

CONFIDENTIAL.

Revenue (1893) Department.

G.O., No. 2605

Confidential No. 601A

DATED 14 July 1893

[Despatch Abstract.]

Re. Mr. Dumerque's explanation in regard
to Walavanad, Sabroo 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

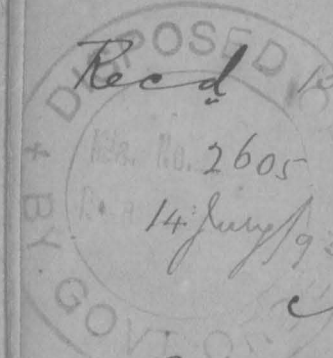
Current Number 5188

From, The Asst. District Judge
of
Madras

To,

The Revenue Secretary
to Government
Madras

Dated 11th }
Recd 13 } July 1893



No 360

Enclosure None

Pringle

Explanation

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

now in circulation

5/3/93

Spence 14/7

G.O. No. 2605 14 July 1893

Referred to the Board
of Revenue, the report from
the explanation should have
been submitted, for reference
with the least possible delay.

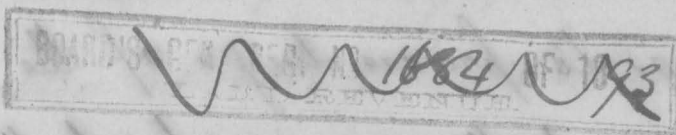
Ch.
14 July

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

14 July 1893

No 360
1893

Madura, District Court
11th July 1893



From,

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

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,

In B.P. 31-7-93
No 701 Misc

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

G.O. 5-4-93
2697

G.O. 16-5-93 26-5-93
1289 1070
10-6-93 28-6-93
1665 3805

No 11

The Bd. says the Collector was evidently cognizant of what was going on and his failure to take the same into consideration was a gross error.

4. asserted, in para 24 of its proceedings dated 14th December 1892 No 717, that by taking no notice of Mr. Stuart's Complaints against the Tahsildar of Walluvana, I condoned the Tahsildar'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 Complaints 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 Tahsildar "began to take part in the unfortunate dispute between Mr. Dummer and Mr. Castle Stuart". Against this assertion I must beg leave to protest since it is inaccurate in every respect.

Printed at page 51
G.O. 16-5-93
No 717

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 Wallerabad
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

In B.P. 86 April 92
No 2081 Revenue
Para 230, 231, 232 at page
900, 901, 902 in B.P. 92
711
Mr D. here buries
the letter of
Oct. 12. 91 addressed
to himself by Mr S.
in wh. he distinctly
accuses the Tahsildar
of obstruction & insolence
w

5
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

In Mr. D. 18-7-92
883
printed at page 900
B.P. 14-12-92
717
referred to Mr. D. in para 34
of the letter at page
62 of the same B.P.

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

change III para 5
9 B.P. No 717 8/14/12/92

note

The question was not
then discussed

note this

MS

Paras 9 & 10 of O.

14-12-92

717

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 revenues at the disposal of Settlement officers during the progress of Settlement operations in their areas." 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

and Revenue work could be carried on with the least inconvenience. In his letter dated 10th November 1891 (Appendix XI (B)) the Tahsildar informed Mr Stuart that he had selected the time "least inconvenient to Settlement work". As a matter of fact the village officials took advantage of the demands made on them by the Settlement party to neglect their ordinary work and the only intelligible solution was to fix separate hours. Hence the Tahsildar was, I submit, fully justified in issuing the Circular which was in accordance with my instructions, and those instructions were given with the sole object of facilitating administration. It is, I further submit, straining matters to hold the Tahsildar guilty of disingenuousness, because, having made a temporary arrangement, he reported the Subject for the orders of the Divisional officer. That the arrangement was temporary and Subject to sanction and that the Tahsildar had no disingenuous motive are proved by the fact that in his Circular

page 22 of B.P. 14-12-92
717

But he could not have thought

28

Page 50 of do

The Tahsildar is even more disingenuous to go through the arrangement

Circular (Appendix XIII (2) page 28) he expressly said he "had reported the matter to the higher authorities for orders to the above effect".

Para 12 of B.P. 14-12-92
717

10. The eleventh charge against the Tahsildar is that he prevented the Supervisor from summoning menons except through himself and encouraged the menons to disobey the orders of the Supervisor. This, I submit, does not set forth the facts correctly. The papers which are referred to in para 20 of the Acting Collector's report show that the menons had been summoned to attend the Supervisor at considerable distances (18 miles in one case) beyond the limits of their amsons. For this procedure, there is no authority in the Settlement Manual and the Supervisor was therefore not competent to issue the summons. It was exclusively to this procedure that the Tahsildar objected and not generally to the power of a Supervisor to summon menons as stated in the charge and I submit that he was right. Otherwise his

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 Tahsildar's "demand for Stationary" appears to have been an intentional piece of impertinence. But the record 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, No 592 & 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 as it is, the Tahsildar's action was clearly not impertinent but necessary.

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 Walluvana d taking", 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. 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

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 taluqs for which he was responsible.

My. 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 arazis, is opposed to the rule in its own standing orders by which the letter form in English is expressly sanctioned.

This is wrong by name
see enclosure
Appendix D in Co. Q. No. 10
24-12-92
9736

pages of B.O. 14-12-92
717

The Tahsildar has been
acquitted in this
head

This is a speculation
Mr D's not found
in fact.

This no where
appears

He refers to the
fact that the
addressed Mr Pratt
by a letter not an
arazi was noted in
para 6 of the R.D. No. 7

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. Stuart should know that the object of him was to mark his subordination to the Collector.

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

He had authority Mr. T was his subordinate.

89

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 elicit the Tahsildar's willing services," as found 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 insubor-
dination. It was, I submit, im-
possible 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 him-
self and his actions against taunts
and unauthorized censure.

He should have
done in the proper
way by appealing
to his Govt
with writing instead
replies to Mr S's
undoubtedly circulating
press.

7th July 91 No 648
disposed of in R.P.
D. 26/12/92 No 9736
ms (888)

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

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 Walluana & Ho-
toiy having abated obstruction, I must
quote from Mr Stuart's letter to the Board
dated 1st July 1891 No 644. 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 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 sub-
mit, for my accusers to prove by definite
facts that I obstructed it or had any
motive for obstructing it in any other
part

part of the District. No attempt has been made to prove such a motive on my part and the only facts adduced are that I did not dispose of Mr Stuart's Complaints against the Tahsildar of Walluvanad.

Motives can only be inferred. not proved. The motive imputed in this case is bad temper.

MS

18. In this connection, the Acting Collector of Malabar has forwarded a demi-official letter addressed to me by the Tahsildar of Walluvanad and it is printed in the margin of para 24 of the Board's proceedings. The impression created by this letter apparently is that I conspired with the Tahsildar to lay a trap for Mr Stuart. It was to be expected that I should be held capable of such conduct, utterly unworthy of an officer and a gentleman, but I submit that the facts should first have been examined. I do not understand what objection there can be to a Tahsildar being allowed to address a Collector demi-officially and direct, but if there had been any conspiracy, there would have been no letter, much less a demi official letter. Still less would that letter have been left openly on record as it was; nor would the Tahsildar have referred to its

enclosures

page 24 of B.O. 14-12-92
717

This remark is altogether improper & should be commented on in the Res.

Presumably known to ascertain the facts this Bd. refused the motion to Mr. D. on 1st/1/92. B.O. 717. 4.12.92. Mr. D. in office declined to explain - letter of 20.10.92. 10.91. 50.

Para 24 of the B.P. is carefully worded to throw no greater blame or slur on Mr Stuart was legitimate.

MS

the diary of a member.

page 71 of B.O.
14-12-92
717

page 24 of B.O. 17 June 92
no 624.

July 28 1891
no 5162

no 76 hrs. (Ref.)

enclosures as he has in para 9 of his explanation. More than ^{all} it seems to have been overlooked that the real trap would have been to allow Mr Stuart to make the official report he threatened. Yet to give Mr Stuart the opportunity of refraining was the object of the Tahsildar's demi-official letter.

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 statement "The Tamabandy officer had actually been duped by the taking officials (of Walluvanad) into signing an account for fuchy 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

ms. B. 2. 6 April 92 no 33582 (sett)
Ref. to Collyer
2/2/92
Mt
This was done with the express object of trying to get the two officers to drop their mutual recriminations. V. B. M. 3's (Mr. Gibson note)
Mt

The paper was overlooked in orders passed 20 Dec 92. no 9605 Recording etc.
This was a mistake & Mr. D. ought to have had a suitable reply at the time he wrote it.
Mt

at page 98 of 100
14-10-92
717

B. P. 2. 5-1-92 no 76 (sett)

11

13.
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. Dumborne.
 Ag: District Judge.

3

15

5810

First copy sent to Press.

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READ AGAIN G.O., N.
 189 ,

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