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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 65 Press

~~B.P. No.~~ ~~Mis.~~

Dated 13-1-1875 ~~196~~ .

Not to be folded or roughly handled

65/1

No. 139. Read the following Proceedings of the Board of Revenue, dated 11th December 1874, No. 3,585 :—

Read again Board's Proceedings, dated 10th October 1874, No. 2,953.

Read also the following letter from J. H. MASTER, Esq., Collector of Bellary, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 31st October 1874, No. 389 :—

In my letter, No. 336, dated the 19th September, I reported that I had suspended from office Mr. D'Silva, Deputy Tahsildar and Sub-Magistrate of Ramandroog. I have now the honor to report the result of the inquiry made into his conduct by the Deputy Magistrate in charge of the Harpanhully Division.

2. On the 27th August two dacoities took place within the limits of the village of Garg, in the Hospett Taluq; on the 31st idem a charge sheet was presented to the Sub-Magistrate charging the prisoners Nos. 1 to 5; and on the 2nd September a supplemental one charging prisoner No. 6. On the same day another charge sheet was presented charging the whole six men with the other dacoity.

3. The procedure of the Sub-Magistrate in the inquiry into these cases was most extraordinary.

4. In the first place he has been empowered to take evidence down with his own hand in English. All the evidence should, therefore, have been recorded in English. He only recorded that of the first witness (the complainant), the others being taken by his Gumastah in Telugu. It is, however, shown that the one deposition taken by him in English is not the *original* one, but what he calls "a fair copy." The Police Inspector, who was present at the inquiry, put his initials on the original depositions; and when the record was received by the Deputy Magistrate, he found that there were no initials on those of the first, second, and fifth witnesses. The Sub-Magistrate admitted having changed the English one. The Gumastah denied having changed the two vernacular ones. Of course, this gives rise to grave suspicions.

5. The five prisoners, who were first before the Sub-Magistrate, were all recognized by the witnesses, one of whom had been wounded. Nevertheless, he took upon himself to discharge the whole six, when it was his bounden duty to commit them for trial to the Session Court where the evidence would have been properly weighed. The Deputy Magistrate has since taken up the case himself and committed it for trial to the Session Court.

6. I do not think it necessary here to go into the grounds on which the discharge was made. They are alluded to by the Deputy Magistrate.

7. In the second case the Sub-Magistrate never took a deposition from the complainant or any of the witnesses, but, after the first had been disposed of, struck it off, because it was "connected with that case."

8. In neither of these cases was any report made in the first instance to the Divisional Magistrate as required by Government. This omission is ascribed to ignorance of the order, and the Deputy Magistrate states that so far his explanation may be accepted; but immediately he had disposed of them, it was his duty

to give information of his having done so, in order that the superior officer might control his proceedings, if necessary, and to forward the record.

9. Upon the Deputy Magistrate sending for this record through the Taluq Magistrate, Mr. D'Silva actually refused to give it up, and contented himself with sending a *copy* of it, after more than a week's delay.

10. It was only after he was suspended by me that he sent up the original record. The Deputy Magistrate, and I think rightly, ascribes this disobedience to the fear of having his irregularities discovered.

11. There is no mention whatever in the Sub-Magistrate's diary of the charge sheet in the second case having been received or disposed of. I need not say that a diary so falsified is worth nothing; and, if an officer cannot be trusted to write a faithful diary, he is not fit to be a Magistrate.

12. The entries in the diary regarding the first case are both incorrect and incomplete. That of the 31st August is to the effect that six prisoners were produced before him, when, in fact, only five came. The sixth was not brought till the 2nd September; but when he was, no entry of the fact was made.

13. A confession was made by the second prisoner on the 2nd September, but this confession was never attested by the Sub-Magistrate. On the 5th the man retracted his confession, and then the retractation was attested.

14. On the second case being disposed of without inquiry, the Deputy Magistrate resolved, as I reported before, to make it himself. On being asked for the charge sheet by the Taluq Magistrate, he refused to give it up, observing that he was about to make the inquiry himself. He did so, and the complainants declared they had not been robbed at all. On the Deputy Magistrate taking up the case himself, they stated that they were robbed, but that they could not recognize the men. The Deputy Magistrate remarks that these men were evidently tampered with. It is suspicious that Mr. D'Silva had them up one Sunday, and he took care not to send for them through the Police, the regular agency for the service of summonses.

15. The real cause of Mr. D'Silva's misconduct is, I regret to say, drink. When sober, he can do his work well, for he has good abilities. He was appointed to his present office in June 1872. He had formerly been in Government service, but a break occurred in it by his being convicted of a serious assault and imprisoned. Government, however, ruled that the conviction was not a bar to his re-employment.

16. As a European or East Indian was required for Ramandroog, the climate being so distasteful to Hindoos or Mahomedans, I appointed him.

17. On several occasions I became acquainted with the fact of his having given way to his propensity to drink, but it was difficult to obtain actual proof, his own subordinates screening him.

18. On the 14th August 1873 the Agent to the Rajah of Sundoor reported to me that he was not unfrequently, apparently so much, under the influence of drink as to be incapable of discharging his responsible duties with intelligence and efficiency.

19. The Deputy Collector in September 1873 reported that he had not attended office for a whole week, and that Mr. Macartney's allegation was true.

I requested him to get evidence of his actual state during that period, but he was unable to do this, and I accordingly informed Mr. D'Silva that I would give him one more trial.

20. On the 11th March 1874 the Deputy Magistrate reported that, on the 16th, 17th, 18th, 19th, 21st, and 23rd February, the Sub-Magistrate had not been able to examine the parties or witnesses in cases before him. The inference was obvious: the Sub-Magistrate said he had been sick; and, as I could not obtain any direct proof, I fined him the whole amount of the batta which was payable to the parties.

21. On the 24th of the same month the Deputy Collector reported in plain terms to Mr. Sewell, then Acting Collector, that Mr. D'Silva had been under the influence of liquor from the 17th to the 23rd March. Again, that he was in the same condition from the 30th March to the 1st April, and was not capable of performing the duties of his office. Mr. Sewell about that time went to Ramandroog himself and saw the Sub-Magistrate. He explained that he was in the habit of taking spirits to keep off fever, but not to excess. Mr. Sewell not being rightly aware of the man's antecedents, let him off with a warning, but threatened that, on a repetition of the offence, he would report him for dismissal.

22. There are other matters against him of carelessness in Revenue matters in neglecting to sign treasury accounts daily, in connection with which I forward copy of another letter from the Deputy Collector.

23. I can only say that his intemperate habits have made me entirely lose the confidence I had in him, and that they prevent him discharging his duties either as a Sub-Magistrate or as a Deputy Tahsildar. For his procedure in the conduct of the dacoity cases alluded to above, he is deserving of dismissal.

24. I have the honor to recommend that he may be dismissed from the appointment he now holds, and that Government may be requested to declare that he be deprived of Magisterial powers.

Copy of letter from Superintendent of Police.
Copies of two letters from the Deputy Collector and Magistrate.
Statements taken from the Sub-Magistrate, the Police Inspector, and the Gumastah.

25. Papers as per margin connected with the case are enclosed.

ENCLOSURE No. 1.—Copy of letter from the Superintendent of Police, dated 8th September 1874, No. 221.

ENCLOSURES Nos. 2 and 3.—Copies of letters from the Deputy Collector, dated 14th October 1874, Nos. 167 and 293.

ENCLOSURE No. 4.—Statements taken from the Sub-Magistrate, the Police Inspector, and Gumastah of Deputy Tahsildar of Ramandroog.

SUBMITTED for the orders of Government.

2. The Collector of Bellary recommends that Mr. D'Silva, Deputy Tahsildar and Sub-Magistrate of Ramandroog, should be dismissed from his appointment and deprived of Magisterial powers on account, *first*, of great irregularities committed during the inquiry into two dacoity cases, and, *second*, of intemperate habits which

incapacitate him from work for days together and make him generally untrustworthy.

3. It is scarcely within the province of the Board to pronounce an opinion as to the heinousness of the Magisterial irregularities, and this part of the case will be left for the orders of Government. The particulars are briefly recounted by the Collector, and his statements are supported by the documents enclosed in the letter. Mr. D'Silva has submitted an explanation in Petition No. 2,797 of 1874, but it appears to the Board to be altogether unsatisfactory. The dacoity case, which the Deputy Magistrate committed to the Sessions Court after the Sub-Magistrate had dismissed it, has not resulted in a conviction, but this seems to the Board to have no material bearing on the matter as regards the Sub-Magistrate.

4. The statements of Mr. Master, of the Agent to the Rajah of Sundoor, and of the Deputy Magistrate, establish the fact of Mr. D'Silva's intemperate habits. It would be useless to wait for his defence on this point, for it would be exactly what he said to Mr. Sewell in April (paragraph 21 of the Collector's letter), and what is said by every habitual drunkard who is accused of using intoxicating liquors and wishes to deny the charge.

5. The Board think that Mr. D'Silva should be removed from his post, and that the Collector should be instructed to provide him with a clerkship in the Huzur, where he can be constantly supervised.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

No. 140. ORDER THEREON, 13th January 1875, No. 65.

Miscellaneous.

THE papers submitted by the Board show clearly that Mr. D'Silva is guilty of serious irregularities in Magisterial inquiries and of intemperate habits. The Government, therefore, direct his removal from the post of Deputy-Tahsildar and Sub-Magistrate, and the Collector will, as suggested by the Board, provide him with a clerkship in the Huzur.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

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

Exd A Grubert.

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Govt. of 1875 Madras.

REVENUE.

To

The BOARD of REVENUE,

&c., &c., &c.

Dated January 13th.

Recd.

Encl.

G. O., 13th January 1875, No. 65.

JANUARY.

Nos. 139-140.

Mr. D'Silva, Deputy-Tahsildar and Sub-Magistrate of Ramandroog in Bellary District.—Directing the removal of — from his post on account of serious irregularities in the Magisterial inquiries and inadequate Tabling, and instructing the Collector to provide him with a clerkship in the Huzur as suggested by the Board of Revenue.

No. 2,953.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 10th October 1874.

Read the following letter from J. H. MASTER, Esq., Collector and Magistrate of Bellary, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 19th September 1874, No. 336:—

I HAVE the honor to report that I have suspended Mr. D'Silva, the Sub-Magistrate of Ramandroog, from office for the following reasons.

2. On the 31st August, the Police Inspector of the Hospett Taluq presented before the Sub-Magistrate two charge-sheets against six Lambady men for two separate dacoities committed on the 27th idem.

3. G. O., No. 1,810, dated 12th November 1867, directs that in such heinous cases, the Sub-Magistrate is to send a brief report of the facts of the case to the Division Magistrate, and take his orders as to the preliminary inquiry. This report the Sub-Magistrate never submitted.

4. On the 5th instant, the Sub-Magistrate discharged the prisoners. In doing this, he is bound by the same Government Order to report again to the Division Magistrate, and send up the record of the case. He contented himself with sending up a copy of his preliminary inquiry, but did not send the record.

5. On the second charge-sheet, it appears that he made an endorsement to the effect that he did not think it necessary to make any inquiry.

6. The Deputy-Magistrate, on hearing of all this, issued an order to the Taluq Magistrate to take possession of the record of the case which had been inquired into, and forward it to him; at the same time he directed [illegible] Magistrate to make it over to the Taluq Magistrate.

7. The Taluq Magistrate reports that the Sub-Magistrate refused to make over to him the record in question.

8. The Deputy-Magistrate wished to make the inquiry into the second case of dacoity himself. On being asked for the charge-sheet by the Taluq Magistrate, Mr. D'Silva refused to give it him, saying that he would inquire into it himself.

9. I have directed him immediately to make over all records of the cases to the Deputy-Magistrate, and I have suspended him, pending further inquiry.

ORDERED to be recorded.

(A true Copy and Extract.)

(Signed) J GROSE,
Secretary.

To the Collector of Bellary.

Exd. W. H. French.

1874,
BOARD OF REVENUE,
MADRAS.

PROCEEDINGS, 10TH OCTOBER 1874, No. 2,953.

Received

OCTOBER.
No. 2,953.

D'Silva, Mr.—Sub-Magistrate of Ramandroog.—Letter from Collector of Bellary, reporting suspension of — for certain irregularities in connection with two cases of dacoity tried by him, recorded.

No. 3,536.

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and Sub Magistrate, and the Collector will, as suggested by the Board, provide him with a clerkship in the Huzur

14 Board of Revenue Dec 14 J.
5 Accountant General S
5 Judicial Department S

G.O.

Degradation of Mr D Silva, Dy Tah-sildar and Sub Mag of Ramandrug — Bellary Dist