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TAMIL NADU ARCHIVES**GOVERNMENT OF TAMIL NADU***Revenue* **DEPARTMENT**

G.O. No.	274	Press
B.P. No.		Mis.
Dated	20.1.1877	197

Not to be folded or roughly handled

No. 5622

From Board - Prop. no 3098

Dated 7th Decr 1876.

FOR ORDERS.

The Collector thinks the worst possible of the case against the Tahsildar. Mr. Keblett, Sub-Collector, thinks he acted hastily - but acquits him of mala fides. He adds that he bears a good character & has created many enemies.

2. Of course if the dancing girl speaks truly in saying he had often unawares solicited her favours - nothing more is wanted - but she of course will say just what her present paramour dictated - and he owes the Tahsildar a grudge.

3. It is surely a strong point as explaining the Tahsildar's action & in a measure justifying or at least condoning it - that - as he pleads & is nowhere contradicted - he had come in from circuit that night, & was going out again next morning. Again the woman's house is just opposite his own - so that the hardship of waiting for her so late in the evening is mitigated.

H. Thon

Col. of North Carolina.

REVENUE.

THE BOARD OF REVENUE,

Sec. Sec. Sec.

1877, No. 274.

1877.

1877.

1877, No. 274.

JANUARY.

No. 100-103-A.

1877, No. 274.

1877.

FOR ORDERS.

*Case of Syed Ali
Tahsildar of Rajahmundry*

*No. 14 of the Board of Revenue, 20th Jan 1877.
The case is a summary of the proceedings of the Board of Revenue, 20th Jan 1877.*

No. 274

From order

*The fact shows that there
can be no doubt of the irregularity
of the Tahsildar's proceedings;
but they see no sufficient ground
for his dismissal from the public
service, a recommendation very
greatly in excess of the punishment
proposed by the Acting Collector, who
has applied for his suspension, and
the whole of the case against him.*

*2. Syed Ali cannot however be allowed
to remain at Rajahmundry where he has
so previously discredited his character.
He is to be sent back to his old Tahsildary
of Cocanada, with due warning not to
commit himself again.*

20 Jan 1877

Proceedings of the Madras Government, Revenue Department,
20th January 1877.

No. 606. Read the following Proceedings of the Board of Revenue, dated 7th December 1876, No. 3,098:—

Read the following papers:—

From J. HOPE, Esq., Acting Collector of the Godavery District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Cocanada, 26th October 1876, No. 327.

I REGRET to feel obliged to lay before the Board the enclosed papers, as per separate list, relating to a case of gross misconduct on the part of Syed Ali, Tahsildar of Rajahmundry. This officer was Tahsildar of Badrachellara Taluq when it was transferred to this Presidency two and a half years ago. At his own request he was transferred by Mr. Foster early last year to the Town Sub-Magistrateship of Cocanada, where he gained the confidence of the several officers under whom he acted, viz., Messrs. Foster, Kelsall, Tate, and myself. On the strength of this he was recommended both by the Sub-Collector and me for the post of Tahsildar of Rajahmundry when it fell vacant about six months ago.

2. He has always performed his duties satisfactorily until this case occurred. It is impossible, however, to condone such a gross abuse of his authority, as I think a perusal of the enclosed papers will convince the Board he has been guilty of. I beg to recommend that as a punishment he be suspended from all employment for three months, and after that period revert to his former appointment of Deputy Tahsildar and Sub-Magistrate of Cocanada.

3. Mr. Kelsall's remark regarding his recent suspension and reinstatement calls for some explanation. As soon as I read Captain Porteous' letter and understood from Mr. Kelsall that there was a *prima facie* case against the Tahsildar, I wrote demi-officially to him authorizing his immediate suspension, but leaving some discretion with him in case he should consider the Tahsildar's explanation (expected then in a day or two) to be satisfactory. A few days after Mr. Kelsall again wrote demi-officially that he had on my authority suspended the Tahsildar and put the Deputy Tahsildar of Kottapilli in charge of the taluq. He also said that he considered the charges proved; but as it was not specified what charges he considered proved, I asked him by telegraph if he could come in to Cocanada and consult with me on the subject. He accordingly came, but to my surprise (and I must add regret) he informed me that he had reinstated the Tahsildar. As, however, the spectacle of a Tahsildar being suspended and then reinstated and then again suspended was not very becoming, I have refrained from again suspending him, and await the orders of the Board on the subject.

ENCLOSURE No. 1.—Letter from Superintendent of Police with enclosures.

ENCLOSURE No. 2.—Letter from Joint Magistrate with enclosures.

ENCLOSURE No. 3.—Memorandum of Acting Magistrate.

ENCLOSURE No. 4.—List of Enclosures.

14-12-76. 1876-12-14

From J. HOPE, Esq., Acting Collector of the Godavery District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Cocanada, 17th November 1876, No. 319.

ADVERTING to the case at present pending against Syed Alli, the Tahsildar of Rajahmundry, I have the honor to forward to the Board copy of a letter received from the Sub-Collector, enclosing a printed memorial (and other papers) addressed by the Tahsildar to His Grace the Governor.

2. I see nothing in these papers to induce me to modify the opinion I have formed of the Tahsildar's conduct. Indeed, there are misstatements and false insinuations made in the memorial which rather tend to aggravate the case against him. His remarks about Captain Porteous and the Police force generally are unjustifiable and irrelevant. The temperate letter in which Captain Porteous brought the facts to notice is already before the Board, and is, I think, of itself a sufficient reply to the Tahsildar's attack. The Tahsildar is wrong in saying that Captain Porteous was in Cocanada when orders as to his suspension were passed. He is also quite wrong in his statement that the first vacant Tahsildarship has been promised to a Brahmin in the Police force.

3. It is not to be expected that a departmental inquiry can be so complete or satisfactory as a regular judicial trial. I was and am still of opinion that the main charge against the Tahsildar of having maliciously made use of the lying statement of his peon as a pretext for annoying the woman Chandrareka because she would not yield to his improper solicitations could be substantiated in a Court of Justice, though whether or not he concocted the false story himself may be open to question. It is admitted that force was used to compel the woman's attendance at the Tahsildar's house at a late hour of the night. Further, that she thought she was required by the Tahsildar for an immoral purpose, and that therefore her complaint of his conduct was substantially one made in good faith can be inferred from the Tahsildar's own account of the matter. It is therefore for the Tahsildar to give a reasonable and satisfactory explanation of his unusual conduct. If he fails to do so to the satisfaction of his superiors, the question remains whether he should be put on his trial or dealt with departmentally. The latter is the course which I proposed out of consideration for the Tahsildar himself, but as he thinks himself aggrieved by this course, and as the Sub-Collector has taken a less serious view of the case than I have, the Board may perhaps judge it best to let the case go to trial.

4. Before concluding I beg to draw the Board's attention to the enclosure to the memorial, marked A, being the Tahsildar's report to the Joint-Magistrate written the day after his irregular nocturnal proceedings. He there deliberately records as the conclusion to which he has come, that Chandrareka pushed the deceased down from the wall and so caused her death. He repeatedly alludes to the evidence of "witnesses" and "people," but there is no question that the sole witness was his own peon Subarayudu, for this was the only person whose evidence he thought it worth his while to record. The Tahsildar must have known (and if he did not he is totally unfit for his post) that this peon's so-called "evidence" was not worth the paper on which it was written. And yet it was upon this "evidence" that he came to the above deliberate conclusion. It was for fear that *this* witness might be "tampered with" that he took the unusual step of holding an inquiry at his own house in

the middle of the night! It must be borne in mind that this peon was the person who first gave the information against Chandrareka. It was the same peon who was employed by the Tahsildar to go at least twice during that night to Chandrareka's house, and who (according to the Tahsildar) on the second occasion *accepted* and brought back to the Tahsildar the extraordinary answer that she refused to go to the Tahsildar "without the consent of her paramour." This is precisely what she says herself. So ignorant was she of any charges against her that it never occurred to her that she could be wanted for any but an immoral purpose, and the peon himself apparently had not thought it worth his while to put her right.

ENCLOSURE No. 1.

From J. KELSALL, Esq., Acting Sub-Collector, to J. HOPE, Esq., Acting Collector of the Godavery District, dated Kapaveram, 14th December 1876, No. 346.

THE Tahsildar of Rajahmundry, Syed Alli Sahib, has requested me to forward the enclosed printed petition through you to the Board of Revenue; your memorandum on the case reached me only yesterday, and has not yet been seen by the Tahsildar.

2. I need not go into the whole of the case again, but one or two of the statements seem to call for comment.

3. Paragraph 2.—Syed Alli Sahib is not the only Mussalman employed in a position of trust in the district. It is not a point of any importance, but as the statement is again repeated (see paragraph 25) it is as well to record that (to say nothing of many Police Inspectors) the Tahsildar of Ramachendrapur, the best-paid taluk in the district, is also a Mahomedan.

4. Paragraph 9.—I examined all the persons I thought likely to throw any light on the matter in the presence of the Tahsildar, who was given an opportunity of cross-examining them. I then told him I would examine any other people he wished, but he said he did not wish any more examined.

5. Paragraph 11.—I did direct the Tahsildar to resume his post, not because I considered his explanation satisfactory, but because I was summoned by telegram to meet you at Cocanada, and I did not think it advisable to leave Rajahmundry without a single Magistrate. There had been serious grain riots at Ellore two days before, and public feeling was somewhat excited.

6. Paragraphs 17 and 18.—I was not aware that the inquiry in Somalu's case was made at night and at the Tahsildar's house. It was alleged that she died from blows given by her husband. For a few days before her death she had been employed by the Tahsildar

as a cooly for pounding chunam. The point referred was whether he should take up the case, she being a *quasi* servant, and to that I said there was no objection.

7. Paragraphs 20 to 26.—These seem to me irrelevant. It is not as if the Police stated certain facts which the Tahsildar denied. He himself admits adopting a certain line of conduct, and the sole question is whether he was justified in what he did, and whether he had good grounds for so acting. The opinion of the Police in general, or Captain Porteous in particular, do not weigh in the matter on one side or the other.

(True Copy.)

(Signed) J. HOPE,
Acting Collector.

ENCLOSURE No. 2.—Petition with enclosures.

Read also Petitions Nos. 2,632, 2,656-A, and 2,885 of 1876.

With the foregoing letters the Collector submits copies of papers relating to a charge of gross misconduct on the part of Syed Alli, Tahsildar of Rajahmundry. It

appears that some months ago a woman named Parvaty with her daughter, a little girl of eight years of age, came from Vizagapatam to Rajahmundry, and were allowed to stay at the house of a dancing girl named Chandrareka. The latter was building a new house and the woman Parvaty was employed as a cooly in working there. On the 6th August, when the work-people had left for their mid-day meal and no one was present, Parvaty fell from the roof and sustained injuries, which proved fatal on the 31st August. The occurrence was at the time considered an accident; the woman herself brought no accusation against any one during the three weeks that she was in the hospital, and the inquiries of the Police elicited no suspicious circumstances. On September 6th, at about 9 p.m., the dancing girl, Chandrareka, received a verbal summons through a Constable to go to the Tahsildar's house. She went there, and the Tahsildar then informed her that there were suspicions attaching to her in connection with the woman Parvaty's death, and proceeded to hold an investigation in front of his house; depositions were recorded by a Gumastah, and Chandrareka was required to give security for her appearance on a future date. During these proceedings a pleader in the Munsif's Court, whose mistress Chandrareka is alleged to be, came forward and inquired the nature of the charge, whereupon he was promptly fined Rupees 25 for contempt of Court in having interrupted a public servant sitting on a stage of a judicial proceeding, Section 228 of the Penal Code.

2. These appear to be the admitted facts of the case, and the question for consideration is, whether this alleged judicial inquiry, held at an unreasonable hour at the Tahsildar's house and conducted without conformity with all the formalities which the law prescribes, was really dictated by an honest desire to ascertain the cause of Parvaty's death, or whether the Tahsildar was actuated by improper motives. The dancing girl now alleges that the Tahsildar has frequently made overtures, which she, being the mistress of another man, has firmly rejected, and that on the night in question he warned her that it was her last chance, and that if she did not comply with his wishes, proceedings would be taken against her in connection with Parvaty's death. The Tahsildar's explanation of the unusual nature of the inquiry is that he had returned from a tour in the taluk only that morning, and had received certain information from a batta peon which led him to suspect that Parvaty's death was not due to accident, and that as he was going on circuit the following morning, and it was essential that there should be no delay in investigating the matter, he held the inquiry at his house at night; he accounts for the informal nature of the proceedings by saying that there was no specific charge against Chandrareka, and he asserts that the present accusation has been brought against him maliciously because he has made himself obnoxious to the Police and the pleaders in the discharge of his duty.

3. Such an accusation as that preferred against the Tahsildar is, of course, not likely to be susceptible of direct proof; if Chandrareka's story be true, the negotiations would naturally be conducted with secrecy through some trusty agent of the Tahsildar's, such as the batta peon Subaroyadu is represented to be, and corroboration by independent testimony is not to be expected; the case must entirely rest, therefore, upon the reasonable inference to be drawn from the Sub-Magistrate's conduct as disclosed by the record—does his action in the case convey the impression to an impartial judge

that he was actuated solely by an honest desire to discharge his duty, notwithstanding irregularities of procedure due to haste, carelessness, or ignorance, or that he was incited by malice, whether due to the cause alleged or some other reason? Mr. Kelsall states that his first impression immediately after recording the depositions was that the accusation was true, but that on further consideration he has seen reason to modify his views. The only reason he gives, viz., that it is difficult to supply a motive for the Tahsildar's irregular proceedings except on the supposition that the story of the dancing girl is in the main correct seems to afford the strongest ground for believing its truth; that the Tahsildar's action was dictated by some strong feeling there can be little doubt, and it can scarcely be credited that the irregular inquiry held at night was *bona fide* believed by him to be necessary in the interests of justice to prevent the case being hushed up, when the only witness who had come forward after the lapse of a week from Parvaty's death was his own batta peon. The Tahsildar was well aware that the deceased, though she lived for more than three weeks after the accident, never hinted at foul play, that her relatives who came from her native place before her death brought no such accusation against any one, and that the inquiries of the Police established that the occurrence was an accident; he ought to have known that the statement of his peon, even if true, was mere hearsay and worthless as evidence; he might have ascertained, if he did not know, that the only person whose testimony was of any value, viz., the daughter of the deceased herself, had already returned to her native place; in fact the inutility of an investigation then and there was so patent that some ulterior object may fairly be presumed. The record of the Police inquiry is not before the Board, but if the deceased's daughter made a statement similar to that recorded on the 28th September (Enclosure C to Mr. Kelsall's letter of the 24th October), from which it appears that Chandrareka was asleep when the accident to Parvaty happened and could not possibly have caused her death, the Tahsildar had still less ground for supposing that an immediate inquiry would elicit any information of importance, and that the delay which would result from referring the matter to the Police for re-investigation was material.

4. If any further ground for imputing *mala fides* to the Tahsildar were required, his vindictive treatment of the pleader would go far to strengthen the presumption that he was actuated by malice. There is positively nothing on the record which warrants a conviction for contempt of Court; the District Magistrate does not, however, state whether any steps have been taken for procuring a reversal of the sentence.

5. The Tahsildar in his memorial lays great stress upon the absence of corroborative testimony in support of the accusation against him, and the improbability of overtures having been made, as alleged, in the presence of his subordinates and friends. It is true that no mention is made in the depositions taken by Mr. Kelsall, from those who were present at the Tahsildar's house on the 6th September, of any threats used on that occasion, but from Chandrareka's statement it seems that no one was in the immediate vicinity at the time, and the statements of the other witnesses do not preclude the supposition that the Tahsildar had ample opportunities of speaking to the girl privately and corroborative testimony regarding the alleged previous solicitations is not likely to be forthcoming.

6. On the above grounds the Board concur with Mr. Hope in considering that, whether the accusation now brought affords the real explanation of the Tahsildar's conduct in this case or not, it is quite clear that he was actuated by some improper motive, and that he grossly abused his official position. The misstatements and false insinuations contained in the memorial to Government, which is commented upon in the second letter read above, only aggravate the offence, and the Board do not consider that the punishment proposed by the Collector, viz., suspension for three months, and after the expiration of that period reduction to the post of Deputy Tahsildar, is an adequate penalty for the gross abuse of judicial authority evidenced in the treatment both of the dancing girl and pleader. If the Board's view of the case is held to be fairly borne out by the record, they consider that Syed Ali has shown himself unfit to be entrusted with Magisterial powers, and they accordingly recommend his dismissal. A criminal prosecution does not appear advisable in the present case, as it would be almost impossible to adduce sufficient evidence to obtain a conviction in a Court of Law under any of the provisions of the Penal Code. The Sub-Collector remarks that the accusation imputes the offence of maliciously concocting a false charge, but it does not appear that any specific charge was made, and it probably could not be established by such proof as a Court would require that the Tahsildar had abetted the giving of false evidence. None of the other provisions of the Code appear exactly to meet the particular case, and the Board, therefore, consider it preferable to deal with the case departmentally.

(True Copies and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

No. 607. *Proceedings of the Board of Revenue, dated 20th December 1876,*
Miscellaneous No. 11,261.

Read the following letter from J. HOPE, Esq., Acting Collector of the Godavery District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Cocanada, 13th December 1876, No. 366.

I HAVE the honor to request that the record in Miscellaneous Register Case No. 3 of 1876, on the file of the Second-class Magistrate of Rajahmundry Taluq, submitted to the Board with my letter, dated the 26th October last, No. 327, may be returned to me, as it has been called for by the High Court.

SUBMITTED to Government with the request that the record of the case which formed an enclosure to Board's Proceedings, dated 7th December 1876, No. 3,038, may be returned to the Collector.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

No. 608. From J. KELSALL, Esq., Acting Sub-Collector, to J. HOPE, Esq., Acting Collector of the Godavery District, dated Rajahmundry, 28th December 1876, No. 336.

I HAVE the honor to forward a petition from Syed Ali Sahib addressed to His Grace the Governor, asking for a more lenient punishment than that recommended by the Board of Revenue.

2. I think it right to say that he has done very good service as a Tahsildar. He is hard-working and energetic, and always ready to do whatever he may be directed.

3. The Board of Revenue have commented on the misstatements made by him in his former petition. One such misstatement I understand to be the assertion that he is the only other Mussalman in a superior office in the district, and I pointed out that this was not true. I supposed him to mean he was the only Mussalman; it seems he meant that there was one other.

4. A more serious misstatement is the assertion that I reinstated him because I was "satisfied with his explanation;" and I have pointed out that this was not at all my reason, but because I was unwilling to leave Rajahmundry without a Magistrate of any grade. I thought I explained this to him, but he assures me I did not, and I am willing to accept his statement, having no clear recollection on the subject. I had ordered the Kottapilli Sub-Magistrate to come in, and was waiting to hear of his arrival. As I did not hear of his arrival, at the last moment I sent for Syed Ali and told him to resume charge. I afterwards learned that the Kottapilli Sub-Magistrate had actually arrived, but as it was Sunday he had not officially reported himself. The fact that I had not heard of his arrival (and I am sure Syed Ali would have told me of it if he had been informed that he was reinstated solely because the Kottapilli Sub-Magistrate had not arrived) leads me to accept the statement of Syed Ali that I did not clearly make him understand why he was restored to his office. Two, therefore, of his misstatements were not wilfully made.

No. 31.

THE above letter with its enclosure are forwarded (direct to save time) to the Secretary to Government, Revenue Department, with the Acting Collector's earnest recommendation that the Tahsildar be spared the extreme penalty of dismissal from service.

COCANADA,
29th December 1876.

(Signed) J. HOPE,
Acting Collector.

No. 608A. ORDER THEREON, 20th January 1877, No. 274.

Miscellaneous.

THE Government observe that there can be no doubt of the very grave irregularity of the Tahsildar's proceedings; but they see no sufficient ground for his dismissal from the public service, a recommendation very greatly in excess of the punishment proposed by the Acting Collector, who has certainly not accepted the whole of the case against him.

2. Syed Ali cannot, however, be allowed to remain at Rajahmundry, where he has so grievously discredited his character. He should be sent back to the Deputy Tahsildarship of Cocanada, with due warning not to commit himself again.

(True Extract.)

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

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

Ed. A. F. Goolall.

No. 3,098.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 7th December 1874.

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2. He has always performed his duties satisfactorily until this case occurred. It is impossible, however, to condone such a gross abuse of his authority, as I think a perusal of the enclosed papers will convince the Board he has been guilty of. I beg to recommend that as a punishment he be suspended from all employment for three months, and after that period revert to his former appointment of Deputy Tahsildar and Sub-Magistrate of Cocanada.

3. Mr. Kelsall's remark regarding his recent suspension and re-instatement calls for some explanation. As soon as I read Captain Porteous' letter and understood from Mr. Kelsall that there was a *prima facie* case against the Tahsildar, I wrote demi-officially to him authorizing his immediate suspension, but leaving some discretion with him in case he should consider the Tahsildar's explanation (expected then in a day or two) to be satisfactory. A few days after Mr. Kelsall again wrote demi-officially that he had on my authority suspended the Tahsildar and put the Deputy Tahsildar of Kottapilli in charge of the taluq. He also said that he considered the charges proved; but as it was not specified what charges he considered proved, I asked him by telegraph if he could come in to Cocanada and consult with me on the subject. He accordingly came, but to my surprise (and I must add regret) he informed me that he had re-instated the Tahsildar. As however the spectacle of a Tahsildar being suspended and then re-instated and then again suspended was not very becoming, I have refrained from again suspending him, and await the orders of the Board on the subject.

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ENCLOSURE No. 2.—Letter from Joint Magistrate with enclosures.

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ENCLOSURE No. 4.—List of Enclosures.

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3. It is not to be expected that a departmental inquiry can be so complete or satisfactory as a regular judicial trial. I was and am still of opinion that the main charge against the Tahsildar of having maliciously made use of the lying statement of his peon as a pretext for annoying the woman Chandrareka because she would not yield to his improper solicitations could be substantiated in a Court of Justice, though whether or not he concocted the false story himself may be open to question. It is admitted that he was present to compel the woman's attendance at the Tahsildar's house at a late hour of the night. Further, that she thought she was required by the Tahsildar for an immoral purpose, and that therefore her complaint of his conduct was substantially one made in good faith can be inferred from the Tahsildar's own account of the matter. It is therefore for the Tahsildar to give a reasonable and satisfactory explanation of his unusual conduct. If he fails to do so to the satisfaction of his superiors, the question remains whether he should be put on his trial or dealt with departmentally. The latter is the course which I propose for consideration for the Tahsildar himself, but as he thinks himself aggrieved by this course, and as the Sub-Collector has taken a less serious view of the case than I have, the Board may perhaps judge it best to let the case go to trial.

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first gave the information against Chandrareka. It was the same peon who was employed by the Tahsildar to go at least twice during that night to Chandrareka's house, and who (according to the Tahsildar) on the second occasion accepted and brought back to the Tahsildar the extraordinary answer that she refused to go to the Tahsildar "without the consent of her paramour." This is precisely what she says herself. So ignorant was she of any charges against her that it never occurred to her that she could be wanted for any but an immoral purpose, and the peon himself apparently had not thought it worth his while to put her right.

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3. Paragraph 2.—Syed Ali Sahib is not the only Mussalman employed in a position of trust in the district. It is not a point of any importance, but as the statement is again repeated (see paragraph 25) it is as well to record that (to say nothing of many Police Inspectors) the Tahsildar of Ramachendrapur, the best paid taluq in the district, is also a Mahomedan.

4. Paragraph 9.—I examined all the persons I thought likely to throw any light on the matter in the presence of the Tahsildar, who was given an opportunity of cross-examining them. I then told him I would examine any other people he wished, but he said he did not wish any more examined.

5. Paragraph 11.—I did direct the Tahsildar to resume his post, not because I considered his explanation satisfactory, but because I was summoned by telegram to meet you at Cocanada, and I did not think it advisable to leave Rajahmundry without a single Magistrate. There had been serious grain riots at Ellore two days before, and public feeling was somewhat excited.

6. Paragraphs 17 and 18.—I was not aware that the inquiry in Somalu's case was made at night and at the Tahsildar's house. It was alleged that she died from blows given by her husband. For a few days before her death she had been employed by the Tahsildar as a cooly for pounding chunam. The point referred was whether he should take up the case, she being a quasi servant, and to that I said there was no objection.

7. Paragraphs 20 to 26.—These seem to me irrelevant. It is not as if the Police stated certain facts which the Tahsildar denied. He himself admits adopting a certain line of conduct, and the sole question is whether he was justified in what he did, and whether he had good grounds for so acting. The opinion of the Police in general, or Captain Porteous in particular, do not weigh in the matter on one side or the other.

(True Copy.)

(Signed) J. HOPE,
Acting Collector.

ENCLOSURE No. 2.—Petition with enclosures.

Read also Petitions Nos. 2,632, 2,656-A, and 2,885 of 1876.

WITH the foregoing letters, the Collector submits copies of papers relating to a charge of gross misconduct on the part of Syed Ali, Tahsildar of Rajahmundry. It appears that some months ago a woman named Parvaty with her daughter, a little girl

of eight years of age, came from Vingapatam to Rajahmundry and were allowed to stay at the house of a dancing girl named Chandrareka. The latter was building a new house and the woman Parvaty was employed as a cooly in working there. On the 6th August when the work-people had left for their mid-day meal and no one was present, Parvaty fell from the roof and sustained injuries, which proved fatal on the 31st August. The occurrence was at the time considered an accident; the woman herself brought no accusation against any one during the three weeks that she was in the hospital, and the inquiries of the Police elicited no suspicious circumstances. On September 6th, at about 9 P. M., the dancing girl, Chandrareka, received a verbal summons through a Constable to go to the Tahsildar's house. She went there, and the Tahsildar then informed her that there were suspicions attaching to her in connection with the woman Parvaty's death, and proceeded to hold an investigation in front of his house; deposition were recorded by a Gumastah, and Chandrareka was required to give security for her appearance on a future date. During these proceedings a pleader in the Munsif's Court, whose mistress Chandrareka is alleged to be, came forward and inquired the nature of the charge, whereupon he was promptly fined Rupees 25 for contempt of Court in having interrupted a public servant sitting on a stage of a judicial proceeding, Section 228 of the Penal Code.

2. These appear to be the admitted facts of the case, and the question for consideration is, whether this alleged judicial inquiry, held at an unreasonable hour at the Tahsildar's house and conducted without conformity with all the formalities which the law prescribes, was really dictated by an honest desire to ascertain the cause of Parvaty's death, or whether the Tahsildar was actuated by improper motives. The dancing girl now alleges that the Tahsildar has frequently made overtures, which being the nature of another man, has many rejected, and that on the night in question he warned her that it was her last chance, and that if she did not comply with his wishes, proceedings would be taken against her in connection with Parvaty's death. The Tahsildar's explanation of the unusual nature of the inquiry is that he had returned from a tour in the taluq only that morning, and had received certain information from a batta peon which led him to suspect that Parvaty's death was not due to accident, and that as he was going on circuit the following morning and it was essential that there should be no delay in investigating the matter, he held the inquiry at his house at night; he accounts for the informal nature of the proceedings by saying that there was no specific charge against Chandrareka, and he asserts that the present accusation has been brought against him maliciously because he has made himself obnoxious to the Police and the pleaders in the discharge of his duty.

3. Such an accusation as that preferred against the Tahsildar is, of course, not likely to be susceptible of direct proof; if Chandrareka's story be true, the negotiations would naturally be conducted with secrecy through some trusty agent of the Tahsildar's, such as the batta peon, Subbaroyudu, is represented to be, and corroboration by independent testimony is not to be expected; the case must entirely rest, therefore, upon the reasonable inference to be drawn from the Sub-Magistrate's conduct as disclosed by the record—does his action in the case convey the impression to an impartial judge that he was actuated solely by an honest desire to discharge his duty, notwithstanding irregularities of procedure due to haste, carelessness, or ignorance, or that he was incited by malice, whether due to the cause alleged or some other reason? Mr. Kelsall

states that his first impression immediately after recording the depositions was that the accusation was true, but that on further consideration he has seen reason to modify his views. The only reason he gives, viz., that it is difficult to supply a motive for the Tahsildar's irregular proceedings except on the supposition that the story of the dancing girl is in the main correct seems to afford the strongest ground for believing its truth; that the Tahsildar's action was dictated by some strong feeling there can be little doubt, and it can scarcely be credited that the irregular inquiry held at night was *bona fide* believed by him to be necessary in the interests of justice to prevent the case being hushed up, when the only witness who had come forward after the lapse of a week from Parvaty's death was his own batta peon. The Tahsildar was well aware that the deceased, though she lived for more than three weeks after the accident, never hinted at foul play, that her relatives who came from her native place before her death brought no such accusation against any one, and that the inquiries of the Police established that the occurrence was an accident; he ought to have known that the statement of his peon, even if true, was mere hearsay and worthless as evidence; he might have ascertained if he did not know, that the only person whose testimony was of any value, viz., the daughter of the deceased herself, had already returned to her native place; in fact the inutilty of an investigation then and there was so patent that some ulterior object may fairly be presumed. The record of the Police inquiry is not before the Board, but if the deceased's daughter made a statement similar to that recorded on the 28th September (Enclosure C. to Mr. Kelsall's letter, of the 24th October), from which it appears that Chandrareka was asleep when the accident to Parvaty happened and could not possibly have caused her death, the Tahsildar had still less ground for supposing that an immediate inquiry would elicit any information of importance and that the delay which would result from referring the matter to the Police for re-investigation was material.

4. If any further ground for imputing *mala fide* to the Tahsildar were required, his vindictive treatment of the pleader would go far to strengthen the presumption that he was actuated by malice. There is positively nothing on the record which warrants a conviction for contempt of Court; the District Magistrate does not, however, state whether any steps have been taken for procuring a reversal of the sentence.

5. The Tahsildar in his memorial lays great stress upon the absence of corroborative testimony in support of the accusation against him, and the improbability of overtures having been made, as alleged, in the presence of his subordinates and friends. It is true that no mention is made in the depositions taken by Mr. Kelsall, from those who were present at the Tahsildar's house on the 6th September, of any threats used on that occasion, but from Chandrareka's statement it seems that no one was in the immediate vicinity at the time, and the statements of the other witnesses do not preclude the supposition that the Tahsildar had ample opportunities of speaking to the girl privately and corroborative testimony regarding the alleged previous solicitations is not likely to be forthcoming.

6. On the above grounds the Board concur with Mr. Hope in considering that, whether the accusation now brought affords the real explanation of the Tahsildar's conduct in this case or not, it is quite clear that he was actuated by some improper motive and that he grossly abused his official position. The misstatements and false insinuations contained in the memorial to Government, which is commented upon in the second letter read above, only aggravated the offence, and the Board do not

consider that the punishment proposed by the Collector, viz., suspension for three months, and after the expiration of that period, reduction to the post of Deputy Tahsildar is an adequate penalty for the gross abuse of judicial authority evidenced in the treatment both of the dancing girl and pleader. If the Board's view of the case is held to be fairly borne out by the record, they consider that Syed Ali has shown himself unfit to be entrusted with Magisterial powers, and they accordingly recommend his dismissal. A criminal prosecution does not appear advisable in the present case, as it would be almost impossible to produce sufficient evidence to obtain a conviction in a Court of Law under any of the provisions of the Penal Code. The Sub-Collector remarks that the accusation implies the offence of maliciously connecting a false charge, but it does not appear that any specific charge was made, and it probably could not be established by such proof as a Court would require that the Tahsildar had abetted the giving of false evidence. None of the other provisions of the Code appear exactly to meet the particular case, and the Board, therefore, consider it preferable to deal with the case departmentally.

(True Copies and Extract.)

[Signature]
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department,
with five enclosures and three Petitions, to be returned.
Copy to the Acting Collector of the Godavari District.

Ed. W. H. French.

copy to Mr. French
1-606

Sd/- Tahsildar of Rajahmundry, in Godavari District.—Submitting to Government papers relating to a charge of gross misconduct on the part of —, and recommending that he be dismissed from service.

DECEMBER.
No. 3,698.

Recd. 16 Dec. 1876

Dec 5

Copy 11 Dec 27/76

PROCEEDINGS, 7TH DEC. 1876, No. 3,698.

BOARD of MAGISTRATES,
MADRAS.

Dec. 1876. Sep 10

20 Jan 77

25/12/15
I have examined
these papers most
especially those submitted
by the Tahildar.

The conviction on
my mind is in accordance
with that arrived at
by the Magistrate and
Board of Revenue viz.
that the case against
the dancing girls was
deliberately trumped
up by the Tahildar
- and if so, could only
be from vindictive
and corrupt motives
Ever

1-4-77

Recd: 1976 Sept 15
No. 5921
Pro. Am. of the
Court 20 Dec 1976
Dated 20 —
Recd 21 —

10-20-1-77 No 274

Subj: 5 Feb. 1876
Ctly of Govt. of
Mysore by the
1st. 1876 in
Mysore. 20 3 1876
on file of 25 1876
Mysore. Mysore.

1876

Even if bona fide the
procedure was discreditable
in the extreme.

The question is - how
to punish? Had the
suspension been main-
tained, I would have
recommended dismissal,
but the restoration &
temporarily condoned
the matter and I think
dismissal inadvisable.

He is not however
fit for the high post of
Sahibdar of the important
Taluk of Rajahmundry
- where within 6 months
he has disgraced &
himself most grievously.

I would remand him
to the Sub-Magistracy
of Cocanada, where
he will be under the
Magistrates own
observations and less
likely to commit heavy
guilt.

W. E. M.

There can be no
doubt of the irregularity
& the unfairness of the
Talukdar proceedings
& the fine for contempt
of court seems to me
unjustifiable. I would
do as proposed by

my honorable Colleague
P. E.

6250 No. 396
29/12

Rajahmundry
28th December 1876

From John Russell Esq.
Ag Sub-Collector Godavery Dt
To James Hope Esq.
Ag Collector, Godavery Dt
Sir,

I have the honor to forward a petition from Syed Ali sahib addressed to His Grace the Governor asking for a more lenient punishment than that recommended by the Board of Revenue.

2. I think it right to say that he has done very good service as a Tahsildar. He is hard working and energetic and always ready to do whatever he may be directed.

3. The Board of Revenue have commented on the misstatements made by him in his former petition. One such misstatement I understand to be the assertion that he is the only other Mussalman in a superior office in the District and I pointed out that this was not true. I supposed him to mean he was the only

Cocanada, 13 Dec 1876

12771

Recd 1879 Dec 11
From the Ag Collector
of the Godavery District
No 20-1077 No 274
To the Secretary
to Government
in the Department
of Revenue
Godavery
Dist

Received 29 Dec 1876
No 20-1077
J H C
Forwarding a letter
from the Ag Collector
Godavery District
by Ag Collector
of Godavery
District

No 608

Mussalman, it seems he meant that there was one other.

A more ^{serious} mis statement is the assertion that I reinstated him because I was satisfied with his explanation, and I have pointed out that this was not at all my reason, but because I was unwilling to leave Rayachmundry without a Magistrate of any grade. I thought I explained this to him, but he assures me I did not, and I am willing to accept his statement, having no clear recollection on the subject. I had ordered the Kottapalli Sub-Magistrate to come in and was waiting to hear of his arrival. As I did not hear of his arrival, at the last moment I sent for Sreed Ali and told him to resume charge. I afterwards learned that the Kottapalli Sub-Magistrate had actually arrived but as it was Sunday he had not officially reported himself. The fact that I had not heard of his arrival, (and I am sure Sreed Ali would have told me of it, if he had been informed that he was reinstated solely because the Kottapalli Sub-Magistrate had not

Revenue Department

Mis. no 11267

Proceedings of the Board of Revenue
Dated 20th Decemr 1896

Read the following:—

From No. 366.
James Hope Esq.
Acting Collector.

To H. S. Stokes Esq.
Acting Secretary of the Board
of Revenue, Madras.

Sir, I have the honor to request that the record in his excellency's Register Case no. 3 of 1896 in the file of the 2^d class Magistrate of Rayachmundry, submitted to the Board with my letter dated the 26th October last no. 327, may be returned to me as it has been called

for by the High Court. I have to
Sodavery Dist } (Sgt) James Hope.
Collis Esq. } Acting Col.
Cocanada, 13 Decr 1896 } Submitted.

Submitted to Government
with the request that the record
of the case which formed an
enclosure to Board's Proceedings dated
7th December 1876, no 3098 may be
returned to the collector.

/ One copy very truly

To
The Secretary to Government
Revenue Dept.

arrived) leads me to accept the state-
ment of Syed Ali that I did not
clearly make him understand why
he was restored to his office. Two
therefore, of his misstatements were
not wilfully made.

I have the honor to be,
Sir,

Your most obedient servant.

W. H. D. C. S.
Ag. Sub-Collector

ad 237

The above letter with its enclosure
are forwarded (direct to save time)
to the ~~Secy~~ Secretary to Govt Revenue
Dept. with the Acting Collector's earnest
recommendation that the Collector
be spared the extreme penalty of dis-
missal from service.

Cocanada

29th Decr 1876

L. M. S. S.

Ag. C. S.

From

The A. G. Sub-Collector

To

The A. G. Collector

God: St.

No 396

Dated 28th

Read } Decr/76

Enclosures

Subject

Forward a petition of
the Rajahmundry Jati,
since in good character
and state that two
of his statements
have not been well
fully made.