

Revenue (1898) Department.

G.O., No. 1434

Confidential No. 1025

DATED 23rd March 1898

[Despatch Abstract.]

Redrawing MRR. J. Gopalan Nayar to the
bottom of the third grade of Deputy Collectors
and requesting the Accountant General to
make ^{the necessary} alterations in the Deputy Collectors'
list.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1898} of Madras. JUDICIAL.

CONFIDENTIAL.

Current Number 2263

Confidential No 22

Recd. 21st }
Regd. 21st } March } 1898.

Enclosures —

• Spare copies • (Sent to Bd.)

G.O., No. 446, 15th March 1898.

MARCH.

M.R.Ry. T. Gopalan Nayar Avargal.

Passing orders on the explanation submitted by — regarding his magisterial work while he was Deputy Magistrate of Salem.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper :—

G.O., No. 567, Judicial, dated 23rd April 1897.

ABSTRACT.—Requesting the District Magistrate of Salem to furnish Deputy Magistrate M.R.Ry. T. Gopalan Nayar with copies of letters reporting the latter to Government, and to call upon him to submit any explanation which he may desire to offer.

READ—also the following papers :—

From the District Magistrate of Salem, Ref. No. 555/M.C., dated 12th June 1897.

ABSTRACT.—Submitting a letter from the Deputy Magistrate M.R.Ry. T. Gopalan Nayar requesting to move the High Court in view to a certain remark of the District and Sessions Judge of Salem in a Sessions case being cancelled.

From the same Officer, Ref. No. 404/M., dated 28th June 1897.

ABSTRACT.—Stating that M.R.Ry. T. Gopalan Nayar Avargal reports that he will submit his explanation by the 15th July 1897.

From the same Officer, Ref. No. 404/M.R., dated 31st July 1897.

ABSTRACT.—Submitting the explanation of M.R.Ry. T. Gopalan Nayar Avargal, called for in G.O., No. 567, Judicial, dated 23rd April 1897.

From the same Officer, No. 873/M., dated 12th August 1897.

ABSTRACT.—Forwarding a copy of the High Court's order remarking unfavourably on M.R.Ry. Gopalan Nayar's action in having dismissed an appeal because the appellant failed to appear in Court.

ORDER—No. 446, Judicial, dated 15th March 1898.

The foregoing papers relate to the conduct in his magisterial capacity of M.R.Ry. T. Gopalan Nayar, lately Deputy Collector of Namakkal, in the Salem district.

2. During the years 1896 and 1897 the judicial work of this officer has come under the unfavourable notice of Government in connection with no less than nine cases; in six of these it has been found necessary to move the High Court to revise

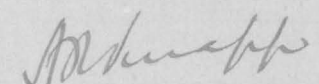
his orders, on the ground that either his decision or his procedure was incorrect. M.R.Ry. Gopalan Nayar's work has been condemned by the District Magistrate, the Sessions Judge and the High Court, and the latter Court has on different occasions characterized his procedure as "highly improper," his conduct of a case as "perfunctory" and his decision as "eminently unsatisfactory."

3. It is needless to discuss the numerous cases in which the Deputy Magistrate's work has been found unsatisfactory. Two instances will, however, be referred to. In C.R. Case No. 466 of 1896, the High Court noticed the failure of the Deputy Magistrate to obey the rule prescribed in High Court's circular No. 3327, dated 11th November 1884, which directs that an appeal from a prisoner in jail should not be disposed of for seven days after its receipt. The Deputy Magistrate at first defended his action, but subsequently pleaded ignorance of the circular which had, he said, been issued before he became a Magistrate. The rule is well known and occasions for its observance are of frequent occurrence in most Appellate Courts.

4. In another case M.R.Ry. Gopalan Nayar having received an appeal from five persons, quashed the conviction in the case of two of them, but confirmed it in regard to the other three, although he was of opinion that the decision of the Lower Court was wrong. The reason given for this procedure is that the three appellants in whose case the conviction was upheld did not appear in support of their appeal. The Deputy Collector still attempts to defend his view by arguments which fail to carry weight. The procedure adopted was wrong and the Deputy Collector's action in the matter shows perversity of judgment. The High Court has since directed that the rejected appeals should be reheard.

5. In addition to his bad magisterial work, M.R.Ry. Gopalan Nayar is shown to have been guilty of insubordination. The letter written by him to Mr. Mounsey, to which the attention of Government has been invited, is most improper in its tone, and should never have been addressed by a Divisional officer to his Collector. Nor is this a solitary instance. The attitude adopted, and the language used by M.R.Ry. Gopalan Nayar, throughout the correspondence, in regard to the superior Judicial Courts, whose orders should have received his ready obedience, show that he entirely fails to realise his subordinate position. M.R.Ry. Gopalan Nayar's conduct merits severe censure, and calls for a tangible mark of the disapproval of Government. His Excellency the Governor in Council accordingly directs that M.R.Ry. Gopalan Nayar be reduced to the bottom of the third grade of Deputy Collectors, and orders will issue in the Revenue Department accordingly. To guard against the repetition of his magisterial errors, the Government directs that M.R.Ry. Gopalan Nayar shall not again be invested with first-class powers until he has, for a period of six months, exercised second-class powers to the satisfaction of the District Magistrate under whom he may be serving.

(True Extract.)



For Chief Secretary.

To the Revenue Department.
 " M.R.Ry. T. Gopalan Nayar Avargal,
 through the Collector of North Arcot.
 Copy to the Collector of Salem.

Loc. Ind. 1434 of 23.398

8/2/08

Please ascertain whether
 sp. 15-3-98 No 446 Ind. C.
 was circulated to the Honble
 Mr. Justice H. C. the Governor
 in that Dept.

C.A.
23/3/98

I went to all the three
members. The order was
also counterminuted
28/3/28 by the Revd Secy

Board of Revenue (d. R.) } Desps^d 23/8/90
A ctt. General. R. D.

22/3/98

Note

The Dy Collector is now in charge
N. Arcot treasury.

L.R.
2/3/78

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AIN G.O., N.
189 ,

DATED

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OSURES TO C. No.

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AGEMENT WITH DITTO

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

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