

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2170

DATED 19th May 1898.

[Despatch Abstract.]

Stating that in the opinion of Govt. the punishment of a year's suspension inflicted on Mr. R. H. C. L. Mascarenhas, Local Fund Audit Clerk, S. Canara, Coll's Office, for bringing a false & malicious charge against the Asst. Head Assistant Collector was undue lenient to.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
CM 402988							

Revenue (1898) Department.

CURRENT No. 990



Recd B.P. Ref No 99 P
4.2 Feby 1898

From

The Board of Revenue, Land
Revenue, Madras.

Order min

Ref No. 99

In the opinion of the
Govt the punishment
of a year suspension
inflicted on the petitioner
for bringing a false
charge against the H.A. Collyer
was unduly lenient.

Dated 24 February 1898

Received 4

Registered 4

Enclosures 10.

Spare copies

is reported to me by Rev
Govt to be informed that
which has received a per
the Government decline
on his petition 11/1/98
to interfere this behalf.

SUBJECT.

Subag. to Govt., with remarks, pe-
tion from H.R. Ry. C.L. Mascarenhas -
ermanent Local Fund Audit clerk of
the Collr's. office, S. Canara Dt., & -
late Ag. Staty. Sub. Magte of Coondapur
appealing against certain remarks -
recorded by Mr. Couchman, late Ag. Head
Asstt. Col. of the Dt., reg. the petr's.
untrustworthiness as a Magistrate &
against the Collrs. order suspending
him for 1 year for certain acts of
misconduct.

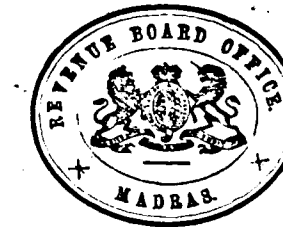
W. J. R.
To the full
To the peti (para 2 only)

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue

(Land Revenue)

No. 1994 Misc., dated 1st June 1897.

Read the following :-

1. Again Board's Proceedings No. 750 Routine, dated 8th March 1897, recording a copy of the appeal of C.L. Mascarenhas, audit clerk, Collector's office, South Canara District, regarding certain remarks passed against him by the Head Assistant Collector.

2. Letter from W.H. Welsh, Esquire, Collector of South Canara, Ref. on P.R. No. 198/ver of 1897, dated 18th March 1897, submitting with remarks petition addressed to Board by Mr. C. L. Mascarenhas, audit clerk, Collector's office, South Canara.

And the following Reference thereon dated 9th April 1897

Before passing orders on the petition received with the letter read above, the Board requests the Collector to expedite the further report called for from Mr. Couchman and referred to in paras 5 and 17 of the letter.

2. The Collector should also explain why no mention was made in his covering letter of Board's Proceedings No. 1697 Misc., dated 14th April 1896. The subject matter of the present complaint had already been brought to the Board's notice in the Collector's letter dealt with in the said Board's Proceedings.

3. Also letter from the same officer, Dis. No. 569/ver of 1897, dated 29th April 1897, submitting further report on Mr. C.L. Mascarenhas' memorial to Board dated 22nd February 1897.

4. Endorsement of the Collector of South Canara, Dis. No 571/ver of 1897, 30th April 1897, submitting with remarks printed Memorial to Board dated 20th April 1897 from C.L. Mascarenhas.

Resolution

The Board sees no reason to interfere in the matters referred to.

(True Copy & Extract)

/signed/ N.S. Brodie,
Ag. Secretary.

To

The Collector of South Canara, with three files of records ret'd.
Copy to the Petitioner through the Collector of South Canara,
with one file of enclosures returned.

/True Copy/

L. Swamikannu

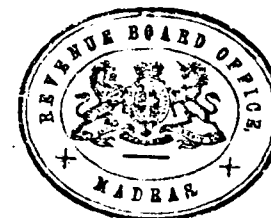
3 FEB 1898

Sgt Secretary.

Md. R. H.

Reference on *Petn* No 99 of 1898

In replying the above should be quoted.



(LAND REVENUE.)

Read Endorsement of the Collector of South Canara,
Dis. No. 27 Vernacular, dated 11th January 1898. submitting with
remarks the Memorial to Government of ^{Mr.} C. L. Mascarenhas, Audit
Clerk, Collector's office, South Canara.

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Reference thereon dated *2d* February 1898.

Submitted to Government.

2. The petitioner M. R. E. Y. C. L. Mascarenhas, permanent
Local Fund Audit clerk of the Collector's office, South Canara
District, was acting as Stationary Sub-Magistrate of Coondapur
from 10th October 1894 to 26th August 1895. The then acting
Head Assistant Collector, Mr. M. E. Couchman, having, when he left
the District in the latter part of 1895, recorded certain re-
marks in the Confidential Register of his Office, regarding
the petitioner's untrustworthiness as a Magistrate, the peti-
tioner asked the Collector to make an enquiry with a view
to clear his character. The Collector granted this request and
ordered Mr. Couchman's successor, Mr. Robertson, to make the ne-
cessary investigations giving the petitioner full opportunity
to explain any facts, which might appear against him. On Mr.
Robertson's report, the Collector applied for sanction under
Section 197 of the Cr. Pro. Code to prosecute the petitioner
criminally on charges of bribery and extortion. The Board, how-
ever, declined to grant the sanction asked for, because the

charges against the petitioner had not been properly sifted, and directed the Collector to make a full enquiry and give the petitioner an opportunity of explaining the charges against him-Board's Proceedings No. 1697 Misc., dated 14th April 1896.
Confl. No. 48

3. Subsequently, the petitioner addressed the Board, complaining amongst other things of Mr. Couchman's remarks referred to above, and the Board, on perusal of a report from the Collector on the subject, declined to interfere. - Board's Proceedings No. 1994 Misc, d/1-6-97.

4. As a result of the further enquiry ordered by the Board in its Proceedings No. 1697 Mis. dated 14.4.96, the Collector found the petitioner ^{Conf. 48} guilty of the six charges detailed below: - Vide Collr's report Dis. No. 1096-Ver. dated 8th August 1897.

In charges 1 & 2 the petitioner was charged with having improperly and from corrupt motives taken up certain complaints as criminal cases and advised the complainants how to proceed in the matter. With regard to the first charge, the Collector refused to order the expunging of Mr. Couchman's remarks, and observed that the second demonstrated the correctness of those remarks.

In 3 & 4 the petitioner was charged with having received illegal gratification from the accused in certain cases prosecuted before him. The Collector considered each of these charges to be proved and recommended the petitioner's dismissal.

Charge 5 was that the petitioner insulted Mr. Couchman by charging that officer with attempting to fabricate false evidence against him, while -

charge 6 was that he disobeyed an order to appear before the Head Asstt. Collector at Coondapur on 25th January 1897 and that on the 26th ^{idem} when he did appear he spoke insolently to that officer. For these acts of misconduct, the Collector ordered the petitioner's suspension for one year.

5. In disposing of the Collector's report referred to in the preceding paragraph, as well as of an appeal from the petitioner against the Collector's findings, the Board held that neither of the two charges, in respect of which the petitioner was recommended for dismissal, had been fully proved, and declined to re-open the question of the correctness or otherwise of Mr. Couchman's remarks above referred to, as it had already refused to interfere with them. The Board also saw no reason to disturb the order of suspension passed by the Collector-Board's Progs. No. 3746 Mis./Confl. 132 dated 6th October 1897.

6. The petitioner now appeals to Government against the Board's orders declining to interfere on his behalf. He adduces no new facts in his defence and the Board has no recommendation to make on his behalf.

Reed
Secretary

To

The Secretary to Government, Revenue Department, with petition (with the Collr's. endt. thereon) & its 8 enclos. & with nine files of records as per list-all except the petn. & the Collr's. endt. to be ret'd. & with copies of B.P. 1697/Confl. 48, dated 14.4.96, 1994 Mis. d/. 1.6.97. & 3746 Mis./Confl. 132 dated 6.10.97.

24th

C. 95
 R.D. 98
 Read C.M. 990 of 1898
 B.P. (2) 8.22.2-98 no 88.

Petition from M. R. Ky. Mascaraes,
 Permanent local fund audit
 clerk.

For orders.

With the current
 read above, the Board of Revenue
 submits to this ^{Government} Department
 in the R.D.
 an appeal petition from one
 C. L. Mascaraes, who ^{now} holds
 the permanent appointment of
 local fund audit clerk in the
 Collector's office, South Can.
 The petr was acting as station-
 ary sub-magistrate Caudapoor,
 from the 10th October 1894 to
 the ~~26th~~ 26th August 1895 when
 he reverted to his permanent
 appointment. The then
 acting Head Assistant Collector
 Mr. Couchman who had
 opportunities of watching
 the petr's work and conduct,
 as a ^{sub-magistrate} recorded, when leaving the
 district, certain remarks
 in the Confidential Register
 to the effect that the petr
 had persistently maintained
 bad relations with the Police
 and that he was untrust-
 worthy

Collector's letter to the Bd
 D. 29.3.96 flag E
 in file A.

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intentionally and unfit
for a magistrate's post. The
petr thereupon presented a
petition to the Collector pray-
ing that the remarks recorded
by Mr. Couchman should be
expunged as he was condemned
without an enquiry and without
an opportunity to explain the
charges against him. The
Collector Mr. Welsh, then
ordered Mr. Robertson,
who had succeeded Mr. Cou-
man as H. A. Collector, to
hold such enquiry as he
might consider necessary,
giving the petr full oppor-
tunities of explaining any
facts appearing to go against
him and to report the result.
Mr. Robertson did not how-
ever hold the enquiry as
directed but on the ^{private} information
which he received from
some individuals persons
he told the Collector
that he believed that the
petr was in the habit
of extorting bribes while
he

B P/4.96 NO 16971ms
in file F
A

H. A. Collector's letter
of 10.2.97 G

in file flagged J

39
he was a magistrate, and
that the sanction of the
Board of Revenue might be
obtained to prosecute him
criminally.
The Board of Revenue how-
ever declined to sanction the
prosecution on the ground that
the charges against the petr
had not been thoroughly
 sifted and his explanation
had not been taken, and it
directed the Collector to make
further enquiry into the matter
and not to renew his sanction
to prosecute until he had
satisfied himself that
a criminal charge or charges
could be supported and until
he had also called upon
the petr for an explanation.
An enquiry was accordingly
held by Mr. Couchman
who had in the meantime
returned to the District
as H. A. Collector and
eventually six charges
were framed against the
petr four with reference
to
below. The only part of the

his conduct as a magistrate
and two in connection with
his subsequent conduct during
the inquiry. The following
charges are briefly as follows:-

(1) & (2). That the petitioner
properly and out of corrupt
motives took up certain
complaints as criminal
cases and advised the
complainants how to proceed
in the matter.

(3) & (4). That he took illegal
gratification from the accused
in certain cases prosecuted
before him.

(5). That he insulted Mr.
Coushman who conducted
the enquiry, by charging
him with attempting to
fabricate false evidence
against him.

(6). That he disobeyed
an order to appear before
the H. A. Collector at Comda
poor on the 25th January
1897. and that on the
26th when he did
appear he spoke

insolently
ne

B.P. 3476 in
6.10.97
Confidential Copy.

insolently to that officer.
The Collector held that the
first two charges clearly
justified Mr. Coushman's
remarks against the petitioner
and declined to have them
expunged. With regard to
the second two charges, ^{Nos 3 & 4} the
Collector ~~held~~ was of opinion
that they were proved and
~~recommended~~ that the
petitioner might be dismissed
from the service. On the ~~third~~^{sixth}
and ~~fourth~~ charges the Collector
ordered the petitioner's suspension
for one year.

The Board of Revenue did
not accept the Collector's
finding on charges (3)
and (4) but held that neither
of those two charges on which
the petitioner's dismissal was
recommended by the Collector
was proved and that there were
no grounds for submitting the
case to Govt.

The petitioner ^{however} appealed to the
Board of Revenue against
the Collector's order. ^{See} ~~See~~ ⁱⁿ
below. The only part of the

him for one year & declining
to expunge the Mr. Couchman's
remarks. The Board having declined
to interfere on his behalf,
he comes up to Court.
That portion of the appeal
petition which relates to the
Collector's order declining
to cancel Mr. Couchman's
remarks, ^{resulting from his permanent post} should be to Sub.
mitted, he dealt with in
the Judicial Dept. as the
petr's conduct as a magis-
trate is ^{therein} called in question.
The appeal however, against
his order of suspension seems
to be one for this Dept. to
decide, was much as this
punishment was inflicted
by the Collector,
not for any act done by the
petr in his magisterial
capacity but for his
subordination and his
representations defamatory
to Mr. Couchman long after
he ceased to be a magis-
trate, and while the attention
is invited to paras 7 & 9 of
the

K. Coll's Progs 27.8.97

*
G

x N

Progs 27.8.97 K

137
7 and 9 of Mr. Couchman's
letter dated the 10th Feb^y 97.
The petr said in para 2 of his
petition dt 27.1.97 that he
learned that Mr. Couchman
joined an assembly in one
Naranachari's house with
the object of fabricating
false evidence against him
and promised a Kontani
remission of income tax
if he should give some evi-
dence against the petr.
The petr attempted to justify
the assertion by examining
some witnesses & when they
broke down tendered an
apology. The Collector
who inflicted the punish-
ment of ~~permanent~~ suspen-
sion for one year observed
as follows:
"Petr says he readily be-
lieved the hearsay repeated
by Mr. A. J. Hernandez.
I do not know whether this
gross and malicious story
was invented by petr him-
self and A. J. Hernandez
below. The only part of the

As for the defamatory charge
for which he was suspended
for one year, it is submitted
that the punishment is
very inadequate & that
disposal would not
be too severe a penalty.
To take the most
unfavorably favorable
view of the matter, it
is clear that, on the
merest hearsay, without
any attempt at verifi-
cation, the petitioner
made a very serious
charge against the
Head Assistant Col. of
the District, and had the
effrontery to call
witnesses to prove it.
There having broken
down, he groveled abjectly.
The Collector & the Board
describes the charge as
grossly malicious. The petitioner's
whole conduct before the
B.A. Com (before he made
this charge) was one of
subordination.
Yet the only punish-

ment he receives¹⁷ is
suspension for a
year — a punishment
that befalls many
a clerk for mere
carelessness or negligence.
It is submitted that
such a case goes
far to explain the
"misconduct" which
has been brought
to the notice of Govt
from this District in
another connection.

W.R.
6.11.88

H.C.

So far as this case
goes, the petition should be
dismissed: but it is for
consideration whether the
petitioner's suspension is
sufficient for the petitioner's mis-
conduct. I do at the same
time have reduced him
to a Rs 20 a Rs 25 clerkship.

S.P. 23/4/8

See
Please see draft order
below. The only part of the

The punishment seems to have
been unduly lenient, there may
be so, but I do not think any
good purpose will be served by
increasing the sentence now.

appeal that concerns
the Judicial Dept is
that in which petitioner
says that Mr Couchman
remarks about him
as a magistrate
be expunged. It seems
hardly necessary it
is submitted to make
two E.O.s of the matter
& so, it is submitted
that the Draft E.O.
put up may go to
Judicial for concurrence.

WHL
28/4/98

Yes
8/5/98

Ad. Ex. 110

Recd in Judl. 29/4/98

H.M.
This is a bad case. I think
a para. should be added
to the L.O. that the petr.
is not to be entrusted
with magisterial powers
again.

MA 2.5.98

Yes - but really brought
to have been dismissed - Perhaps
the Hon Mr. J. will consider
his finding on this point. A
sharp lesson seems to be needed in
S. Canaan. See separate

Rev. Dep. (110)

MA 6.5.98

Rev. Dep. (110)

I was, & am very uncertain
about this case. It is some
petitions (though only a right
one) that the state of discipline
in S. Canaan was such that sub-
ordinates could think they wd gain
anything by writing letters like his
to Mr. Welch (I have known
very few Collectors under whose
regime this wd have been possible)
& that the inquiry into the
charges against him was left to
Mr. Couchman. After looking
through the letter again, I think
there wd be some object in
enhancing the sentence to dis-
missal, though not to induction,
as the Sec. suggested, inasmuch
as such a disposition, as he has
shown, wd be likely to disorganize
any office into which he entered. On
the other hand, he is a man of
long service, 22 years, &
dismissal wd be an extremely
severe punishment, & the fault
is one which may be rectified by a
punishment like this. It seems more
undesirable, that a sentence be
warded by the Court, & ratified by
the Bd., & he enhanced, unless there
are very exceptional circumstances,
in the case, & public justice requires
it; & it is particularly undesirable
where as long as this has elapsed, &
are still needed, therefore, to dismiss

^ If we "enhance" often we
shall discourage appeals more
than they ought to be discouraged

to appeal into a summary judgment
of his punishment. I
approve of his punishment. The C. S.
proposed was 20.

28
13/5/98

To the Hon. Secy H. Blair

8/2
16/5/98

very well - I accept
what the Hon. Secy says
18/5
17/5/98

Secy
Please in answer
order follow.

1/11
19/5/98

Office
Please find the draft

8/4
19/5/98

fair copy submitted.

Secy

1/11
19/5/98

more

19/5/98

2.2
15.98

21

Read B.P. Ref: on P.No.99 d/ 2nd Feb.
1898. (C.No. 990.)

G.O. Misc. No. 2170 d/ 19th May 98.

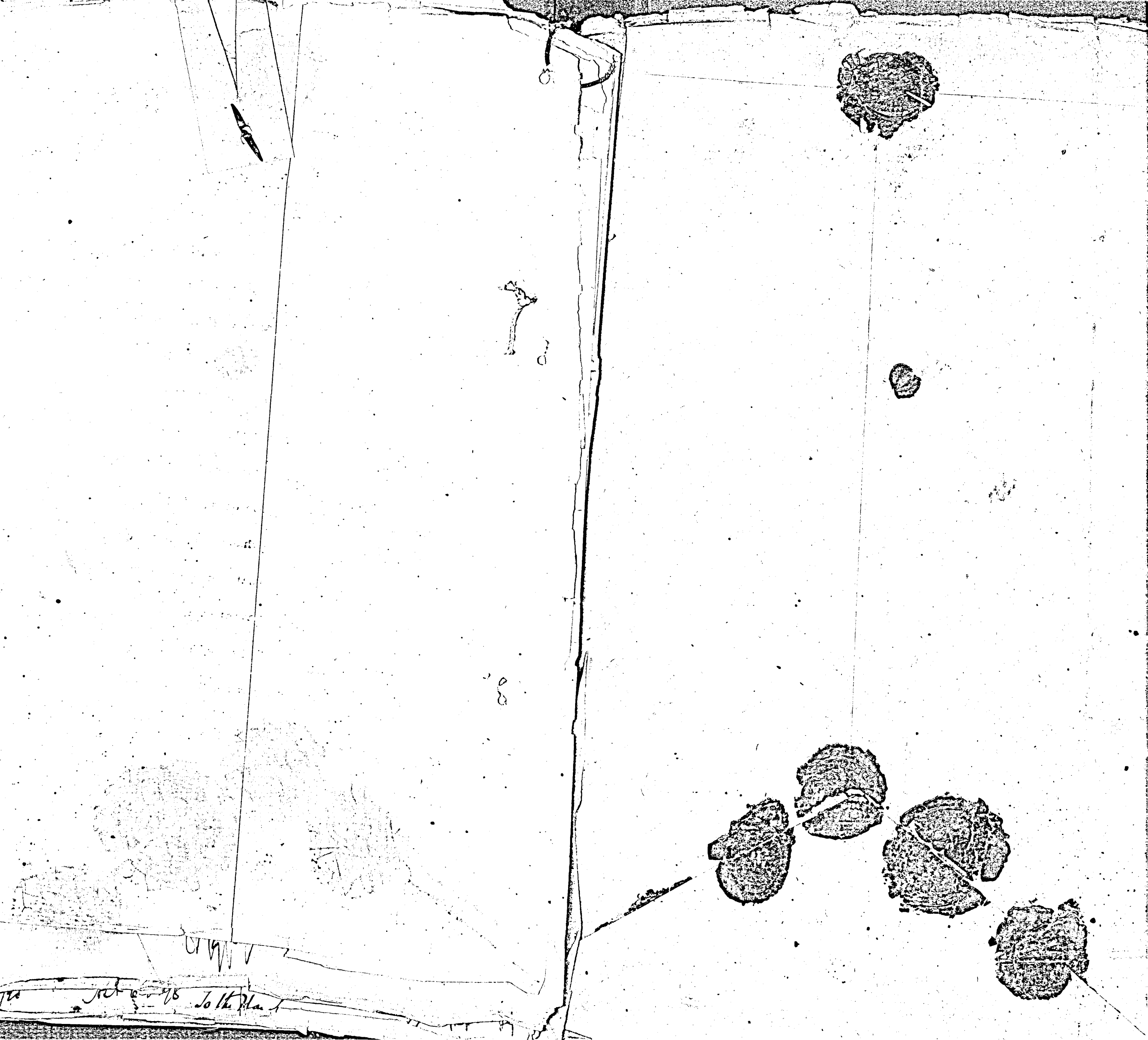
In the opinion of the Govt. the
punishment of a year's suspension inflict-
ed on the petitioner for bringing a
false and malicious charge against the Ag.
Head Asst. Collector was unduly lenient.
Considering the length of time that has
since elapsed and the fact that the
punishment was ratified by the Board,
the Govt. will not now interfere to
enhance it. It is quite clear however
that petitioner is unfit to exercise
magisterial powers and the Govt. is
pleased to direct that he shall not
again be entrusted with such powers.

2. The petitioner is referred to
the Board of Revenue which has receiv-
ed orders on his petition.

Intd. n. s. m.
19.5.98.

[Signature]

24.5.98 { To the Ed. L.R. and Secy.
Judl Dept.
Petitioner (para
2 only.)



1768 To the Plant

1897

1898.

Board of Revenue

(Land Revenue),

MADRAS.

To

True Copy of Board's

Proceedings, dated 6th. October 1897. 1898.

No. 5746 His
Conf. No. 152

Subject.

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1896.

Board of Revenue

(Land Revenue),

MADRAS.

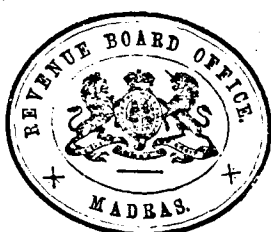
The

True copy of Board's

dings, dated 14 April — 1896.
1697ms
No. 48.

Abstract.

CONFIDENTIAL.



200 copies
20-7-96.

Proceedings of the Board of Revenue

(Land Revenue),

Dated 14 April 1896.

No. 1694/1895.

Conf. No. 148.

READ Letter from W. H. Walsh Esquire, Collector of South Canara, to the Secretary to the Commissioners of Land Revenue, Madras, Ref: on L.R. 4021-Ven, dt 29 March 1896.

Resolution.

The Board is unable to grant the sanction asked for by the Collector in the above letter and is surprised that such a request should have been based upon charges so vague and unsubstantial as those now reported.

2. It appears that Mr Couchman, when leaving the Head Assistant's division, placed on record some very strong remarks regarding the unworthiness of M. C. P. L. Mascarenhas, when acting as Stationary Sub-Magistrate, Coondapur. The Sub-Magistrate requested that the remarks might be expunged. The Collector thereupon considered that the matter should be investigated, and ordered Mr Robertson, who had succeeded Mr Couchman as Acting Head Assistant, to hold an enquiry, the Sub-Magistrate being given full opportunity.

which a Sub-Magistrate exercising 2nd class powers is competent to inflict, the sentence being for 6 months imprisonment and Rs. 150 fine. The evidence consists of the statements of the bribe-giver, of his brother, of his brother-in-law and of the peon who is said to have acted as a go-between for offering the bribe. There is no independent corroborative or circumstantial evidence in support of their statements.

7. In support of charge (4) there is practically no evidence beyond that of the bribe-giver himself, and the Sub-Magistrate's reasons for discrediting the evidence in that case do not seem to the Board to differ very much from what are often recorded by Sub-Magistrates acting in perfect good faith.

8. The Board is of opinion that neither of the charges on account of which the late Sub-Magistrate is recommended for dismissal is fully proved. There are therefore no grounds for submitting the case for the orders of Government.

9. The Board is constrained to notice with displeasure the enormous delay attending the disposal of these cases. The order directing the Collector to make further enquiry was dated 14th April 1896, and the witnesses for the defence do not appear to have been examined until June 1897. No reasons are given to justify the postponement of the enquiry. The long delay has naturally tended to detract from the value of all evidence recorded at the later stages, and has enabled the accused person to obscure the main issues by several lengthy petitions, which together with the evidence now form a record of gigantic proportions. The disposal of the case would have been far simpler for all concerned had it been taken in hand in a more business like manner.

10. With reference to his petition dated 31st August 1897, Mr. C. L. Mascarenhas will be informed that in regard to charges (1) and (2) the Board declines to reconsider its Proceedings, No. 1994, His. dated 1st June 1897; that in regard to charges (5) and (6) it finds no reason to interfere with the order of suspension passed by Mr. Walsh; and that the Collector has received orders in regard to charges (3) and (4).

(True Extract).

/signed/ R. C. C. Carr

The Collector of South Canara, with records & list returned
Mr. Mascarenhas (para 10 only)
Secretary
(True Copy)

W. Swamikannu

Asst. Secretary. 3 FEB 1898

to plain any facts which might appear against him."

Instead of complying with the Collector's orders, Mr. Robertson "approached" the Sea Customs Superintendent and the District Munsiff of Coondapur. The former told him nothing and the latter merely said that there was a general impression prevalent as to the Magistrate's corruptness. Mr. Robertson then heard from a Missionary rumours of corruption in certain specific cases, with regard to which it was said that witnesses would be forthcoming if a guarantee was given of immunity from prosecution. On the strength of the above, Mr. Robertson, without giving the Sub-Magistrate the opportunity of explaining matters, which was the special object of the enquiry, applied for sanction to prosecute the Sub-Magistrate criminally. At the same time, apparently with the view of clearing the latter's trustworthiness of the Sub-Magistrate, he forwarded the record of a Magisterial case, which he says he examined. With regard to this he states that the reason why the Sub-Magistrate for acquitting the accused—who is said to have paid money to secure his acquittal—is that the witness, the potail, gave contradictory evidence, while examination of the evidence the only contradiction Mr. Robertson can find is with regard to the writer's statement. But the record of the case shows that the acquittal was based on the Ranger's withdrawal of the charge, which the Sub-Magistrate said was due to the contradictory evidence of the first witness, and on referring to the evidence of the second witness, it appears that the story told differs in respects from that given in his original report.

The details given above show that no attempt has

been made, either by the Acting Head Apostant, Mr. Robertson, or by the Collector, Mr. Welch, to sift the allegations against Mr. R. Ry. Mascareñas. Moreover, the Collector is precluded from granting sanction under Section 197, before the prosecution of a Sub-Magistrate before the person accused has had an opportunity of explaining the facts which appear to tell against him. The Collector should now make an enquiry into the matter and should not renew his application for sanction to prosecute until he has satisfied himself that a criminal charge or charges can be supported and until he has also called upon Mr. R. Ry. Mascareñas for an explanation.

(True Extract)

(Signed) R. C. C. Carr,
Ag. Secretary

To The Collector of South Canara.

(True copy)

L. D. Swamikannu
3 FEB 1898
Apostant Secretary.

rd
Lew. L.
copy of R.

<u>Charges</u>	<u>Collector's Findings</u>
3. Muttayya Shetti's case	" I think that the charge is proved and that the Magistrate may be recommended for dismissal".
4. Manjayya Shetti's case	" The evidence of Manjayya Shetti speaks for itself. The record affords no confirmation or contradiction..... The charge is proved. The recommendation for punishment under charge 5 will suffice".
5. Defaming Mr. Couchman	Guilty of insubordination. "The punishment is suspension for one year."
6. Mr. Mascarenhas' delay in obeying an order to appear before Mr. Couchman.	"For this insolence the punishment awarded under charge 5 will suffice".

5. It will be seen that the first two cases considered by Mr. Welsh to demonstrate the correctness of Couchman's strictures on Mr. Mascarenhas. The Board has already declined to interfere in regard to this matter and there is no need to reopen the question. The cases are only relevant in considering whether Mr. Mascarenhas should be recommended for dismissal. The last two cases merely show insubordination and the Collector has disposed of them by ordering the suspension of Mr. Mascarenhas for one year. Against this order an appeal has been filed, but the charges do not affect the decision upon cases 3 and 4, on which Mr. Welsh has recommended Mr. Mascarenhas for dismissal from the service.

6. It will thus be seen that the question of dismissal has practically to be considered on two cases only, and the Board will proceed to discuss the details of these. The two charges differ from each other, not only in regard to the nature of the corruption alleged in each of them, but also in regard to the kind of evidence by which each is sought to be established. In case (3) the Sub-Magistrate is said to have retained a bribe of Rs. 100 out of Rs. 195 originally taken, and to have sentenced the bribe-giver to almost the maximum punishment

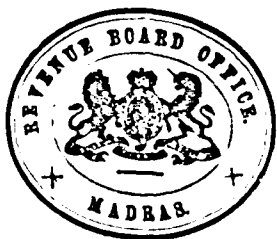
and extortion. The Board declined to grant the sanction asked, holding that the accusations against the Sub-Magistrate had not been properly sifted, and the Collector was directed to hold an enquiry and to give the accused an opportunity of explaining the charges against him.

Subsequently Mr. Mascarenhas presented two petitions to the Board, dated 22nd February and 20th April 1897, complaining of other things, of certain disparaging remarks concerning his character, ^{which} ~~while~~ Mr. Couchman, a former Head Assistant Collector, had entered in the Confidential Register. It may be noted that the Collector's report of March 1896 had been based upon Mr. Couchman's remarks, and in disposing of the petitions from Mr. Mascarenhas it was necessary to go again over the ground which had been traversed in disposing of the said report. Mr. Welsh, however, in forwarding the petitions dealt with them as so much fresh matter, and said nothing about the former recommendation for a criminal prosecution. This omission was pointed out by the Board at the time, and the Collector then said that the enquiry was incomplete, as the petitioner had asked for another time to furnish his explanation. (Para 18 of Collector's letter No. 569, d/29th April 1897). The Board in its Proceedings No. 1394 dated 1st June 1897, declined to interfere in regard to the matters complained of.

5. The result of the further enquiry into the petitioner's conduct, which was ordered by the Board in April 1896 ^{is now} ~~is~~ at length reported in Mr. Welsh's letter, dated 3th August 1897, the enclosures to which were received on the 25th idem.

4. The Collector has formulated six charges against Mr. Mascarenhas, and his finding in each case is recorded in enclosure K. These charges and findings are shown below:-

<u>Charges</u>	<u>Collector's findings</u>
1. Shantamurtiappa's case	The presumptions against the Magistrate are so strong that the case must be regarded as proved. "I cannot order the expunging of Mr. Couchman's remarks".
2. Gajappa Campti's case	" I see that the two complaints of Gajappa and Subbaraya show further instances of extortion, and that the correctness of Mr. Couchman's opinion is demonstrated."



5,000
10-12-96

Proceedings of the Board of Revenue
(Land Revenue)

No. 3746 His, dated 6th October 1897.
Conf. No. 152

Read the following :-

1. Letter from W.H. Welsh, Esquire, Collector of South Canara, Dis. No. 1096/ver of 1897, dated 8th August 1897, re the result of the enquiry held regarding the conduct of C.L. Mascarenhas, L.F. Audit clerk, Collector's office, and mending his dismissal.

2. Telegram from Mr. C.L. Mascarenhas, Mangalore, dated 10th August 1897, requesting the Board not to pass order on the recommendation of the Collector for his dismissal, on his appeal which follows:-

3. Telegram from the same person, dated 27th August 1897, praying for fifteen days' time for the presentation of his appeal.

4. Also letter from F.A. Nicholson, Esquire, Ag. Collector of South Canara, Dis. No. 1264/ver of 1897, dated 5th September 1897, submitting with remarks appeal petition of C.L. Mascarenhas, dated 31st August 1897 against the order of the Collector suspending him for one year and recommending him for dismissal.

-----:0:-----

Resolution

In his letter read in Board's Proceedings of 1697, dated 14th April 1896, the Collector of South Canara applied for sanction under Section 197, C.P.C. to prosecute C.L. Mascarenhas, Permanent Local Fund Audit Clerk of the District Lectorate and late Acting Sub-Magistrate, on charges of

1897

1898

Board of Revenue

(Land Revenue),

MADRAS.

To

True Copy of Board's

Proceedings, dated 6th October 1897 ~~1898~~

No. 5746 His
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