

CONFIDENTIAL.

G.O., No. 2605

Confidential No. 601A

DATED 14 July 1893

[Despatch Abstract.]

*Re. Mr. Dumerque's explanation in regard
to Walavmad, Sabro case*

BACK PAPERS.

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

FURTHER PAPERS.

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

1893

Revenue Department
Current Number 5188
From The Asst. District Judge
of
Madras

The Revenue Secretary
to Government
Madras

Dated 11th } July 1893

POSTED
Recd 13
2605
14 July 93

No 360
Enclosure None

Pringle

Explanation

Submitting an explanation called
for in G.O. dated 30 January
1893 No 369. Mis with regard
to the Revenue Settlements
of Malabar.

G.O. No. 2605 D 14 July 1893

Referred to the Board
of Revenue, the Asst. Secy.
The explanation submitted has
been submitted, for review
with the least possible delay.

14 July

To the Board of Rev. (R.R.)
with letter in original
to be returned.

14 July 1893

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No 360
1893

Madras, District Court
11th July 1893

From,

1894 1893

J. W. F. Dummerque Esquire,
Acting District Judge
Madras

To,

C. A. Galton Esquire
Revenue Secretary to Government
Madras.

Sir,

In obedience to G.O. dated 30th January
1893, No 369 Miscellaneous, I have the honor
to submit to Government the explanation
of my conduct with regard to the Revenue
Settlement of Malabar.

2. Before entering into the case, I
trust I may be permitted to express
the hope that the delay which has
occurred in submitting the explanation
will in no wise prejudice me in the
eyes of Government. Although the
G.O. was passed on the 30th January 1893,

Encl. P. 31-1-03
1893

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I knew nothing of it until the 8th April 1893 when it was communicated with the Board's proceedings of the 5th idem. The Board then remarked that the papers were forwarded in case they had not been sent by the Collector of Malabar "as was the Board's intention". The Government is aware of the nature of the work in the Madras Court and in order to study the papers I was compelled to take five days leave on the first opportunity. I applied to the Board and the Collector of Malabar for records on the 29th April and my requisition has not yet been fully complied with. In view, however, of the fact that the Madras Court will shortly be reopened, I have determined to submit my explanation at once.

3. The charges which I am now called on to answer were summarized in para 47 of G.O. dated 17th June 1892 No 624 Revenue, where I was found guilty of impeding and discrediting settlement and the Board has now

The Bd. and the Collector have not taken notice of Mr Stuart's Complaint against the Sahsildar of Walluvana. I condoned the Sahsildar's conduct which is said to have been insubordinate and obstructive.

asserted, in para 24 of its proceedings dated 14th December 1892 No 717, that by taking no notice of Mr Stuart's Complaint against the Sahsildar of Walluvana, I condoned the Sahsildar's conduct which is said to have been insubordinate and obstructive.

4. Whether the Board is right in saying that I failed to take notice of Mr Stuart's Complaint is a point which I will, with permission, discuss hereafter and at present I would submit that there is a misconception in the very beginning of the case which must have influenced the Board.

5. This misconception is contained in the statement made by the Acting Collector of Malabar in para 2 of his letter dated 23rd August 1892 that the Sahsildar "began to take part in the unfortunate dispute between Mr Dummer and Mr Castle Stuart Stuart". Against this assertion I must beg leave to protest since it is inaccurate in every respect.

6. In the first place, as I have
endeavored to explain in paras
42 to 48 of my Memorial to the Secretary
of State, the word "dispute" is altogether
inappropriate with regard to my conduct
in carrying out, under the orders of the
Board and the Government, an enquiry
into the Wynaad Settlement. In the
next place, the Tahsildar of Walluvanad
had no concern with, and no interest in,
that enquiry. And lastly, Government
is aware that I did not raise the
question of Mr Stuart's personal
conduct towards myself until the 5th
March 1892 and that when I did, my
own conduct and correspondence were
found blameless in G.O. dated 5th April
1892 No 1803 Revenue. As pointed out
by the Board, Mr Stuart's Complaints
range from the 7th November 1891 to
the 10th March 1892 and relate there-
fore to events which occurred before
I was compelled to report Mr Stuart's
conduct. Hence, I submit, it is clear
that the connection found to exist
by

M. D. here brackets
the letter of
Oct. 12, 91 addressed
to himself by Mr. S.
in which he distinctly
accuses the Tahsildar
of obstruction & injustice

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by the Acting Collector of Malabar
is imaginary and that the remark
with which he has prefaced his letter
is incorrect and irrelevant.
7. It is, I would also submit, difficult
to believe that but for this error, the Tahsildar
would have been held guilty of insubor-
dination on occasions when, I venture to
think, the accusations cannot be sustained.
Thus, in para 34 of his letter, the Acting
Collector refers to what he considers im-
pertinence on the part of the Tahsildar
unparalleled except in the case of
"some letters from an officer who proved
to be mad". The Tahsildar, writing to
his Divisional Officer, and not to the
Special Settlement Officer — a fact
overlooked by the Acting Collector — stated
"I have myself asked the Special Settle-
ment Officer to issue the necessary
instructions to his subordinates on the
subject, but a letter from you will,
I presume, have better effect". It is
not easy to understand why a Tahsildar
should

18-11-92
ad at page 100
18-11-92
717
reference to para 34
of the letter of 10-11-92
19-11-92 same G.O.

should be held guilty of impertinence for thinking and saying that his Divisional officer's letter would receive more attention than his own.

8. Then in dealing with the third charge against the Tahsildar, the Board in para 3 of its proceedings finds fault with him for making a report to the Divisional officer instead of to the Special Settlement officer, then known as the "Special Assistant Collector." But this very case was reported by me so far back as the 16th May 1891 and was disposed of by the Full Board in its proceedings dated 4th August 1891 No 5497 Mis. With all the facts before it, the Full Board found no fault with the Tahsildar's procedure.

9. In respect of the seventh and eighth charges, I cannot think that the Tahsildar would have been condemned if all the facts had been

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been known. I had found that the Special Settlement officer and his subordinates expected the village officers to devote their whole time to Settlement work and it will be seen that Mr. Stuart required their attendance from 7 to 12 and 3 to 6 daily while in para 4 of Appendix XII (3) (page 26) it will be seen that Mr. Stuart maintained that "the rules clearly place the munsifs at the disposal of Settlement officers during the progress of Settlement operations in their area." This arrangement was obviously impracticable in the public interests. It would have resulted in complete paralysis of the ordinary revenue work of the District and the Board and Government would not have accepted as an excuse from me the fact that the village officers were monopolized by the Settlement party. Hence I personally directed the Tahsildar to make some arrangement by which the Settlement and

his taking would have been dis-
organized.

11. Again, with regard to the 19th, 20th
and 21st charges, delay in the revision
of accounts and in the preparation
of Desamwar accounts, several
records and facts have been
overlooked. As to the revision of
accounts, Complaint was made to the
Board in the Settlement Department
by Mr Stuart and was withdrawn
by the Board in its proceedings dated
12th February 1892 and recorded on
the 6th April 1892. As to the Desamwar
accounts, the Acting Collector is of opinion
in para 3 of his letter that the Tah-
sildar's "demand for Stationary"
appears to have been an intentional
piece of impertinence. But the records
of the Malabar Collector's Office
would have shown that the matter
was formally referred by me to the
Board with reference to its proceedings
of the 26th June 1890 No 4067, 12th February
and 12th March 1891, Nos 92 & 160, and that
the Board in the Settlement Department
passed formal orders in its proceedings
dated 11th September 1891, No 6547 M.S.
Had

Had there been anything impertinent
the Board knew nothing in the reference, the Board would
of the Tahsildar's letter
to Mr Stuart & assuredly have noticed it, and if
it had not been noticed it is, the Tahsildar's action was clearly
not impertinent but necessary.
At the same time the Tahsildar's ref. to the
stat. No 12. 12. Further with regard to the charge
of obstruction by delay in the preparation
of Desamwar accounts, the Acting
Collector observes in para 30 of his
letter that "The Board is aware that
Mr Stuart found the Palghat
accounts very defective and it was with
a view to remedy the defects that he
called for Desamwar accounts in the
Walluvanaad taluq," while the Board
in para 20 of its proceedings states
that "the object sought by the Settlement
Officer was a very desirable one". I
was myself of the same opinion since
the Desam was to be taken as the unit,
and in a letter I addressed to the
Superintendent of the Madras Survey
on the 14th April 1892, I urged the necessity
for an accurate Desamwar Survey. Now
however, it will be observed from para
20 of the Board's proceedings that
Desamwar

desamwar accounts are to be prepared only for those taluqs "in which classification is not complete". But when the Tahsildar was charged with neglecting to prepare desamwar accounts, the classification of Walluvanad was complete, and in a letter dated 23rd June 1893, the Acting Collector of Malabar has informed me that Desamwar accounts for Walluvanad (as well as Palghat) "will have to be prepared before the Settlement is introduced, and orders have been issued for their preparation, but they are not required for Settlement purposes in those two taluqs". Obviously therefore, I submit, the Complaint that Settlement was obstructed because accounts, now declared to be unnecessary for Settlement purposes, were delayed, is groundless.

13. In the tenth Case, the correspondence arose solely from Mr Stuart's own mistake in thinking that fines inflicted on village officers could be levied directly instead of being deducted from their pay. On other charges

This is a statement by the Tahsildar in the case of the settlement of the taluqs of Walluvanad & Palghat. The Tahsildar has been asked to prepare the accounts for the settlement of the taluqs of Walluvanad & Palghat. The Tahsildar has been asked to prepare the accounts for the settlement of the taluqs of Walluvanad & Palghat. The Tahsildar has been asked to prepare the accounts for the settlement of the taluqs of Walluvanad & Palghat.

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This is a speculation and is not founded on fact.

His signature appears

He refers to the fact that the Tahsildar has been asked to prepare the accounts for the settlement of the taluqs of Walluvanad & Palghat. The Tahsildar has been asked to prepare the accounts for the settlement of the taluqs of Walluvanad & Palghat. The Tahsildar has been asked to prepare the accounts for the settlement of the taluqs of Walluvanad & Palghat.

charges, such as that of impertinence to a Supervisor, I submit that the facts stated by the Tahsildar in his explanation deserve more consideration than they have received. My proceedings of the 8th May 1891 referred to by Mr Stuart show that the conduct of Settlement Subordinates was a long standing source of complaint and the question was whether the Settlement Subordinates were to have independent control or whether the Tahsildar was to maintain his authority in the taluq for which he was responsible.

14. With regard to the other correspondence, in respect of which the Tahsildar has been found guilty of insubordination, I submit that one objection apparently taken by the Board, that the Tahsildar wrote letters instead of arzis, is opposed to the rule in its own standing orders by which the letter form in English is expressly sanctioned.

15. Next I would submit that before the Tahsildar can be convicted of insubordination, it has to be proved that he was the Special Settlement Officer's subordinate. The Board now declares that he was, but if there had been no doubt on this point, there would have been no necessity for gazeteting Mr Stuart's successor as Special Assistant Collector, as well as Special Settlement Officer. The fact is that from the moment Mr Stuart was gazetted as Special Settlement Officer, the Government having declined to gazette him as "Special Assistant Collector," he regarded himself as independent of the Collector, and once drew my attention to the fact that he was no longer Special Assistant, although it now appears that this was not the intention of Government. As dual control in a District is impossible, an officer who is independent of the Collector cannot be the superior of the Collector's subordinates. Under these circumstances, I venture to submit that

Mr S. Stuart
Thos. Stuart
Special Settlement Officer
Collector's Office
District of ...
his independence

This is not the question. It is the Tahsildar's conduct not Mr Stuart's that is now involved.

Mr Stuart
He had authority
Mr T was his subordinate

that as stated in para 64 of my Memorial to the Secretary of State, Mr Stuart had no more authority to reprimand the Tahsildar than a Revenue officer has to reprimand a Supervisor in the Settlement Department. Nevertheless Mr Stuart assumed this authority even in respect of the Tahsildar's action in his Magisterial Capacity as shown in the correspondence relating to the eighth charge and to the extent of finding fault when the Tahsildar acted in obedience to my instructions as shown in the fourth charge.

16. All the proceedings issued by Mr Stuart to the Tahsildar have not been printed, but a reference to them will show that they were not only "far from calculated to enlist the Tahsildar's willing services," as forced by the Board, but also calculated to cause the most intense irritation. As an instance I would

Cite

Cite the fourth question put by Mr Stuart in the Ninth Case (para 11 of the Tahsildar's explanation page 73). The Tahsildar's answer has been considered insolent, but the question would have condoned far greater exasperation than the Tahsildar displayed. I will not venture to offer any opinion of my own regarding the Tahsildar, but the opinions recorded of him by other officers under whom he has served show that he won the esteem and confidence of all and that none ever found him guilty of insubordination. It was, I submit, impossible for an officer in his position, entitled to respect and consideration, not to feel deeply injured by the taunts and insults he constantly received, and unless a Tahsildar is to sacrifice the self respect and independence he is expected by Government to maintain, he cannot be condemned for defending himself and his actions against taunts and unauthorized censure.

He should have done in the proper way by appealing to his superiors with propriety, instead of replies to Mr Stuart, and by circulating pros.

7th July 91 No 648
disposed of in 161.
D. 26/12/92 No 9736
No 11157

This is what the unanswered letters of Mr S. do so to prove.

17. With regard to the general question of obstruction to Settlement, the charge is, I submit, refuted by the rapidity with which Settlement progressed in Walluvanad. As to my having alleged obstruction, I must quote from Mr Stuart's letter to the Board dated 1st July 1891 No 641. In para 3 of this letter Mr Stuart complained of obstruction in consequence of certain proceedings which I had issued and on which orders were passed by the ^{Full} Board on the 4th August 1891 No 5497 Mis. But in para 2 of the same letter Mr Stuart, after referring to obstruction in Palghat, makes the following statement "it became necessary for Mr Greene and myself to report the facts to the Collector. The result has been that there has been a marked improvement in the disposal of complaints." Since I caused a marked improvement in one taluq, it is, I submit, for my accusers to prove by definite facts that I obstructed it or had any motive for obstructing it in any other part

Instruments can
only be inferred,
not proved. The
motive improved in
this case is bad
temper.

This demand is
a rather impudent
demand to be committed
on by the U.S.
N.Y.

Precisely known to
ascertain the facts here.
Bos. refused the matter
to Dr. D. in Sept. 1890.
B.O. 717 - Dr. J. in letter
of 12.12.90.
declined to explain - see
y) 20.10.92. v. 91. 18.

- Parker & Co. the B.P.
is carefully watched
to throw no light
Hamm or else in his
D. H. was legitimate.
M

9 7

19. When this letter was received, I was in Wynaad, engaged with my reports of the 14th December 1891 and 14th January 1892. Before I could take any steps, I received for explanation, with the Board's proceedings of the 5th January 1892, Mr Stuart's letter of the 30th December 1891, in the concluding paragraph of which Mr Stuart made the following statements: "The Tanjabad officer had actually been duped by the taluk officials (of Walluvanad) into signing an account for Rs 1300, which had no reference to that year. The Acting collector's reply shows how lightly these irregularities were apparently regarded and indicates the nature of the support I receive at his hands. The record in my office prove that valid complaints made by

by myself or my subordinates are not attended to at all, or in the most perfunctory manner indicated in this particular Case. The subordinate Revenue officials have learnt to rely upon the acting Collector for support against Complaints preferred by the Settlement officers who have in Malabar under the present regime to do their work as best they can in spite of opposition from quarters where, in other Districts they might safely rely on cordial co-operation and support. I am not aware how long the Board and Government will tolerate this state of things which is most pre-judicial to the public interest."

20. It cannot, I venture to think, be disputed that this was a serious indictment against a collector, that the whole case was taken out of my hands and that my only course was to demand a full enquiry. But as stated in paras 65 & 66 of my memorial to the Secretary of State, the Board in the Settlement Department

Ref. to Colr.
2/2/92

It
this was done with
the express object
of trying to get
the two officers to
drop their mutual
recriminations. V. B.
1893 (Mr. Stuart's note)
122

The paper was overlooked
and not passed till
20 Dec 192. No 9605
Remembering this.

This was a mistake &
Mr D. ought to have had
a suitable reply at the
time he wrote it.
122

11/2 5-1-92 (1906)
(1906)

Department, on receipt of my letter dated 2nd February 1892 (Appendix Z to my memorial) recalled the papers and has never taken any notice of my request for a full enquiry, which I repeated in my letter dated 10th April 1892 (Appendix Z. Z. to my memorial). Expecting that the Board would grant my request, I directed Mr. Batten to send me all Mr. Stuart's Complaints, but as I have pointed out in my Memorial, the Board took no action itself and prevented me from taking any action, as I could not dispose of accusations in which I was myself involved. Now the Board in para 23 of its proceedings observes that the Complaints needed "prompt attention". The passage I have quoted from Mr. Stuart's letter of the 3rd December 1891 embraced all his Complaints and the Correspondence proves that I did my utmost to secure the fullest and most prompt investigation and

and that my requests were totally disregarded. Hence I submit that the Statement now made by the Board, that I took no notice of Mr Stuart's Complaints, is due to a mistake and that it was the Board in the Settlement Department which decided that no action was necessary on the Complaints although they had been made to it direct by Mr Stuart and urged on its attention by myself.

I have the honor to be

Sir,

Your most obedient servant

W. Dummer.

Ag: District Judge.

First copy sent to Press.

Returned for Signature.

Despatched.

READ AGAIN G.O., N.
189

DATED

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