M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 18.

(2) Date of repair 21.11.67

(3) Initials of the Referencer

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 1112 Press
B.P. No. ~~Mis.~~

Dated 26.2.1972 196—.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
26th July 1875.

No. 255. Read the following Proceedings of the Board of Revenue, dated 23rd June 1875, No. 1,736 :—

Read the following letter from J. H. GARSTIN, Esq., Collector of South Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Vetavalam, 11th June 1875, No. 253 :—

I HAVE the honor to acknowledge the receipt of the Proceedings of Government in the Petition Department, dated 17th ultimo, forwarding for my remarks, which are ordered to be submitted through the Board, a petition from Mr. Dique, late Tahsildar of Tindivanam, praying to be restored to his post of Tahsildar from which he has been degraded, and to return the petition with the following remarks.

Mr. Dique begins by saying that he fails to discover the specific charges which have led to his degradation and then immediately sets forth five specific and three general charges gleaned from the Proceedings furnished to him, and defends himself from each in succession. I shall proceed to notice each defence and to make my observations thereon, first remarking, however, with reference to Mr. Dique's prefatory statement as to the persons who were ill-disposed towards him and who spared no efforts to effect his humiliation, that it is to be regretted Mr. Dique is not more specific in his accusation. I cannot for a moment suppose he alludes to me because I have, to the best of my recollection, only set eyes on him twice, and have certainly only judged him from papers relating to him and to his proceedings which have passed under my review.

2. With reference to Mr. Dique's defence to the charge that he allowed a servant of his to build on a piece of ground taken up by the Public Works Department for a gravel-quarry, there is no question about the facts; Mr. Norfor took possession of the ground in May 1874 after ascertaining, so he says, from the village officers that it was *bonâ fide* Government waste and in ignorance (as the village officers seem also to have been) of the fact, then within Mr. Dique's knowledge, that it had been already assigned by Mr. Chamberlain to the Forest Department and the Railway Company (*vide* his letter to Mr. Norfor, dated 20th July 1874). He took possession of it, he says, under paragraph 4 of the rules laid down in the Board's Standing Order No. 9 of 1872 without sending any intimation to the Tahsildar, as it was doubtful whether the quarries would be permanently useful (*vide* paragraph 3 of his letter to the Head Assistant Collector, dated 25th July 1874). In June Mr. Dique's servant began to build a hut on the land; and, on Mr. Norfor's protesting to the Tahsildar, the building was stopped. Mr. Dique, however, did not reply to Mr. Norfor's letter, and goes on to explain that, owing to the practice of receiving darkhasts in a box prevailing in the Revenue Department, a Tahsildar cannot know who may be an applicant for land on darkhast until the receipt of the village officer's report on the darkhast (called the khetwar memorandum). It is quite true that the practice of persons entering on lands after they have given darkhasts and before the lands have been assigned to them does prevail in this district in respect of lands required for cultivation, because, owing to the delay in disposing of darkhasts, the cultivating season would often be lost if possession were not taken in anticipation of assign-

ment, but the practice of receiving darkhasts in a box never was in force in the other taluqs of the district, and a Tahsildar may or may not know who gives a darkhast, but it is more than probable that, if his own servant is going to apply for land on darkhast, he will mention the matter first to his master. Mr. Cox says the man presented a darkhast to the vilage officers, but I find that on the 19th May 1874 one was presented to Mr. Dique and forwarded to the village officers; but whether Mr. Dique did or did not know that his servant gave a darkhast for the land on which he began to build, Mr. Dique ought to have ordered the removal of his servant's hut on Mr. Norfor's protest and to have replied to that protest, but he did neither the one nor the other. Mr. Norfor seems to have acted strictly according to the rules, and Mr. Dique seems to have felt slighted because he was not consulted previous to Mr. Norfor's taking possession of the land.

3. With reference to the charge that he permitted the land to be occupied as a cart-stand and was disrespectful to Mr. Norfor, the first half of this charge is only supported by the assertions of the bandymen, which may have been false, and, therefore, I do not think this should be taken as proved against Mr. Dique. As to his disrespect to Mr. Norfor, I think the second paragraph of his reply is decidedly objectionable. Mr. Norfor had a right to act as he did, and it was quite sufficient for him to inform Mr. Dique that he had taken the land for the use of his department. It was not necessary, under the circumstances, that Mr. Dique should be consulted or informed how the land had been taken. Mr. Norfor was moreover justified in sending Mr. Dique a takid to the effect that, as the land had been taken by him for the Public Works Department, he should not accept any darkhasts for it (*vide* Rule 4).

4. As regards the charge that he obstructed the Railway Deputy Collector, I can only say that that officer (Mir Ansar-ud-deen Sahib) complained to me verbally of Mr. Dique's obstructiveness and failure to assist him. He did not like to give trouble by reporting him; but if corroboration is required, he will no doubt state in what respects Mr. Dique failed to assist him.

5. As to the charge of removing without permission the materials of a building he had been occupying after it had been taken up by Government, Mr. Dique admits the removal, but pleads his belief that he had a right to the materials and that he acted in complete ignorance of the order passed by the Collector. He then sets out his version of the facts of the case. I regret that, after again going through the papers, I cannot acquit Mr. Dique of deliberate contumacy and misbehaviour in this matter. He may or may not have erected the buildings, but one of the parties who appeared before me when I made my award of compensation deposed that the land and the buildings belonged to a native, and a mortgage bond relative to these buildings and this land was filed before me during the inquiry, which deed I subsequently found, on inspecting the Sub-Registrar's books at Tindivanam, had been actually registered by Mr. Dique himself as Sub-Registrar. How he can assert, in the face of this fact, that he believed he had a right either to the materials of the buildings or to compensation for them I cannot understand. Moreover Mr. Dique seems to forget his having written an explanation of his conduct to me in which he says that, *had he known* the buildings were going to be taken by Government, he would not have interfered with them—a statement

Proceedings of the Madras Government, Revenue Department,
26th July 1875.

manifestly disingenuous, for I employed Mr. Dique *as Tahsildar* to serve *upon himself in his private capacity* the notice required by Act X. of 1870, and Mr. Dique *was* well aware that Government were going to take the buildings, or why should he have preferred claim for compensation to the Railway Deputy Collector or have employed a vakil to appear before me? I treated him and his vakil with marked consideration in the matter, and was compelled at last to decide the case *ex-parte* as concerned Mr. Dique; and, as the principal claimant present before me declared that he allowed Mr. Dique to occupy the buildings rent-free on condition of keeping them in repair, it was manifest that Mr. Dique had no claim whatever, as proprietor, for any compensation; yet, notwithstanding all this and his admitted knowledge of the fact that his claim to compensation for the taking of the buildings by Government was rejected by me (as reported by his vakil to him), he removed the buildings. It is true he subsequently paid the value of the materials on my ordering him to do so, but I cannot acquit him of having acted defiantly and insubordinately in the matter. He says he was under an impression, based on the Deputy Collector's order (Enclosure C to his petition), that, supposing compensation was refused him, his right to the materials was intact and undoubted, and so removed them; but it is difficult to comprehend how Mr. Dique can seriously urge such a line of defence in the face of the Deputy Collector's order, which begins by informing him that the buildings alluded to and the land on which they stand *are claimed by Subbaroya Mudali and others*, who are puttadars, and "that, therefore, *they* are entitled to the compensation that may be given for them all," but that the village officers had said that "the right to the said buildings rests in you" (Mr. Dique), and that the compensation that may be given "for unroofing those buildings and for removing the materials for the purpose of building another" ought to be given to Mr. Dique, and therefore, because the village officers ventured on this expression of opinion, the Deputy Collector called on Mr. Dique to report immediately how much compensation he required for unroofing the buildings and building others. In reply to this notice Mr. Dique informed the Deputy Collector that he built the buildings and that the right to them vested in him alone and not in any other, and he claimed 300 Rupees as compensation for the cost of unroofing them, carting the materials to another place, and "to build a new one." It was because this claim was considered exorbitant (the Public Works Department having valued the buildings at 80 Rupees) that the proceedings before me became necessary, and yet after his claim was dismissed by me, Mr. Dique falls back on the Deputy Collector's notice to him as an implied permission to remove the materials if his claim to compensation is disallowed. I consider that Mr. Dique's conduct in this matter was inexcusable, and that his defence is not good.

6. With respect to the charge of allowing large arrears of revenue for Fasli 1283 (Rupees 2,09,343) to remain uncollected and of not taking the slightest notice of the orders sent to him on the subject, Mr. Dique explains how the balance was really much smaller than it appeared, and that he did not reply to the takid sent him on the 30th July (of the terms of which he complains) because that information was contained in the weekly collection report of the 8th August. The explanation tendered relative to the arrears is, to all intents and purposes, satisfactory though

there are several mistakes in the figures submitted by Mr. Dique to my office. What he says is quite true that until the demand of a fasli is settled in any taluq, that is, until the Jamabandi is over, all collections proceed on the demand as settled for the previous year; and as the demand for Fasli 1282, a very good year, was much higher in Tindivanam than that for Fasli 1283, a bad year, and moreover was only known in July (the month following the close of the fasli), it is evident that the apparent current arrears were much larger than they would be after the reduced demand for Fasli 1283 was settled. The demand for Fasli 1282 was, Mr. Dique says, Rupees 5,78,728 and for Fasli 1283 only Rupees 4,69,577, so that the difference, Rupees 1,09,151, would disappear from the figures of outstanding current arrears as soon as the Fasli 1283 demand was known, and this seems to have been the case between the 18th and 25th July 1874; for, whereas the current arrears are stated in the weekly collection report of the week ending July 18th to be Rupees 2,09,343, in the report for the week ending July 25th they are reduced to Rupees 91,835. There is a mistake, however, of about 8,000 Rupees here, which, of course, runs through some of the succeeding reports. I give below an abstract of the actual figures taken from Mr. Dique's collection reports (which I enclose and request may be returned) :—

Date.	Arrears of 1282 and previous years.	Arrears of 1283.	Collections of Old Arrears.	Collection of Current Arrears.	Balance.	
					Old.	Current.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
July 4th	5,016	236,719	...	1,901	5,016	2,34,818
,, 11th	5,016	234,818	...	11,380	5,016	2,23,438
,, 18th	5,016	223,438	7	14,095	5,009	2,09,343
,, 25th	5,009	*1,01,873 91,835	17	27,040	4,992	*74,833 64,795
August 1st	4,992	*74,833 64,795	...	9,302	4,992	*65,531 55,493
,, 8th	4,992	*65,531 67,592	...	23,299	4,992	*42,232 44,293

Assuming the two demands for Fasls 1282 and 1283 to be stated correctly in the petition, it follows that, instead of Rupees 91,835 outstanding on the 25th July, the real balance was 2,09,343 *minus* the difference between the two demands, or Rupees 1,00,192 and not Rupees 91,835, but the demand for Fasli 1282, as stated in Mr. Dique's explanation of the 24th September 1874, was Rupees 5,77,047, which would increase the error by about 1,700 Rupees, and, taking this demand as correct, I have entered in red ink (*a*) the correct figures which should have been reported. It is singular how the current balance of the week ending the 1st August is *raised* in the report of the week following from 55,493 to 67,592 without any explanation and after the reduced demand of the fasli was known. In fact the state of affairs in collection matters was really not so bad as it looked and would not have been specially reported on if the explanation had been afforded on the 8th August as called for, so that Mr. Dique has only himself to blame for his obstinacy in not replying to the takid of the 30th July. He says he consid-

(*a*) The figures referred to are printed with an asterisk.

Proceedings of the Madras Government, Revenue Department,
26th July 1875.

ered the weekly report of the 8th August contained all the information required and fancied that a reply to that takid was, therefore, dispensed with. Now, that takid called on Mr. Dique to give an explanation of his conduct and to state how many villages he had himself azmaished. He treated this order with silent contempt for he replied to neither call until a reminder was sent to him in September and the collection report for the first week in August contained nothing but the usual statement of figures as the Board can see. I regret that the takid should have been despatched worded as it was, for I think the expressions used are unnecessarily severe; but, as the Board will see from the original, it was written by Mr. Lister during my illness in July, and I never saw it before its despatch. The only part of this charge which I consider Mr. Dique has failed to clear himself of is the neglect to reply to the said takid.

7. With regard to the charge of disobedience and insubordination to the orders of the Remission Deputy Collector, I enclose a copy of that officer's complaint on which I fined Mr. Dique. I regret he was not called on for an explanation before being fined as his explanation since submitted is not without force, and I would recommend that, in disposing of his petition, this charge be not allowed to weigh against him as he has been already punished on account of it.

8. I do not consider it necessary to follow Mr. Dique through the two cases (*a*) and (*b*) under Charge VII. with respect to his severity in working the law for collecting revenue by coercive processes, because the only case brought forward against him by myself was (*c*) that of summoning a number of revenue defaulters to explain why they did not pay their kiss and then prosecuting them for non-appearance. The other cases have been decided by the Board of Revenue; and although the Board quote them as instances of Mr. Dique's irregular proceedings, I do not consider that I am expectd to review the Board's Proceedings. I, therefore, merely remark that with respct to this case (*c*) if Government consider that Mr. Dique acted in good faith, ten he can only be said to have made a mistake in law. The Act which empowes revenue officers to issue summonses to procure the attendance of parties "whse evidence may appear to them to be necessary for the investigation of any matr in which they are authorized to hold an inquiry" is jealously silent as to their eforcing the appearance of such parties by any sterner means; and if a Collector's summons is disregarded, he must prosecute before a Magistrate. Mr. Dique's procdure was perfectly regular except that he acted illegally in issuing the summonses at all, and I can hardly think that a person whose "abilities have been mphatically recognised by the Board of Revenue," to quote Mr. Dique's own wrds, can have been ignorant that the Act did not give power to a Tahsildar o summon a defaulter to the taluq nominally to show cause why he did not py his kist, but really to save himself the trouble of issuing the regular revenue processes, or in order more easily to coerce the defaulter into payment.

9. Lastly, with respect to his disrespectful correspondence, it seems Mr. Dique was authorized to report in Engli on important matters. Nothing can be found on record in my office, but there ems to be no doubt that for a long time before Mr. Sullivan's arrival, Mr. Diqu used to report in English. So much, therefore, of his offending in this matter must be considered as authorized, and

with respect to the style, as the Board have expressed their opinion on it, I do not feel justified in making any remarks thereon, but in the rare instances in which I have received communications from Mr. Dique I cannot recall any instance of impertinence or disrespect. He has a considerable idea, however, of his own legal attainments, and likes to have a rap at the superior magistracy in a calendar if occasion offers as the enclosed copy of a calendar shows.

ENCLOSURE No. 1.—Copy of Magisterial Calendar.

ENCLOSURE No. 2.—Copy of letter from Deputy Collector Venkatasoobbiah.

ENCLOSURES Nos. 3 to 8.—Weekly reports of Collections from Tahsildars.

ENCLOSURE No. 9.—Petition with its enclosures.

SUBMITTED for the orders of Government.

2. Although on one or two points Mr. Garstin's report tends to show some palliation of Mr. Dique's conduct, the other charges have not been refuted, and Mr. Dique's conduct has on several previous occasions been animadverted on. The Board are, therefore, unable to recommend a modification of the order of Government directing Mr. Dique's reduction.

(A true Copy and Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 256. ORDER THEREON, 2th July 1875, No. 1,112.

Miscellaneous.

ON reconsideration of the case, Government resolve to limit the reduction to a period of one year from the date of the previous order having been carried out.

2. Mr. Dique will, at the expiration of the year, be restored to a taluq of equal pay to that from which he was removed.

(True Extract.)

(Signed) A. MACGREGOR,
Acting Secretary to Government.

To the Board of Revenue.
„ the Accountant-General.

Prd. J. W. Fischer.

Govt. of 1875 Works.

REVENUE,

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated July, 26th.

Read.

Encl.

G. O., 26th July 1875, No. 1,112.

Nos. 255-256.

Mr. Dique, late Tahsildar of Tindivanam in South Arcot District.—Resolving, on reconsideration of the case of —, to limit the reduction to a period of one year from the date of the previous order, and directing his restoration, at the expiration of the year, to a Taluq of equal pay to that from which he was removed.

No. 1,736.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 3rd June 1875.

Read the following letter from J. H. GARSTIN, Esq., Collector of South Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Vetavalam, 11th June 1875, No. 253:—

I HAVE the honor to acknowledge the receipt of the Proceedings of Government in the Petition Department, dated 17th ultimo, forwarding for my remarks, which are ordered to be submitted through the Board, a petition from Mr. Dique, late Tahsildar of Tindivanam, praying to be restored to his post of Tahsildar from which he has been degraded, and to return the petition with the following remarks.

Mr. Dique begins by saying that he fails to discover the specific charges which have led to his degradation and then immediately sets forth five specific and three general charges gleaned from the Proceedings furnished to him, and defends himself from each in succession. I shall proceed to notice each defence and to make my observations thereon, first remarking, however, with reference to Mr. Dique's prefatory statement as to the persons who were ill-disposed towards him and who spared no efforts to effect his humiliation, that it is to be regretted Mr. Dique is not more specific in his accusation. I cannot for a moment suppose he alludes to me because I have, to the best of my recollection, only set eyes on him twice, and have certainly only judged him from papers relating to him and to his proceedings which have passed under my review.

2. With reference to Mr. Dique's defence to the charge that he allowed a servant of his to build on a piece of ground taken up by the Public Works Department for a gravel-quarry, there is no question about the facts: Mr. Norfor took possession of the ground in May 1874 after ascertaining, so he says, from the village officers that it was *bonâ fide* Government waste and in ignorance (as the village officers seem also to have been) of the fact, then within Mr. Dique's knowledge, that it had been already assigned by Mr. Chamberlain to the Forest Department and the Railway Company—(*vide* his letter to Mr. Norfor, dated 20th July 1874). He took possession of it, he says, under paragraph 4 of the rules laid down in the Board's Standing Order No. 9 of 1872 without sending any intimation to the Tahsildar, as it was doubtful whether the quarries would be permanently useful (*vide* paragraph 3 of his letter to the Head Assistant Collector, dated 25th July 1874). In June Mr. Dique's servant began to build a hut on the land; and, on Mr. Norfor's protesting to the Tahsildar, the building was stopped. Mr. Dique, however, did not reply to Mr. Norfor's letter, and goes on to explain that, owing to the practice of receiving darkhasts in a box prevailing in the Revenue Department, a Tahsildar cannot know who may be an applicant for land on darkhast until the receipt of the village officer's report on the darkhast (called the khetwar memorandum). It is quite true that the practice of persons entering on lands after they have given darkhasts and before the lands have been assigned to them does prevail in this district in respect of lands required for cultivation, because, owing to the delay in disposing of darkhasts, the cultivating season would often be lost if possession were not taken in anticipation of assign-

ment, but the practice of receiving darkhasts in a box never was in force in the other taluqs of the district, and a Tahsildar may or may not know who gives a darkhast, but it is more than probable that, if his own servant is going to apply for land on darkhast, he will mention the matter first to his master. Mr. Cox says the man presented a darkhast to the village officers, but I find that on the 19th May 1874 one was presented to Mr. Dique and forwarded to the village officers; but whether Mr. Dique did or did not know that his servant gave a darkhast for the land on which he began to build, Mr. Dique ought to have ordered the removal of his servant's hut on Mr. Norfor's protest and to have replied to that protest, but he did neither the one nor the other. Mr. Norfor seems to have acted strictly according to the rules, and Mr. Dique seems to have felt slighted because he was not consulted previous to Mr. Norfor's taking possession of the land.

3. With reference to the charge that he permitted the land to be occupied as a cart-stand and was disrespectful to Mr. Norfor, the first half of this charge is only supported by the assertions of the bandymen, which may have been false, and, therefore, I do not think this should be taken as proved against Mr. Dique. As to his disrespect to Mr. Norfor, I think the second paragraph of his reply is decidedly objectionable. Mr. Norfor had a right to act as he did, and it was quite sufficient for him to inform Mr. Dique that he had taken the land for the use of his department. It was not necessary, under the circumstances, that Mr. Dique should be consulted or informed how the land had been taken. Mr. Norfor was moreover justified in sending Mr. Dique a takid to the effect that, as the land had been taken by him for the Public Works Department, he should not accept any darkhasts for it (*vide* Rule 4).

4. As regards the charge that he obstructed the Railway Deputy Collector, I can only say that that officer (Mir Ausur-ud-deen Sahib) complained to me verbally of Mr. Dique's obstructiveness and failure to assist him. He did not like to give trouble by reporting him; but if corroboration is required, he will no doubt state in what respects Mr. Dique failed to assist him.

5. As to the charge of removing without permission the materials of a building he had been occupying after it had been taken up by Government, Mr. Dique admits the removal, but pleads his belief that he had a right to the materials and that he acted in complete ignorance of the order passed by the Collector. He then sets out his version of the facts of the case. I regret that, after again going through the papers, I cannot acquit Mr. Dique of deliberate contumacy and misbehaviour in this matter. He may or may not have erected the buildings, but one of the parties who appeared before me when I made my award of compensation deposed that the land and the buildings belonged to a native, and a mortgage bond relative to these buildings and this land was filed before me during the inquiry, which deed I subsequently found, on inspecting the Sub-Registrar's books at Tindivanam, had been actually registered by Mr. Dique himself as Sub-Registrar. How he can assert, in the face of this fact, that he believed he had a right either to the materials of the buildings or to compensation for them I cannot understand. Moreover Mr. Dique seems to forget his having written an explanation of his conduct to me in which he says that, *had he known* the buildings were going to be taken by Government, he would not have interfered with them—a statement manifestly disingenuous, for I employed Mr. Dique *as Tahsildar* to serve *upon himself in his private capacity* the notice required by Act X. of 1870, and Mr. Dique *was* well aware that Government were going to take the buildings, or why should he have preferred claim for compensation to the Railway Deputy Collector or have employed a vakil to appear before me? I treated him and his vakil with marked consideration in the matter, and was compelled at last to decide the case *ex-parte* as concerned Mr. Dique; and, as the principal claimant present before me declared that he allowed Mr. Dique to occupy the buildings rent-free on condition of keeping them in repair, it was manifest that Mr. Dique had no claim whatever, as proprietor, for any compensation; yet, notwithstanding all this and his admitted knowledge of the fact that his claim to compensation for the taking of the buildings by Government was rejected by me (as reported by his vakil to him), he removed the buildings. It is true he subsequently paid the value of the materials on my ordering him to do so, but I cannot acquit him of having acted defiantly and insubordinately in the matter. He says he was under an impression, based on the Deputy Collector's order (Enclosure C to his petition), that, supposing compensation was refused him, his right to the materials was intact and undoubted, and so removed them; but it is difficult to comprehend how Mr. Dique can seriously urge such a line of defence in the face of the Deputy Collector's order, which begins by informing him that the buildings alluded to and the land on which they stand *are claimed by Subbaroya Mudali and others*, who are puttadars, and "that, therefore, *they* are entitled to the compensation that may be given for them all," but that the village officers had said that "the right to the said buildings rests in you" (Mr. Dique), and that the compensation that may be given "for unroofing those buildings and for removing the materials for the purpose of building another" ought to be given to Mr. Dique, and therefore, because the village officers ventured on this expression of opinion, the Deputy Collector called on Mr. Dique to report immediately how much compensation he required for unroofing the buildings and building others. In reply to this notice Mr. Dique informed the Deputy Collector that he built the buildings and that the right to them vested in him alone and not in any other, and he claimed 300 Rupees as compensation for the cost of unroofing them, carting the materials to another place, and "to build a new one." It was because this claim was considered exorbitant (the Public Works Department having valued the buildings at 80 Rupees) that the proceedings before me became necessary, and yet after his claim was dismissed by me, Mr. Dique falls back on the Deputy Collector's notice to him as an implied permission to remove the materials if his claim to compensation is disallowed. I consider that Mr. Dique's conduct in this matter was inexcusable, and that his defence is not good.

6. With respect to the charge of allowing large arrears of revenue for Fasli 1283 (Rupees 2,09,343) to remain uncollected and of not taking the slightest notice of the orders sent to him on the subject, Mr. Dique explains how the balance was really much smaller than it appeared, and that he did not reply to the takid sent him on the 30th July (of the terms of which he complains) because that information

was contained in the weekly collection report of the 8th August. The explanation tendered relative to the arrears is, to all intents and purposes, satisfactory though there are several mistakes in the figures submitted by Mr. Dique to my office. What he says is quite true that until the demand of a fasli is settled in any taluq, that is, until the Jamabandi is over, all collections proceed on the demand as settled for the previous year; and as the demand for Fasli 1282, a very good year, was much higher in Tindivanam than that for Fasli 1283, a bad year, and moreover was only known in July (the month following the close of the fasli), it is evident that the apparent current arrears were much larger than they would be after the reduced demand for Fasli 1283 was settled. The demand for Fasli 1282 was, Mr. Dique says, Rupees 5,78,728 and for Fasli 1283 only Rupees 4,69,577, so that the difference, Rupees 1,09,151, would disappear from the figures of outstanding current arrears as soon as the Fasli 1283 demand was known, and this seems to have been the case between the 18th and 25th July 1874; for, whereas the current arrears are stated in the weekly collection report of the week ending July 18th to be Rupees 2,09,343, in the report for the week ending July 25th they are reduced to Rupees 91,835. There is a mistake, however, of about 8,000 Rupees here, which, of course, runs through some of the succeeding reports. I give below an abstract of the actual figures taken from Mr. Dique's collection reports (which I enclose and request may be returned):—

Date.	Arrears of 1282 and previous years.	Arrears of 1283.	Collections of Old Arrears.	Collection of Current Arrears.	Balance.	
					Old.	Current.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
July 4th	5,016	2,36,719	..	1,901	5,016	2,34,818
,, 11th	5,016	2,34,818	...	11,380	5,016	2,23,438
,, 18th	5,016	2,23,438	7	14,095	5,009	2,09,343
,, 25th	5,009	*1,01,873 / 91,835	17	27,040	4,992	* 74,833 / 64,795
August 1st	4,992	* 74,833 / 64,795	...	9,302	4,992	* 65,531 / 55,493
,, 8th	4,992	* 65,531 / 67,592	...	23,299	4,992	* 42,232 / 44,293

Assuming the two demands for Faslis 1282 and 1283 to be stated correctly in the petition, it follows that, instead of Rupees 91,835 outstanding on the 25th July, the real balance was 2,09,343 *minus* the difference between the two demands, or Rupees 1,00,192 and not Rupees 91,835, but the demand for Fasli 1282, as stated in Mr. Dique's explanation of the 24th September 1874, was Rupees 5,77,047, which would increase the error by about 1,700 Rupees, and, taking this demand as correct, I have entered in red ink (*a*) the correct figures which should have been reported. It is singular how the current balance of the week ending the 1st August is *raised* in the report of the week following from 55,493 to 67,592 without any explanation and after the reduced demand of the fasli was known. In fact the state of affairs in collection matters was really not so bad as it looked and would not have been specially reported on if the explanation had been afforded on the 8th August as called for, so that Mr. Dique has only himself to blame for

(*a*) The figures referred to are printed with an asterisk.

his obstinacy in not replying to the takid of the 30th July. He says he considered the weekly report of the 8th August contained all the information required and fancied that a reply to that takid was, therefore, dispensed with. Now, that takid called on Mr. Dique to give an explanation of his conduct and to state how many villages he had himself azmaished. He treated this order with silent contempt for he replied to neither call until a reminder was sent to him in September and the collection report for the first week in August contained nothing but the usual statement of figures as the Board can see. I regret that the takid should have been despatched worded as it was, for I think the expressions used are unnecessarily severe; but, as the Board will see from the original, it was written by Mr. Lister during my illness in July, and I never saw it before its despatch. The only part of this charge which I consider Mr. Dique has failed to clear himself of is the neglect to reply to the said takid.

7. With regard to the charge of disobedience and insubordination to the orders of the Remission Deputy Collector, I enclose a copy of that officer's complaint on which I fined Mr. Dique. I regret he was not called on for an explanation before being fined as his explanation since submitted is not without force, and I would recommend that, in disposing of his petition, this charge be not allowed to weigh against him as he has been already punished on account of it.

8. I do not consider it necessary to follow Mr. Dique through the two cases (*a*) and (*b*) under Charge VII. with respect to his severity in working the law for collecting revenue by coercive processes, because the only case brought forward against him by myself was (*c*) that of summoning a number of revenue defaulters to explain why they did not pay their kists and then prosecuting them for non appearance. The other cases have been decided by the Board of Revenue; and although the Board quote them as instances of Mr. Dique's irregular proceedings, I do not consider that I am expected to review the Board's Proceedings. I, therefore, merely remark that with respect to this case (*c*) if Government consider that Mr. Dique acted in good faith, then he can only be said to have made a mistake in law. The Act which empowers revenue officers to issue summonses to procure the attendance of parties "whose evidence may appear to them to be necessary for the investigation of any matter in which they are authorized to hold an inquiry" is jealously silent as to their enforcing the appearance of such parties by any sterner means; and if a Collector's summons is disregarded, he must prosecute before a Magistrate. Mr. Dique's procedure was perfectly regular except that he acted illegally in issuing the summonses at all, and I can hardly think that a person whose "abilities have been emphatically recognised by the Board of Revenue," to quote Mr. Dique's own words, can have been ignorant that the Act did not give power to a Tahsildar to summon a defaulter to the taluq nominally to show cause why he did not pay his kist, but really to save himself the trouble of issuing the regular revenue processes, or in order more easily to coerce the defaulter into payment.

9. Lastly, with respect to his disrespectful correspondence, it seems Mr. Dique was authorized to report in English on important matters. Nothing can be found on record in my office, but there seems to be no doubt that for a long time before Mr. Sullivan's arrival, Mr. Dique used to report in English. So much,

He is a clever wrongheaded man — [illegible] for the future. RK

therefore, of his offending in this matter must be considered as authorized, and with respect to the style, as the Board have expressed their opinion on it, I do not feel justified in making any remarks thereon, but in the rare instances in which I have received communications from Mr. Dique I cannot recall any instance of impertinence or disrespect. He has a considerable idea, however, of his own legal attainments, and likes to have a rap at the superior magistracy in a calendar if occasion offers as the enclosed copy of a calendar shows.

ENCLOSURE No. 1.—Copy of Magisterial Calendar.

ENCLOSURE No. 2.—Copy of letter from Deputy Collector Vencatasoobbiah.

ENCLOSURES Nos. 3 to 8.—Weekly reports of Collections from Tahsildars.

ENCLOSURE No. 9.—Petition with its enclosures.

SUBMITTED for the orders of Government.

2. Although on one or two points Mr. Garstin's report tends to show some palliation of Mr. Dique's conduct, the other charges have not been refuted, and Mr. Dique's conduct has on several previous occasions been animadverted on. The Board are, therefore, unable to recommend a modification of the order of Government directing Mr. Dique's reduction.

(A true Copy and Extract.)

H. Ellerton
Acting Secretary.

To the Acting Secretary to Government, Revenue Department, with nine enclosures.

Copy to the Collector of South Arcot.

Ezd. J. W. Fischer.

P. 255

Rec: 1875 Sept 5
No 2889.

BOARD OF REVENUE,
MADRAS.

PROCEEDINGS, 23rd JUNE 1875, No. 1,736.

Dept 29 June 75
Encl. 2
Board
Collector
Chingleput 26 June 1875
Received 30 June 1875
Rep 4th July 1875

JUNE.

No. 1,736.

Petition (Government)—presented by Mr. Dique, late Tahsildar of Tindivanam in South Arcot District, praying to be restored to his post from which he has been degraded.—Letter from Collector reporting on — submitted to Government with remark that Board are unable to recommend a modification of the order directing the petitioner's reduction.

8/1112

No 803 of 1875 Dated 20th March 1875
Rec'd 31st

From Mr. F. Dique, late
Tahsildar of Tindivanam,
South Arcot -

Representing that he
has been degraded from the
post of Tahsildar to that of Dy.
Tahsildar on insufficient grounds
and without even taking up
his explanations, prays that
on a reconsideration of his case
he may be restored to his
former post of Tahsildar -

Respectfully laid before the Board with the request that they will favour me with their opinion whether the petitioner is entitled to the favour he solicits.

ORDER

The Petr. must be informed that the Government see no reason to modify their order directing his reduction.

Sd

Note. Shall the following be added?

"but it will not affect his promotion in the future should his conduct in the interim be favorably reported upon".

Sd

The term is a sort of 31 yrs. standing
was a Tahsr. of 12 years &c -

Shall he disposed to limit the restriction to a period of one year from date of sessions ordering carried out.

disposed to be impertinent. But there is no suspicion of corruption & the modified punishment may certainly be the return to RK

With Proceedings of the Board of Revenue dated 23rd June 1875 No. 1,736.

Circ: for
Mr. Ellerton's
Opinion.

Having in view Mr. Dique's long service I agree with Mr. Ellerton in the proposed modification of punishment. He is a clever wrongheaded man -

Petition (Revenue) Dept.

(2)

Dispatch from Aden in Council

No 1112

Aden.

On reconsideration of the case Govt. resolve to limit the ~~order~~ reduction to a period of 1 year from the date of the previous order having been carried out -

Mr. Dignowitz at the expiration of the year to be restored to a Talug of Cyril pay that from which he

was removed.

2nd Copy to the Board of Rev. 26 July
1 Extract Copy Ord. 6 August
1 to the Revenue Board Guard on 6 May
1 Petition Copy with Petition No 803/75 Ath. enclosed

26 July/75.

C. to Hon. Legislative for 16 July 75. 12 & 20 July 75
C 14 July/75. 12 & 16 July/75