

Revenue (1892) Department.

MISCELLANEOUS SERIES.

G.O., No. 4/45

Handwritten No 564

DATED 21 September 92

[Despatch Abstract.]

Directing the Board of Revenue to obtain
Mr Ramakrishna Rao's explanation in regard
to the charge of fabricating false evidence.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER

G.O.	No.	Department.	Date.

Your letter and
extract sent to
Booth & Co. and
during the trial
I am to be for-
giving the man

Is the country
 generally
 more wooded than
 State, yes
 Apr - 8/1892

Code Class	25	INDIAN TELEGRAPHS.	Month/No. Number.
To (Office)	o-o-t-a-c-a-u-n-d		From (Office)
Words. 30/9	Day.	Hour. 10	Minute. 45
To (Person)		From (Person)	
Revenue Secretary		Tinnerelly Ry St. Collector.	
<p> Out order 4145 dated 21st September Is para 13 boards proceedings rightly included extract to be given It relates different matter </p>			
Recd. from	L.N.	Sent to	L.N.
At	Hrs.	Mins.	Telegraph Master.
OOTACAUND 1-10-92			

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

21-6-92

20-01-1 21/04/2008

Confidential

Madras 5th September 1892

From

The Honorable J. H. Spring Branson
Advocate General

20

C. A. Galton Esqre
Secretary to Government
Revenue Department
with the Governor
Stonehouse Hill

Sir

With reference to the order of Government dated the 15th August 1892, No. 3658, Mis., Revenue Department, I have the honor to forward herewith my opinion on the case of Mr. Ramachandra Rao, and to return the paper noted in

Pro: of the R/R. the margin
(Land Revenue)

2. The other papers connected with the case
16 July 1892. have been returned to you through the Madras
office.

I have the honor to be
Sir

Your most obedient servant

John Spring Mason
Advocate General

Revised A.

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Confidential No 85

1892

Government Number 7732
From

The Advocate General
Madras.

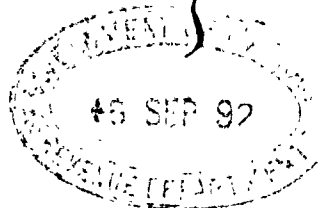
To

The Revenue Secretary to
Govt.
Ootacamund

Dated 5th September

Despatches 5

Received



Subject

Mr I Ramachendra Rao.

Forwarding opinion on the
Case of

Confidential

In the matter of the charges against Mr
Ramachendra Rao, Acting Sub-Collector of
Tinnevely.

Opinion.

1. The questions put to me are-

I. Whether there are sufficient grounds for
making a formal enquiry under Act XXXVI
of 1850 into the following charges against
Mr. Ramachendra Rao:-

(1) that in 1889 while Acting Sub collector
of Madurai, he accepted a valuable
umbrella as a present from the Tem-
indar of Ammanaikannur?

(2) that during the enquiry into the above
charge, and on or about the 24th March
1892, he dishonestly used as part of the
evidence in support of his defence a
forged account book knowing it to be
forged.

II. Whether I consider the appointment of a
Commission advisable, in which case I am
to draw up and submit for the appro-
val of Government the articles of charge.

2. Accused admits that an umbrella similar
to the Temindar's was made for him by Na-
raina Maistry. The question is who paid
for it? The case for the prosecution is that
it was a present from the Temindar by
whom Naraina Maistry was paid, and

of receipt of that date on page A. I confess however that the entries on page A & E above referred to would not have appeared suspicious to me but for the alteration on page H.

7. The production of this book so tampered with at so late a date as March 1892 and admittedly to meet Mr. Wynne's remark, ~ strengthens the suspicion against himself which the conduct of the accused throughout naturally arouses, and therefore adds some weight to the evidence against him on the first charge. His conduct in depositing his statement in the Treasury when he could have handed it over personally to Mr. Wynne, and in not stating his case at once in a manly and straightforward way when first spoken to on the subject of the alleged gift, are amongst those acts of the accused which naturally arouse suspicion against him. On the other hand, it may be urged that in his conduct he only displayed the infirmities of his race - lack of courage and a preference for a tortuous course to a straightforward one.

8. There are I think sufficient grounds for making a formal enquiry under Act ~~XXXVII~~ of 1850, though not sufficient evidence available to warrant a prosecution under the ordinary criminal law, but I do not consider

that the appointment of a Commission is advisable, because I think that such an enquiry should not be undertaken unless a strong prima facie case can be made out against a public servant. The powers conferred by the Act should be exercised with the greatest caution, and only upon such materials as leave no reasonable ^{unmet} doubt of the guilt of the accused, if ^{unshaken} and unexplained by him.

9. In the present case though there may be very little moral doubt that the accused did receive the umbrella as a present from the Zemindar, that his denial is false, and that he has wilfully used a forged account book to support that denial, still the available evidence against him is unsatisfactory and inconclusive.

10. The oral evidence would be confined to
- (1) the Zemindar who is said to be an old man of weak mind.
 - (2) Naraina Maistry who has proved himself to be an unreliable witness.
 - (3) Shunmoogum Pillay and
 - (4) Velu Pillay both of whom state nothing inconsistent with the defence, and the last of whom swore that Rs 40 were paid by the accused to whom a stamped receipt was given.
 - (5) Muthukaman Bhattis evidence is either

ruin and disgrace

14. In favor of the accused are the following facts, viz:-

his long service under Government.

his apparently honorable career hitherto.

his prospects of promotion and the

trifling value of the alleged gift for

which he is said to have risked so

much.

15. Though I do not consider that the appointment of a Commission is advisable in the present case because of the nature of the evidence against the accused, I submit for the approval of Government the Articles of charge required by Section 2 of the Act in case Government should differ from me on this point.

J. Springman.

Advocate General

Madras
2nd September
1892.

In the matter of the Commission appointed by His Excellency the Governor in Council of the Presidency of Fort St George (Madras) under and by virtue of the provisions of Act ~~XXX~~ XII of 1850 entitled an Act for regulating inquiries into the behaviour of public servants

and

In the matter of - Ramachandra Row Sub collector of Madura in the said Presidency and as such a Public Servant under the said Government not removable without its sanction.

Articles of charge made and exhibited against the said Ramachandra Row this day of 1892.

Whereas it has been imputed that you the said Ramachandra Row being a Public Servant that is to say the Sub collector of Madura did accept for yourself the present hereunder specified of and from a Zemindar within your district and did as such Public Servant file and dishonestly use a forged account book knowing it to be forged and in order to deceive the officer appointed by the said Government to enquire into certain charges made against you as such Public Servant and that you have thereby been guilty of behaviour demanding

enquiry under the provisions of the above mentioned Act XXXVII of 1850.

Be it known to you that the substance of such imputations is contained in the following articles of charge and that each such article of charge will be sustained by the evidence of witnesses and by the documents mentioned in connection with such articles as well as by any further evidence oral or documentary that may be forthcoming and which the Commissioners hereby appointed may in their discretion allow to be exhibited or recorded. That is to say -

1. That you being such Public Servant as aforesaid did on or about the sixth day of November 1889 accept for yourself from or on behalf of ^{Bommali Nair} ~~(here enter name)~~ the Zemindar of Ammanai ^{a present to him} Kanur, a silk umbrella contrary to the provisions of Section 24 of the Statute 13 George III chapter 63 such misbehaviour being matter of enquiry under the provisions of the aforesaid Act XXXVII of 1850.

The following is a list of the witnesses and documents by which the above charge is to be sustained that is to say -

- Witnesses
- ^{Bommali Nair} ~~(here enter name)~~ Zemindar of Ammanai Kanur, Madura District.
 - Narama Maistry, Palau Saita, Bommali Kanur a.p.
- ~~(here enter names of other witnesses)~~ ^{of R. A. ?}

Documents.

1. A bill bearing date the 14th day of Nov. 1897 for the above mentioned umbrella presented by the ^{officer} ~~said~~ Narama Maistry to the said Zemindar by whom it was paid.

2. The account book belonging to the said Zemindar and called the Nyan Bhatta for ~~the year 1897~~ ¹⁸⁹⁸ (Here enter description of the other documents) ~~Page 3~~ ¹⁸⁹⁸

2. That you being such Public Servant as aforesaid did during the enquiry carried on by Mr. ~~Tennar~~ the officer appointed by Government to enquire into certain charges made against you as such Public servant, and on or about the 24th day of March 1892 used as true or genuine evidence ^{evidence} which you knew to be fabricated to wit a private account book, such misbehaviour being matter of enquiry under the provisions of the aforesaid Act XXXVII of 1850.

The following is a list of the witnesses and documents by which the above charge is to be sustained that is to say -

Witnesses

(here enter)

Documents

(here enter)

3. That you being such Public Servant as aforesaid did during the enquiry carried on by Mr. ~~Tennar~~ the officer appointed by the said

Government to enquire into certain charges made against you as such Public Servant and on or about the 24th day of March 1892 fraudulently and dishonestly use as genuine a document to wit a private account book which you knew or had reason to believe to be a forged document such misbehaviour being matter of enquiry under the provisions of the aforesaid Act XXXVII of 1850.

The following is a list of the witnesses and documents by which the above charge is to be sustained that is to say

Witnesses

(here enter names)

Documents

1. The private account book referred to in the above charge.
2. (Here enter the documents)

Confidential

The Honble the Advocate General's opinion on Mr. Ramachandra Rao's case is submitted for orders.

It will be seen that the Advocate General is in favour of the appointment of a Commission on the ground that the evidence is insufficient to procure a conviction.

He has however framed & submitted articles of charge for an inquiry and should not accept his opinion. The Advocate General's views seem to be open to question, for the case appears to have assumed such a serious aspect since the production of this account book, as it requires a thorough investigation by a special constituted tribunal.

A certainty that the enquiry will end in a conviction is not, it is submitted, an essential precedent to the appointment of a Commission, and it seems only the question to let matters drop, and to allow a black suspicion to rest on Mr. Ramachandra Rao during the remainder of his

This is not quite what the A.G. says. He admits that there are grounds for making a formal inquiry under Act 37 of 1850 but does not advise appointing a Commission because he does not think there is such strong prima facie case against him as to make it reasonable to do of his guilt, if not established by him.

I think the A.G.'s advice is somewhat contradictory. If there are grounds for an inquiry, an inquiry ought to be held, in justice to the accused, as if for no other reason. I think to show his character from suspicion of a grave crime, & to show grounds why he is to be treated leniently. He is in the position of a person who has committed a crime.

I am therefore of opinion that a Court should be appointed to inquire into the charges formulated by the A.G.

13/9/92 J.H.

I also am of opinion that the case cannot rest where it is, but as to the appointment of a Court under Act XXXVII of 1850 a difficulty occurs. The 2 of the Act gives the Govt as defined in sec 23 the power of ordering a formal public enquiry.

Service, as the advocate General seems to suggest.

Gover. account book was produced again by Mr. Gibson on the 71st about June 1892, and not before Mr. Dethier as stated in the minutes of charge (Mr. Endorsement No 5 - Mr. Gibson's endorsement - member the record)

The whole record is not circulated. As Mr. Members have already perused the same, and will not, it is thought ^{for reference} requires ^{any thing} more than the note for orders and the other papers submitted with this note.

Que
7.9.92

Ch
719.

into the conduct of a person not removable from his office without the sanction of the Govt. It appears from this that unless we, the Madras Govt. have the power of removing Ramachandra Rao from his office, we have not power under sec 2. I don't think we have the power of removing him, but it seems that the power rests with the Govt. of India. It is a statutory Civilian and was appointed as such ^{by Govt.} under the sanction of the Govt. of India. The trial at present held is that as a Stat. Civilian he is only the holder of the particular office to which he has been appointed, but the legality of this view is having regard to the rules under which he was appointed extremely questionable. At any rate it is the fact that his appointment by the Govt. of India was ^{by Govt.} sanctioned by the Govt. of India. I am not sure, without papers, whether it has ever been distinctly declared who is the authority to dismiss Statutory Civilians, but think not. In the absence of any such declaration the ordinary principle that the authority having the power of appointment is the authority to dismiss will apply; and whether it be correct to hold that, in accordance with the ^{terms of the} Statutory Service rules, he is a member

of the Madras Civil Service, or is merely ^{thought} by the Govt. of India a holder by special appointment of a scheduled office, he has in either case been appointed by the Govt. of India.

The provincial service rules have not been framed, & the constitution of that service is not material. I am of opinion therefore that the Commission must be ordered by the Govt. of India.

If we apply to that Govt. it will probably be noticed that as regards the second & more important charge (the use of fabricated evidence) Ramachandra Rao has had no opportunity of explanation & is in entire ignorance of what has been discovered. The wife of the late Govt. of Madras was ^{of the book} of the book, his wife, has not been examined.

India will probably direct that an explanation be taken from him, R.R., on this charge.

I believe that what I have written above as to the power of removing Statutory Civilians is correct, but it requires verification by reference to papers on the question, which is by no means clear.

The case is a very difficult one, and we better have it in Council.

W
14 Sep.

Why not ask India by wire if these Statutory rules are in the position alluded to - or not? We could get an answer by Council to-morrow - & then know what to do.

W
15 Sep.

I differ. The Act 37 of 1850 has passed there was no Statutory Service & the object of the Act was to enable the local governments & the Govt. of India to have the conduct of officers ~~removing under them~~, & who could not be removed from their office without their respective sanction, inquired into by Commissions. In practice the class of officers to whom the Act was intended to apply was ^{by Govt.} appointed officers who were appointed by order of Govt. & could not be removed or removed from their office without the Govt.'s sanction. These are not Statutory Civilian officers & are not appointed by order of Govt. & could not be removed or removed from their office without the sanction of Govt. It is beyond question that the Act was not intended to apply differently to a service which did not come into existence till long after the Act itself, than to the then existing services & these can be equally so



GOVERNMENT OF MADRAS
REVENUE DEPARTMENT

Sept 14 '92

My dear Mr. Carter

I send you in box

no 25 the Advocate General's
opinion on Ramachandra
Rao's case. You will see
that the Hon. Mr. Justice

Stokes has raised a question
as to the power of the Local
Govt to appoint a Commissioner
under Act XXXVII of 1850 -
I am leaving the papers

Confidential

Opinion of the Hon. Mr. A.
Advocate General on
Mr. Ramachandra Rao's
case.

Mr. Justice G. S. Sankar C. S. J.
Mr. Justice B. S. Sankar R. C. S. J.
Mr. Justice S. S. Sankar

[32]

NOTE FOR THE SECRETARY.

The removal of Statutory
Civilians appears to be governed
by rule II. of those on p. 3 of the
book file.

The question of the status of
Statutory Civilians is dealt with
in the portions marked with
green chalk on the following
pages of the file -

154, 155, 157, 158, 159, 199, 200,
208, 209, 304, & 310.

The contention of the Govt. of India
that Statutory Civilians have not been
appointed to any service but to specific
posts is ~~inadequate~~ that each step
in their cases should be treated as a
fresh appointment under the Statute
is dealt with in the pages underlined
with red ink.

As regards the question of the
Sanction of the G. of I. being obtained for
P. R. Rao's appt. as an Acting Sub.
Collector the papers, if any, are in
Madras. The indexes do not show however
that any letter went about the matter. All
the papers have been telegraphed for
& should be here this evening. It is
believed, however, that no such sanction
was obtained. From page 125 of the History
of Services & from the papers on pages
108-110 of the book file it would appear
that he was appointed to be Asst. &
to act as Head Assistant, on his ^{first} appt.
to the Statutory service by the Govt. of India.

Sanctioned his first ag. Sub. Col.
appt. It is certain that they did
not sanction his present appt. is
ag. Sub. Col. of Tanjore - which was
made only the other day.

In regard to the appt. of a
Commission under Act XXXVII of
1850 please see the case of Mr.
Brekes Atkinson in the two despatches
of July and Sept 1884 submitted. As
a Commissioned Officer he could not be
removed from his appointment except
with the sanction of the Secy of State, but
the Govt. appears to have appointed
the Commission on its own responsibility.

C.S.
15/9.



the action taken being reported
to the Secretary of State. The
Reports put up. Following
this precedent the Local Govt
may think appropriate to
his own without reference to
the Gov of India. Orders are
required as to whether a telegram
should go to India, if so in
what terms. As the matter
is urgent & urgent is,
I know not how long it
will take to see your remarks
I write to you for instructions
instead of circulating the papers
in the usual course.
Yr sincerely
Chellam

Sept 15. 92

My dear Sir,

Please see this to.
Yesterday's remark in the note
for orders regarding Ramachandra
Rao's case, suggesting that a
telegram be sent to India asking
whether this Govt has the power
to appoint a Commission under
Act XXXVII of 1858 in the case
of a Statutory Commission. I

Confidential

REVENUE DEPARTMENT.

No.

From

Dated

189

FOR ORDERS.

Read again C.O. 3658 d/15-8-92

Also C.P. 7732/92

Order No 4145 d/21-9-1892.

The Govt observes that Mr.

Ramachandra Rao is in entire
ignorance of the discovery which the
Board has made regarding the
entries in the account book produced
by him, & has not been given
an opportunity of ^{explaining} ~~affording~~
~~explaining~~ ^{very serious}
charges of ~~falsification~~ ^{falsification} ~~falsification~~
to which he has laid
himself open by the production
of the book in question. Before
taking any further steps in the
matter of the charges made against
Mr. Ramachandra Rao the
Govt in Council desires that
officials
that should be permitted to offer any
explanation that he may have to
give in the above charges and
marginally noted papers
to this end the ~~order~~ ^{order} of the
relating to the enquiry already held

falsification or obtaining the
falsification of false evidence
on his behalf.

- X(1) Search Act book
- (2) Enlarged photographs
- (3) Mr. Mucker Smith's ask

FOR ORDERS.

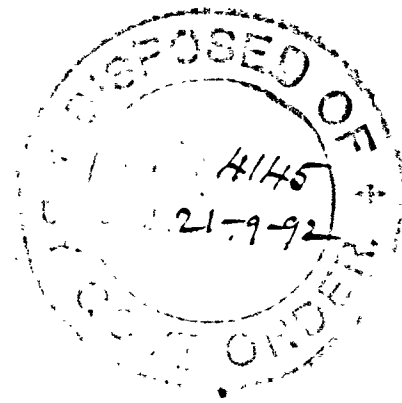
will be returned to the Board with a request that the necessary explanation may be obtained from Mr. Ramachendra Rao and submitted to Gov. with the Board's remarks. The explanation should be taken from Mr. Ramachendra Rao by the collector of Tinnevely and Mr. Ramachendra Rao should be furnished with an extract from para 7 commencing with the words "the Board is strengthened in this conclusion" to the end of para 13 of Board's Proceedings of 16.7.1892, No 4358A read above and also be permitted to examine the entries in the account book in the presence of the collector and to see the enlarged photographs of the same taken ^{by} the survey office. The Board should however, impress upon the collector that he must on no account lose sight of the account book or allow it to go out of his custody and must take every precaution to prevent

its being tampered with
and to ensure its being
returned safely to the Board
office. The Board should
take equal precaution in
re-transmitting the account
book to Govt. Mr. Ramachandra
Rao's explanation should be
obtained and submitted to
Government with the least
practicable delay.

21 9 90

To the Court of Land Rev.
With one sealed cover
Containing
1. Private account book
2 - 4. enlarged photographs
3. Memo from Mr. Melchie
Smith.

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 When examined _____
 When signed _____

189

READ AGAIN G.O., No. _____
 189

CURRENT No.

ENCLOSURE TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—
 A = Copy in full.
 B = Not to be copied.
 P = Copy abstract only.
 Q = Copy heading only.

cur
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