

- (1) மாண்புமிகு அமைச்சர்
- (2) முதல்தரத் திருப்பெரிய தாள்
- (3) தலைமுறை (தமிழ்நாடு) சமூக சேவை

16
12-11-57

தமிழ்நாடு தலைமுறை சமூக சேவை

தமிழ்நாடு அரசு

12-11-57

அரசாங்க எண் முதல்தரத் தாள் எண்	1266	அரசாங்க பலவகை
நாள்	15-5-1878	195

மாண்புமிகு கலாநாயகர், கல்வி அமைச்சர்

No. 23⁸.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 2nd February 1878.

Read the following letter from J. H. MASTER, Esq., Collector of Bellary, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Kumbhundi, 23rd January 1878, No. 22:—

THE Sub-Collector, in reporting P. Narayana Naidu, Tahsildar of the Taluq of Alur, for grave neglect of duty, requests that he may be punished either by degradation to the post of Taluq Sheristadar or by suspension from office for a season.

2. The charge against him is that by a wilful omission he attempted to screen from lawful punishment a man who as public servant had committed theft of Government money.

The Sub-Collector however considers that a criminal prosecution would not stand, and therefore asks for his punishment departmentally.

3. As will be clear from the papers enclosed, the man accused of theft confessed the crime immediately he was apprehended before the Tahsildar and others. The former not only omitted to record the confession as he might have done, but omitted to come forward before the Taluq Sheristadar, the Magistrate who tried the case, to depose to the fact of the confession, the accused actually being eventually discharged on this very ground that the confession was not satisfactorily established.

4. The Tahsildar, while admitting his omission, urges that he was, at the period in question, prohibited from taking up Magisterial work, his whole attention being supposed to be given to famine matters. This is true, but I do not think it is an excuse which can be accepted; at all events he knew subsequently that the inquiry was being conducted, that the man denied the charge, and he knew that by coming forward and giving evidence he could have ensured a conviction at once. Yet he discharged.

5. I consider that he ought to be punished, but I think that both of the Sub-Collector's recommendations are in excess of the requirements of the case.

6. I would not propose his permanent reduction. A short period of suspension would be the best mark of the displeasure of Government. And I would propose that he be suspended from office for a period of two months.

7. Magisterial powers of the second-class were only given to him as a temporary measure at the commencement of the famine. A separate communication will be made to the Chief Secretary to Government on the subject of the withdrawal of these powers.

8. With regard to the other two individuals concerned, Bhanappa, the Sheristadar Sub-Magistrate, has already applied for suspension, and sanction has been given for the prosecution of the Police Inspector Narsing Rao.

9. Copy of the Sub-Collector's letter, No. 258, dated the 31st ultimo, copies of his Proceedings as Joint Magistrate, dated the 18th and 22nd ultimo, and copy of the Tahsildar's defence are herewith enclosed.

ENCLOSURE No. 1.

From W. H. GLENNY, Esq., Sub-Collector and Joint Magistrate, to J. H. MASTER, Esq., Collector and District Magistrate of Bellary, dated 31st December 1877, No. 258.

With reference to judgment* in case No. 56 of 1877 on my file and my Proceedings, Nos. 37 and 38, dated 18th and 22nd instant, I have the honor to make the following requests:—

- (1st). That you will degrade the Alur Tahsildar to the rank of Taluk Sheristadar or suspend him for six months, and move him to 3rd class.
- (2ndly). That you will as District Magistrate sanction the prosecution of W. Nursing Rao, Taluk Police Inspector of Alur, for an offence punishable under Section 21 of the Indian Penal Code.

2. I have the honor (3rdly) to inform you that I have this day called upon Acting Deputy Tahsildar H. Phanappa to resign the public pension. He has on former occasions been on leave at least suspended (I have not access to his official history), viz., in 1869 for one month in connection with certain defalcations.* I think it not too harsh to recommend that his full Pension of Rupees 20 should be reduced by a Rupee or two.

3. I have considered the question of prosecuting all three officials. There is no moral doubt whatever that by wilful omission or act each one of them attempted to screen from lawful punishment a man who as a public servant had committed theft of public money, and whose lawful conviction any one of them could have ensured. But upon full consideration, I doubt whether there is a strong probability of conviction except in the case of the Police Inspector, regarding whom it can be proved that he knowingly omitted to cause all important testimony to be heard. The other two men, the Tahsildar-Magistrate and the Acting Deputy Tahsildar-Magistrate, did precisely the same thing, and it can be proved that Magistrate it can further be shown that he not only omitted to call conclusive testimony, but also suppressed in his judgment the circumstance that in his own handwriting was recorded the fact that such testimony was available, and that he had actually discharge a prisoner solely on the ground that he knew it to be true. But as to the Tahsildar-Magistrate the question is, is he criminally liable for omission (1) to record the confession or cause it to be recorded; or (2) to volunteer to give evidence in the case that the confession had been made before him. While in the Acting Deputy Tahsildar-Magistrate's case the question seems to be, whether a Magistrate commits a criminal offence by wilfully and in bad faith, with intent to screen an offender, omitting to call for testimony manifestly material to the case pending before him? The wording of Section 192, Criminal Procedure Code, is permissive. That the wilful omission, the bad faith, and the intent could be proved there is no doubt.

4. Before passing orders regarding the Tahsildar's punishment, you will doubtless call upon me to record his defence. This, of course, shall be done, but meanwhile I may state that he volunteered his defence when he was giving evidence before me. It was to the effect (1) that he expected on the first occasion that the Police would immediately take the whole case before the Acting Deputy Tahsildar-Magistrate, and (2) because he was under orders not to do Magisterial work at present. Now as to the first excuse, I may remark that the case dragged on for a month without the Tahsildar being called on, or even entering, to give evidence in it; as to the second, that the Tahsildar was not deprived of his powers, nor even debarred from their use on occasion of this.

5. The fact is that, as has elsewhere been stated, in the case, in the recent troubles the taluk officials have in Alur consistently maintained an attitude of obstructive hostility towards European officers who have done their duty in trying to put down fraud and this affair is an illustration of such obstructive hostility. No officer who has served under me has done his duty in a more manly and honest and energetic manner than Mr. Chamberlain, and accordingly he has had much to bear (and has borne it with exemplary patience) in the way of obstruction, in the case of this Tahsildar, he has also sustained gross and gratuitous insult. I trust that this will be borne in mind by you in disposing eventually of this affair.

Copy to the Superintendent of Police.

P.S.—I append copies of three recent Appellate Judgments of mine in cases disposed of by Acting Deputy Tahsildar-Magistrate Phanappa.

(To be kept).

(Signed) J. H. MASTER, Collector.

No. 1266

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 23rd May 1878

READ Proceedings of the Board of

Revenue, dated 15 May 1878

No. 4862 submitting for sanction appointment of B. Hanumantha Row, 30th Taluk of the Tadpaty Taluk to act as Tahsildar of Alur vice Kara Simulu Taidoo suspended and Nathana Bheema Chary Taluk Sheristadar of the Alur Taluk to act as Tahsildar of that Taluk till relieved by Hanumantha Row.

On the recommendation of the Board of Revenue, His Grace the Governor in

Council is pleased to appoint B.

Hanumantha Row to act as Tahsildar of Alur vice Kara Simulu Taidoo suspended and Nathana Bheema Chary to act as Tahsildar of that Taluk until relieved by Hanumantha Row.

22/5

Grand Officer, Revenue Department, Madras.

Revenue Dept

Mem 4862

Proceedings of the Board of Revenue

21/5 May 1878.

Read again Board's Proc

2/13 the 14th 1878 Mem 3969.

Not to be

Mem 120

From

The Collector of Bellary.

To

The Secretary to the Board of Revenue

Sec.

Madras.

With reference to the Proc of the Board of Revenue dated 2/13 3969 of 13th Instab, I have the honor to forward a copy of the service list of R. Hanumantha Row which was sent with this office letter of 2906 of 12th Instab last.

2. I beg to state that Mattam Ahimma Chetty has passed the special test required for the post of Sahildar.

Bellary Collector's office
2/18 of 1878

I have
H. H. Martin
Collector

The sanction of Govt is requested for the appointment of R. Hanumantha Row to act as Sahildar

of Mawun Narasimha Naidu Tahildar
 of that Taluk, ordered to be suspended for
 six months in P.O. No. 2 of Feb'y 1878
 288. The Tahildar having been suspended
 in the 7th March 1878 the Taluk Sheristadar
 & Mawun was appointed to act as Tahildar
 till relieved by Government. The sanction
 is therefore requested for the latter appointment
 - must also.

(True copy & extracts)

[Signature]
 Secy.

The Secretary to P.O. No. 10 with
 service list in P.O. No. 2 of Feb'y 1878
 to be returned, & P.O. No. 2 of Feb'y 1878
 288, 4/3rd April
 1878 also P.O. No. 3969

[Signature]

Revenue Dept.
 3969.

Board of Revenue.
 April 1878.

Read the following

I have the honor to request you of Bellary
 to send the service list of Taluk to the Board of Revenue
 enclosed.

Bellary collector's office
 21 March 1878 } Mawun Naidu, Tahildar of
 suspended for six months under

I send you the service list of Taluk, of 22nd Feb'y 1878
 in pursuance of the arrangement
 by letter No. 2 of 19th Feb'y 1878 (True copy)

at forth by the Taluk collector. P.O. No. 2 of Feb'y 1878
 Bellary collector's office
 21 March 1878 } Secy. H. Martin
 collector

Read also the following

Enclosure
 No. 60
 of Bellary

The collector of Bellary to the Board of Revenue

I have the honor to
 have considered a letter
 from Mr. Mawun Naidu
 collector in his letter No. 60 of
 to recommend that Mawun Naidu
 be appointed as Tahildar

1788

From The Collector

To The Secretary

Sir

At the request of the Hon. the Secretary, I have the honor to request, as my birth-day, & B. Hanumantha Rao is, I have to

at present Mr. Sahibul
 requested the appointment of
 Sahibul of Goly to act as
 of B. Hanumantha Rao to act as
 Goly. In the second letter of
 the Sub Collector in relation to request
 at Goly and to appoint
 at Goly, in the 3rd letter
 with Hanumantha Rao
 - instead of the other Sahibul
 Sahibul may be appointed to

I have to
 pay of the
 Sahibul
 Sahibul

to by appointing an arrangement
 of what I think the Hon. the Secretary
 would show it should be
 I am very glad if you would
 continue to act in Goly and
 to Panabara of a Sahibul
 Hanumantha Rao has passed the
 required for the post of Sahibul

(True copies & extract)
 per B. H. Gollon
 Secy Secretary

Director of Revenue
 True copy

Collector
 Secy Secretary

sorry to cause two
already made; but
about the salary is

correct I should say Mary

Wm. C. Crampton & Co.

6. B. *Hammondi*

Wm. Howard A. Bensen

Other and more

~~ications~~ *Trincho* ^{the Gut-bottle}

card has done is sure arch 1878 is enclosed

has had correspondence for R. M.

William Lake Baker as Childs of

Office hours 11th Ave. to 25th St. School Ave.

with respect to

as for the reasons

Chas. H. ...

Wm. H. Quaker

Shelton

2. *Chlorophyll*



Wm. A. L.

1890

newly begun

The Editor of ^{the} ~~the~~ I should be

[Handwritten signatures and stamps are visible over the typed text.]

15. *Chrysomelidae* (1000)

ENCLOSURE No. 2.—Copy of Tahsildar's explanation.

ENCLOSURE No. 3.—Copy of Proceedings of Joint Magistrate.

The Board consider that the punishment recommended is too light and resolve to direct the suspension of the Alur Tahsildar for a period of six months. His conduct should be carefully watched when he is permitted to resume his duties, and if he continues obstructive, steps should be taken to procure his removal.

(True Copies and Extract.)

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

To the Collector of Bellary.
Copy to the Accountant-General.

Received 19th Dec
1892

Proceedings of the

Board of Revenue of

15th Dec 1892

Dec 17

Dec 18 1892

Dec 17 1892

Regarding the same

of 19th Dec 1892

J. B. P. P. P. P. P.

to act as Tahsildar

and to be in the

the same manner

as before

by the same

by the same

Ed. W. J. Lewis.

1878.
Board of Revenue,
MADRAS.

Proclamation, No. District 1878, No. 238.

Encl.

General

FEBRUARY.
No. 288.

P. Nonswathi Naidu, Tehsildar of the
Belgaum District — Directing the suspension of
— for a period of six months for neglect of
duty.

Amalgamated by the Board

Revenue 1878 Report

North

Proceedings of the
Madras Government.

Dated 23 May 1878.

Nil

Govt 1286 New
15-5-1878