that he may have a further opportunity of replying to the charges, recently brought against Kain in the Collector's letter.

I have &c

(Signed)

H. P. Harlow

Offg Collector

(True Copy)

H Ebden

Offg Sec to Govt

Offg Sec to Board of Revenue

Revenue Department

Miscellaneous No. 5088.

Proceedings of the Board of Revenue

Dated 12th August 1873

Read letter from the Acting Collector of Chingleput, dated 19th July 1873 No. 284, forwarding for Board's orders, Petition from the Sub Collector of the District, No. 313 of 19th June, bringing further charges against Sanna Row, the Tahsildar of Chingleput.

After giving their most careful attention to this case, the Board consider without doubt that the cases of concealed cultivation "B" are proved, that the Manegar and Curnum of Vaburatur have defrauded Government, and that Sanna Row, the Tahsildar and Subhursanic Meedale, the Head Gumastah of the Taluq of Chingleput have shown gross inefficiency

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if not something far worse.

The State of the Connecticut

Evidence is evidently such as to require that it should be placed in the hands of some able, honest and zealous Solicitor, and that misfeasance such as is now brought to notice should be severely punished.

The Board resolve to direct that the Manager Brunsiff and the Secretary of Saltwater be dismissed and that Sarah Rose and Sullivan Meadale be suspended.

Sarah Rose has asked the Collector to call for his explanation as he still has a great deal to say in the case." The Collector will call before these and Northboard. Meadale to submit their explanations they may consider necessary, and the Board will then

pass finally in regard to these.

The Board deem it right to record their opinion that the labour, care, ability and determination to get to the bottom of roguery which have been exercised in this case by Mr. Crole entitle him to high commendation.

I certify that the foregoing is a true Extract from the Minutes of the Proceedings of the Board of Inland Revenue.

Signed J. Grose
Secretary.

To
The Collector of
Connecticut

(True Copy)
H. Charles
Asst Secretary

Signed
Collector of Connecticut

Enclosure in Proceedings
of the Board of Revenue
dated 25th October No. 2149.
Attached Secretary to Govt.
Revenue Department

R. 1
3463/73

Copy of Board's Proceedings in
Miscellaneous No. 3788 of
12th August 1873, passing
orders on the cases of
Concealed Cultivation
in the Calicut Village
of the Chirakkal
Division.

alleged against him, and the grounds for the same, as set forth in the Acting Sub Collector's report. If the Board consider that I have an opportunity of perusing these, as seem to me reasonable, I request that the Board's original letter No 313 dated 7th July last, may be returned to me, in view to explaining my services to him.

I have &c.

Chief Clerk's Office, Collector's Office, Kingston 12th September 1873.

H. R. Barlow
Esq. Collector

Translation of Circular from Chairman (Inland Revenue) to H. R. Barlow Esq. Collector of Kingston Division, dated 9th September 1873.

With reference to the Proceedings of the Board of Revenue, enjoining me in the matter of encouragement of cultivation of cultivable and requiring an explanation to be taken from one and submitted to me within a fortnight

for that right, the Acting Sub Collector sent an order to me in No 403 of the 6th October, calling on me to submit any explanation I may consider necessary.

I addressed an Circular to him on the 7th idem, requesting him to furnish me with a copy of his letter on the subject or inform me of the charge against me.

On the 17th he wrote to me to say that the Board have ordered a copy to be given to me but I should offer any observations for my conduct in the matter of encouragement of cultivation, and that the whole of the records were at the Board's Office.

On the Sub Collector has not made me acquainted with the charges against me as the Board have advised in their letter of 7th, but simply stated that the whole records were at the Board's Office, I have presumed a reference on the subject direct to

the Board on the 25th.

I beg to enclose a copy of that petition for your information.

I have also informed the Collector of any fresh petition the Board with the time presently at their disposal with concurrence your honor of the Treasury, of any enquiry.

I have &c.

(Sd) [illegible]
Chairman

(True Translation)
[illegible]
Asst. Collector

The information which the Board considers sufficient for the purpose of this enquiry is to be submitted to the Board on the following points. Any information which may be furnished by the petitioners should be carefully scrutinized by the Collector before submission to the Board.

(True Extract)
[illegible]
Secretary

(True Extract)
[illegible]
Collector

[illegible]
Collector

Revenue Department

Memo: for orders on Rev. No. 2465

Regarding certain charges brought against Sama Reddy, Jadhildar of Chinglepet in connection with a case of concealed cultivation

No. 2044 October 18th 1875

Sir

I have the honor to acknowledge the receipt on the 13th August 1875 the Board of Revenue letter Consolidated No 6 dated 10th August 1875 and to offer thereon the following remarks.

Some of the concealed cultivation cases reported from time to time in this district have been of a very serious character. The Jadhildar of Chinglepet has been specially selected for the duty of detecting such cases as he is considered an active officer. Other Jadhildars have also been directed to be on the look out for such cases. The Jadhildar of Chinglepet has been specially selected for the duty of detecting such cases as he is considered an active officer. Other Jadhildars have also been directed to be on the look out for such cases.

Enclosures in Proceedings of the Board of Revenue &c. &c. &c. dated 20th October 1875 No. 2149.

Copy of Consolidated Proceedings of the Board of Revenue dated 10th August 1875 No. 6

Copy of a letter from Collector of Chingleput, forwarding petition from Samadu Jadhildar of Chingleput praying for an enquiry into certain charges brought against Sama Reddy

Papers return in accordance with the Board's last Proc. 20/11 1867

Yes No

Referred for 1st Jan 1865

20 M

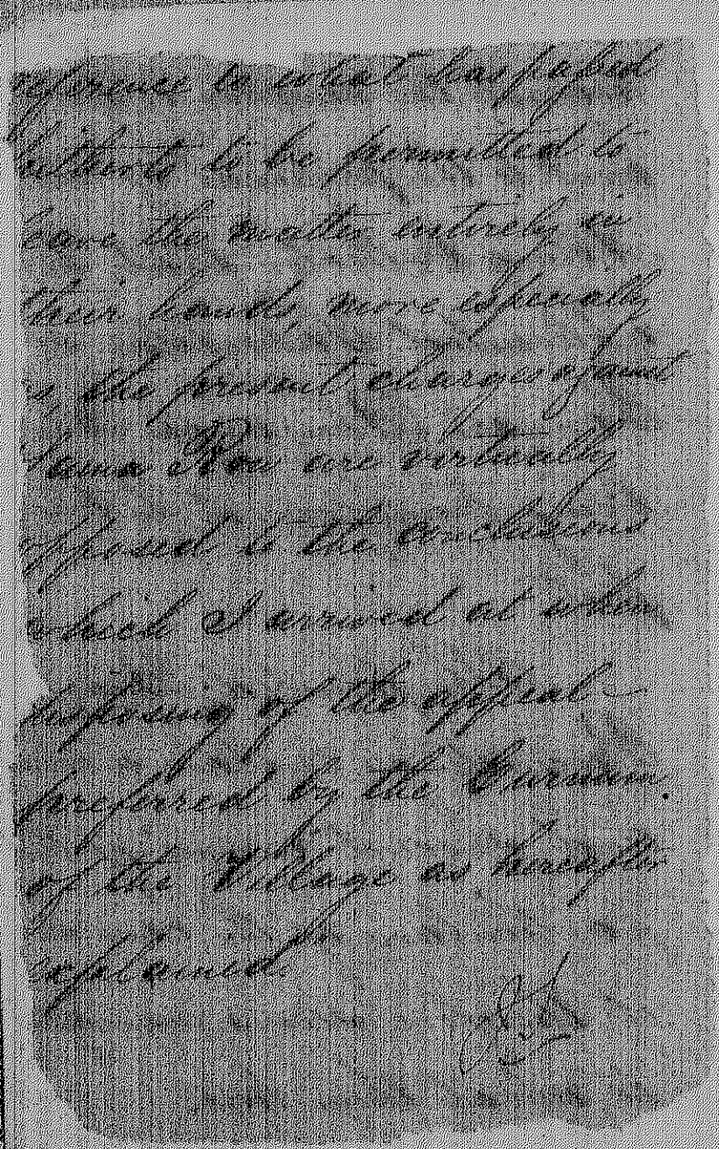
request the sanction of Govt.
and to the proposal of the
Acting Collector that he be
appointed Sabandar of
Pomani, Ishuyanga Bar
being transferred to Chuy
Jaute.

The forwarded Records
Proceedings contain a clear
and succinct resume of the
particulars of the case and
it therefore seems unnecessary
to repeat them here.

The following extracts from
Mr Barlow's letter explain
the absence of any allegation
in the Records Proceedings
to the effect that the Sabandar
was dismissed for
[illegible] to [illegible]
[illegible] to [illegible]
[illegible] in the [illegible]

JBy

desired to receive evidence before
he or Comandhing any Offence
that the matter should be
laid before the Board, &
that he only the good water



Q.O. No. (34)

The Govt. considers the proposal
of the Govt. of Goa, Daman & Diu
for the creation, Seven Panchayat Ha
Constituencies & the enlarge Zila
Parishad in the Assembly Constituencies
of the Chowkhoti district. There
proposals under the consideration
of the Govt. of the Election Commission
Election Petition will be held shortly
thereafter.

Date 21-11-73

Sd/- [illegible]
[illegible]
[illegible]