

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 1194

DATED 21st March 17

[Despatch Abstract.]

Stating that there is no sufficient
reason for recording sanction for the
institution of criminal proceedings
by Mr. Ramesh Rao, Revenue Inspector, Rayachoti
Taluk, Co. D. and P. Dist.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Eno 1679/02							

Revenue
~~Public~~

(189 9)

Department.

CURRENT No.

Order

From The Board of Revenue,
Land Revenue,
Madras.

Ref. S. No. 4

Dated 13th February '99.

Received 15/2

Registered 15/2

Enclosures 11

Spare copies

SUBJECT.

Recommending the grant
of permission to M. Rama
Rao, Revenue Inspector, Pongalur
Taluk, Cuddalore District
to prosecute one Kotappa
of Suvignijankunta, in the
same taluk, for defaming
his character as a public servant.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

OFFICE OF THE BOARD OF REVENUE
(LAND REVENUE),

Madras, 13th February 1899.

READ— letter from H. O. D. Harding Esq. Acting
Collector of Cuddapah, No. 4436
Rev of
98, dated 27th January 1899.

Reference ^ENo. 4 dated 13th February 1899

The collector of Cuddapah submits
an application from M. Rama Rao, Revenue
Inspector, Rayachoti Taluk, for permission
to prosecute one Kotappa of Gungingamudi
in the same Taluk for defaming his character
as a public servant.

2. The defamatory allegations com-
plained of were contained in a petition
addressed to the Sub-Collector as well as in
statements made before the Tahsildar to
whom the petition was referred for inquiry.
In the petition Kotappa charged the Revenue
Inspector

Inspector with having spitefully recom-
mended the assessment ^{to income tax} of all members
of the Jangama Caste, because some
women of that caste had beaten him with
broomsticks in consequence of his indecent
behaviour towards them. Before the Tahildar
the petitioner, while trying to evade re-
sponsibility for his former statements,
made a new allegation, namely, that the
Revenue Inspector had asked his wife for a
qualification in connection with the income
tax imposed on him and had abused
and assaulted her on her refusing to
give anything. The witnesses cited by Motappa
failed to confirm this statement.

3. The allegations in question being
false, the Collector recommends that the
desired sanction be given to the Revenue
Inspector under Rule 59 of the Rules for the
personal

personal conduct of Government servant
and that he be left to bear the cost of
the proceedings himself in the first
instance, the question of the relief, if any,
to be afforded him being determined
after the decision of the Court is known.
The Board supports the collector's
Recommendation.

Lonel Davidson
Sd/- Secretary,

To the Secretary to Government
Revenue Department, with records to be
retained.

Josa

C No. 1156 of 99.

From The Board of Revenue (Land Revenue)
Dated 13th February 1899.
FOR ORDERS.

vide Application 822 of 98.
B.

Para 3 of the current.

Mr. Panna Rao, Revenue Inspector, Rayachoti taluk, Cuddapah District requests permission to prosecute one Kolappa for defaming his character as a public servant. The Collector recommends that under rule 59 of the rules relating to the personal conduct of Government servants the necessary sanction may be accorded and the Revenue Inspector left to bear the cost of the proceedings himself in the first instance, the question of the relief if any to be afforded to him by Government being determined after the result of the prosecution is known. The Board supports the Collector's recommendation.

Para 2 of the current.

2. The defamatory allegations complained of are—
(1) that the Revenue Inspector spitefully recommended the accus-

must to income-tax of all the members of the Janganna caste because some women of that caste had beaten him with broomssticks in consequence of his indecent behaviour towards them; and

(2) that the Revenue Inspector - demanded a bribe from the wife of Kotappa and that on her refusing to give anything the Revenue Inspector abused her.

3. The first allegation among others is contained in a petition addressed C to the Sub. Collector by Kotappa. When called upon by the Tahsildar to prove the allegations contained in the petition Kotappa denied all knowledge of them. He stated that being illiterate he did not know what the petition writer wrote in the petition. At first, he said that the petition was written by an unknown stranger in Rayachoti; subsequently he stated that it was written by one Venkataramayya, Karmam of Dudyalla. The Karmam denied it and said that the petitioner was induced by his enemies to say so. The Tahsildar does not believe the Karmam. He remarks - The writing in the petition seems purposely -

Para 2 of the Tahsildar's report
of 10.11.98. D

Para 14 of the Tahsildar's
report of 10.11.98. D

3
"distorted so as not to betray the writer
"but on close comparison with the
"Karmam's natural writing it will
"be seen that the formation of some
"letters is similar. I therefore believe
"that the petitioner is speaking the
"truth so far as the writer of the
"petition is concerned."

The second allegation was made before the Tahsildar in the course of his enquiry as regards the first. Kotappa at first stated that his wife told him so and cited three witnesses. The witnesses having said that they knew nothing, he withdrew his previous statement and said that his wife did not tell him anything.

A | E
14. Attention is solicited to the note under G.O. 3053 of 20.7.98.

For orders as to whether the permission applied for by Karmam Rao should be granted.

CP
22/2/99.

Levy

E
For reasons similar to those stated in the note to G.O. 3053 of 20.7.98, it is submitted that the Govt may decline to grant the sanction.

asked for.

FOR ORDERS.

Ull
28/2/88

H. M. J. 1/3/88

I must say it appears to me questionable whether it is expedient to allow false charges to be made against public servants with impunity.

In the present instance, taking the Tahsildar's report to be true, there can be no doubt that the accused wd. be convicted on the second charge.

I doubt if the S.O. quoted was intended to be a precedent in cases where there is strong *prima facie* evidence of the falsity of the imputation.

I would accept the Board's recommendation.

3-3-88

H. M. Arundel

The former order was passed by H. M. Arundel & now this may go, as it may be held that a change in principle is introduced.

J. 1/3/88

Flag

See separate sheet attached
H. M.

I dissent from my Hon. Colleague with reluctance, but I do not think it would be wise to sanction this prosecution.

First - I think it not at all unlikely that the prosecution will fail. The petitioner says he is illiterate & was ignorant of the actual contents of the petition he put in. On this plea he would very likely be acquitted. Then he affirmed, before the Tahsildar, that first, that it was written by a stranger, and secondly, by one Venketrammayya, Kurnum of Dudyala. The latter denies having written it, ^{while} the Tahs. believes that he did because he detects a resemblance in the handwriting which he considers intentionally distorted to conceal identity. Thus the evidence against the Kurnum is the contradictory statements of two petitioners & a fancied resemblance in handwriting. This is very weak for a criminal prosecution for defamation.

dishonest Rev. Insp. & subordinate official within the ^{district} ~~area~~ would take full advantage of the conviction and protect himself in ill-deeds by threatening to prosecute his victims if they ~~complain~~ complained. In the interests of good administration it is far better that some false accusations should be made than that true accusations should be withheld.

As Rule 60 for the Personal Conduct of Public Servants says, - an officer's "official reputation is in the charge of the Govt. wh. he serves, & it is for that Govt. to decide in each case whether the institution of proceedings to vindicate his public acts or character is necessary or expedient". In this case I think it is inexpedient & would refuse sanction.

The collector believes the charges to be false & that should suffice for the Rev Insp.

Very truly
Yours
J. A. C. S. S. S.
15-3-99
Please see receipt under
Tulsi. See
L. P. S. S. S.
20/3/99

The Hon. Mr. Winterbourn
14/3/99

11. 3. 99.

Read Board's Reference & no 48 15.2.99 (enc 1156 of 99).

G.O. (uri) 12/11/94 9/21 March 99

orders that in this case there is no sufficient reason for awarding

The Government ~~considers~~ ^{regards} ~~to be unable to~~ ^{sanction} ~~the~~ ^{proceedings} ~~that the institution of~~ ^{proceedings} by the Revenue Inspector, M. Ramas as proposed. ~~to vindicate his character.~~ ^{is inexpedient and is therefore} ~~unable to accord the sanction~~ ^{applied for.} He should not be satisfied that the Collector of the district ^{has expressed his belief that} ~~believes~~ ^{the charges to be} ~~against him are~~ ^{false.}

(From orders) 11/11/94 20/3/99

21/3/99

The Board of Rev (R.A.) with enclosures.
16.3.99

16.3.99

When given for copying _____
When copied _____ } 189
When examined _____
When signed _____

READ AGAIN G.O., No. _____, DATED
189 .

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH EXCERPTS

PAPERS NOT FILED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL.

N.B.—
A = Copy in full.
B = Not to be copied.
F = Copy abstract only.
Q = Copy heading only.