M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 71	Press Mis.
138-139	
Dated 10-1-	18 61.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 10th January 1861.

No. 138. Read the following Proceedings of the Madras Government in the Judicial Department, dated 26th November 1860, No. 1,546:—

Refer a letter from the Agent to the Governor in Ganjam having reference to the removal by him of two Tahsíldárs to a lower grade. (Vide Judicial Proceedings, 26th November 1860, Nos. 240, 241.)

No. 139. ORDER THEREON, 10th January 1861, No. 71.

1. The portion of the letter from the Agent to the Governor in Ganjam referred in the foregoing order for consideration in this Department relates to the removal by that officer, of two Tahsíldárs to inferior offices on account of misconduct and incapacity, and the promotion of two other servants in their places.

2. The Agent duly reported the circumstance to the Board of Revenue in a letter dated 9th August 1860, and at the same time gave an explanation of the grounds on which he had acted; but he has been required by the Board to obtain and submit the defence of the reduced Tahsíldárs, and to satisfy them that his selection of successors was judicious. Mr. Forbes complains of this interference as inconsistent with the Agency Rules, and submits that the appointment of Tahsíldárs may properly be left to the Agent.

3. On referring to the Agency rules, the Honorable the Governor in Council observes that rule XXIX, Clauses 1 and 2 put the Agent in his capacity of a Revenue Officer under the Board of Revenue, but that Clause 3 declares that the Board are not to interfere unless "a strong necessity" appears.

4. Considering the nature of the country and the character of the people in the agency Tracts, the Governor in Council deems it necessary still that the status of the agent should be maintained and his legitimate authority upheld. His power of control and means of usefulness depend greatly on the estimation in which the people see him to be held by Government, and his influence with them must be lessened if it is found that his acts are lightly interfered with.

5. The Board's Proceedings appear to be based on the order of Government dated 3rd April last, No. 514, but it was framed for ordinary districts, and was not intended to set aside the Agency rules. The Board will therefore in future act in the spirit of the 3rd Clause of the 29th Agency rule, and will hereafter interfere only when there is something clearly wrong on the face of the Agent's Proceedings. Under these views the explanation already furnished by Mr. Forbes for his Proceedings in the cases under notice will be accepted.

(Signed) J. D. SIM,
Acting Secretary to Government.

No. 4871.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd October 1860.

Read the following letter from G. S. FORBES, Esq., Collector of Ganjam, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Chetterpore, 9th August 1860, No. 209:—

1. I have the honor to report, for the information of the Board, that I have found it necessary to remove the Tahsildars of Mohery and Itchapore to offices of lower trust, and I request the sanction of the Board to the arrangement, the reasons for which are as follow:—

2. P. Narasaya, Tahsildar of Mohery, at the time that I reached this District, was under suspension on grave charges of malversation. As these were not satisfactorily proved, I restored the Tahsildar to his post with the determination to watch his future conduct. I have found him throughout his subsequent charge of the Taluq a decidedly inefficient Revenue Officer leaving balances of revenue outstanding without sufficient cause. He is a dilatory man of business, and he does not possess the confidence of the people as an impartial and upright Officer; and has been more than once charged with corruption though under circumstances which did not admit of decisive proof.

2. The last act of official misconduct I shall instance is this. While Mr. Davidson was in temporary charge of this District, the Tahsildar took upon himself to sell by auction a piece of land in Berhampore as a building site. He was desired to forbid the erection of any building on this spot which it is expedient on public grounds to keep clear. He, however, allowed the building to be completed without making any report on the matter. I have degraded this Tahsildar to the post of Peshkar and Head of Police of Aska, and have replaced him by a public servant of some standing and ability who formerly had temporary charge of Mohery Taluq, and was up to this time Head of Police of Aska.

3. The Tahsildar of Itchapore is removed for inveterate laziness shown both in Revenue and Police affairs. His conduct of several important Police cases has been so flagrantly negligent as to call forth the severest comments from the Sessions Court of Chicacole: and as an instance of his official conduct in other matters, I may mention that having deputed him on the 21st ultimo to proceed instantly to Jalantra, and give me early information of an important nature to be obtained there, he made no report until the 7th of this month, a delay which rendered the information he supplied of far less weight than it should have been, and for which no valid reason could exist. This Officer has been removed to Sompetta, and the Peshkar of that place, who is an able and active man, takes his place.

---

1. The Board request the Collector to call upon the reduced Tahsildars for any statement which they may wish to make in their own defence, and to submit their statement, with translations, and the Proceedings of the Sessions Court of Chicacole, alluded to in paragraph 3, for the Board's orders.

Vide Circular Order, 14th April 1860.

2. The Board request fuller information regarding the antecedents and qualifications of the two persons whom the Collector proposes to appoint as Tahsildars in the places of those whom he has reduced.

(A true Copy and Extract.)

(Signed) J. D. SIM,
Secretary.

To G. S. Forbes, Esq., Collector of Ganjam.

Exd. J. Wright.

I that the Board

JUDICIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from G. S. FORBES, Esq., Agent to the Governor in Ganjam, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Chetterpúr, 10th November 1860, No. 223.

Paragraph 1. I have the honor to request the attention of the Governor in Council to the working of the rules for this Agency, and to pray for a more precise definition on certain points of the amount of discretionary action to be allowed to the Agent.

2. The Government are aware that Act XXIV of 1839, constituting the Government Agencies in this and the Vizagapatam Districts, was passed on the recommendation of Mr. Russell, (see page 51 of his report, paragraphs 61 and 62, second part, volume 2), and that the intention of the Legislature investing the Agent with Judicial as well as Revenue functions and with more of discretionary power than is exercised in the other Collectorates, was to give his position such weight with the numerous Zemindars of the District and with the population under them, as would dispose them to acquiesce at once in his instructions.

3. The contumacy of the Zemindars and the disturbances arising out of them were ascribed to the slight respect in which these chiefs had latterly held the circumscribed authority of the Collectors, and one object of the Act, as I have observed, was to remedy the evil.

4. When the District was placed under the Agency, rules were drawn up for its administration under the surveillance of the Sudder Court and the Board of Revenue, whose authority, in matters of form and detail, it was contemplated, should be less stringently exercised than in the case of Judges and Collectors.

5. Practically however this intention seems to be overlooked. Thus, I was lately constrained by the Foujdary Court to institute fresh trials in two Criminal cases (in which the prisoners confessed their guilt) because the depositions before the lower Courts had been read over to the deponents when examined before me. I am now called upon by the Board not only to justify the removal of two Tahsildars to a lower grade (which I have done as the accompanying letter will show) but to support the correctness of my assertions by proof and satisfy the Board that my selection of successors is judicious.

6. I cannot but think this interference inconsistent with Clause III, Section XXVI of the Agency rules; and I would submit to the Governor in Council that the appointment of Tahsildars may be properly left to the Agent who already has authority under the rules, to appoint Moonsiffs subject to the sanction of Government as to place, and who at that time was also at liberty (as all Collectors were) to appoint his own Tahsildars.

7. I venture further to suggest that when an informality is discovered which is not such as to prejudice the intents of justice, the Court of Foujdary should consent to waive a fresh trial.

8. I am ready at all times to render a prompt obedience to the orders both of the Court and the Board of Revenue, but I trust the Government will consider me justified in wishing to be satisfied whether in reality the Act confers no greater freedom of action than a Collector possesses under the Regulations. The objects contemplated by the Act seem to me not likely to be maintained if the Agent cannot even appoint a Tahsildar.

ORDER THEREON, 26th November 1860, No. 1,546.

Referred for the remarks of the Judges of the Sudder Court.

2. That portion of this letter which has reference to the removal of the two Tahsildars, will receive attention in the Revenue Department.

(True Extract.)

Chief Secretary.

To the Sudder Court.
„ Revenue Department, with Enclosure.
„ Agent, Ganjam.

Exd. F. Cartledge.

R 291—91

Section 29 of the agency Rules, Clauses 1 & 2 put the Agent, in his capacity of a Revenue Officer under the Board of Revenue, but Clause 3 declares that the Board is not to interfere unless a "strong necessity" appears.

It seems quite unnecessary to alter this system & the question is whether the Board has exercised its control judiciously & has interfered carefully so as to cover the Status of the Agent as complained of by Mr. Forbes

The Pro of the Board to which Mr. F takes exception are dated 23 Oct/90 No 4871, and relate to the removal of 2 Tahsildars to reserve Officers for misconduct & suspects & the promotion of 2 other Native revenue Servants in their place.

It appears to me that the explanation given by Mr. Forbes in his letter of 9th August ought to have been deemed sufficient & I regret that the Board did not consider it so. An Officer holding the post of Govt Agent in a wild country can not do his duty satisfactorily if the people see that his acts are lightly interfered with, and I think that the Board should be told that

2-Civil Misc. 1235
Proceedings of the Govt Agent Ry. 61
Dated 20th January 1891.
Received 26th January 1891.
Subject:- Proceedings of the Sub Divisional Court in the Judicial Division.

Letter from the Board of Revenue No. 4871 dated 23rd October 1890.

Letter from the Board of Revenue No. 4872 dated 23rd October 1890.

Letter from the Board of Revenue No. 4873 dated 23rd October 1890.

Letter from the Board of Revenue No.

Mr. Forbes' letter above alluded to ought to have been deemed a sufficient explanation & that their interference was not necessary.—

Unless there was something glaringly wrong on the surface, which is not the case, a Govt. Agent should surely be able on explanation like the present to remove Tahsildars for misconduct to inferior posts & promote deserving servants in their room.

Ele

15 Dec/60

I concur in the above remarks—

The instructions contained in clause 3 of Rule 29 are precise & have been in this present instance in bringing by the Revenue Board—

Ele

17—

The view taken by the Honble Mr. Matthey is in my opinion perfectly correct—

G

Revenue Dept

No. 71.

Proceedings of the Madras Government under date the 10 January 1861.

Read the following Proceedings of Govt. in the Judicial Depart.

Refer a letter from the Agent to the Governor in Ganjam having reference to the removal by him of two Tahsildars to a lower grade—

(Here enter 26 Nov. 1860 No. 1546)

1. The portion of the letter from the Agent to the Governor in Ganjam referred in the foregoing Order for consideration in this Department relates to the removal by that Officer, of two Tahsildars to inferior offices on account of misconduct and incapacity, and the promotion of two other servants in their places.

2. The Agent duly reported the circumstance to the Board of Revenue in a letter dated 9 August 1860, and at the same time

Jane

gave an explanation of the grounds on which he had acted; but he has been required by the Board, to obtain and submit the defence of the reduced Sahsildárs, and to satisfy them that his selection of successors was judicious. Mr Forbes complains of this interference as inconsistent with the Agency Rules, and submits that the appointment of Sahsildárs may properly be left to the Agent.

3. On referring to the Agency rules, the Govt in Pl observes that Rule XXIX Clauses 1 and 2 put the Agent in his capacity of a Revenue Officer under the Bd of Rev, but that Clause 3 declares that the Bd are not to interfere unless

unless "a strong necessity" appears.

4. Considering the nature of the country and the character of the people in the agency Tracts, the Governor in Council deems it necessary still that the status of the Agent should be maintained and his legitimate authority up-held. His power of control and means of usefulness depend greatly on the estimation in which the people see him to be held by Government and his influence with them must be lessened if it is found that his acts are lightly interfered with.

5. The Board's Proc: appear to be based on the order of Govt of 3rd April last No 614 but it was framed for ordinary districts and was not intended to set aside the Agency

agency rules. The Board will therefore in future act in the spirit of the 3rd column of the 29th Agency Rule - and will hereafter interfere only when there is something clearly wrong on the face of the agent's Proceedings. Under these views the explanation already furnished by Mr. Forbes for his Proceedings in the cases under notice will be accepted -

My Copies
to Board of Revenue Pres. &c
Pted to do S 15
1 " Agent to the Governor in Ganjam S
4 " Judicial Department S

31
10
6

Removal by the Agent in
Ganjam of 2 Jahsildars
to inferior offices

No. 138 - 139.

Revenue 1861 Deptt.
Pro: of Govt for January.

No. 71.

Pro: of the Madras Government
Ds 10th January 1861.

No. 138 - 139.

Relating to the Boards interference in the matter of the degradation of two Tahsildars by the Agent to the Governor in [illegible]ain -