1687 : 17-8-93
0.1360 : 5-7-93 ms

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 664

Dated 1st Apr 1895.

INDEXED.

[Despatch Abstract.]

M.R.Ry.D. Swaminatha Pillai.

Declining to reconsider the previous orders passed in the case of --, late Sub-Registrar of Vanur, South Arcot district.

they

D. Swaminatha
Pillai B.A.

3

deposit Fort St George . in wno at first

The humble memorial of D. Swaminat Excellenc
Pillai B. A., late Sub-Registrar of Vanoor, our Excell
Arcot District, residing in Sivan Chetty Gar eousl
street, Bangalore Cantonment, most res espect
fully showeth

alit
ial
the

That your Excellency's humble memorialis
was serving in the said office of Sub-Registrar the
for a period of nearly 5 years, from the 5th Octo his
1887 to the 26th June 1892, when, his office was
suddenly inspected by Mr Srinivasa Raghavachar,
the then acting Registrar of South Arcot District
on the strength of a petition which led to a prolon
enquiry that ended in the Inspector General It
Registration sending up a report (T. No 1382 trar had
the 24th May 1893, Palmaner, of w deer: of
herewith submitted) agai date ty, and, by
Government (in their or hich is erate ryots in
No 1360, copy of which and in the that they might
dismissing him fr the 5th July 18 writing leat
ewith submitte

2 The enquir m, not repay
afterwards
ghout conducted by wards
disputed or re officers not

That the attitude of the permanent Registrar be
no better than that of the acting Regist
been one as they have been sp about by

depositions against the memorialist at first
his absence on the 26th June 1892. Your Excellen
humble memorialist begs to bring to your Excell
cy's kind notice that it is rather erroneousl
stated in para 3 of the report of the Inspect
General above referred to, that the Acting
called upon the memorialist to be present at th
enquiry before any depositions were taken, a
that on the memorialists' refusal to do so, the
acting Registrar had to take them down in his
absence. But it would be clear from the
dates of the records themselves, that the deposit
were taken first on the 21st June 1892 and that
was called upon later on, on the 5th July 1892. It
would also appear that the acting Registrar ha
taken this step with the preconceived idea of
anyhow finding the memorialist guilty, and, by
taking down statements from illiterate ryots in
the memorialists' absence, wanted that they might
once for all commit themselves in writing lest
they might, for want of truth in them, not rep

afterwa
were afterwards made
disputed or retracted.

That the attitude of the permanent Registrar 6 - The
no better than that of the acting Regist
one as they have been about

afterwards / in the memorialist's presence, statements to which they had once, by influence, assented. This view, the memorialist humbly prays, may commend itself to your Excellency's consideration, when it is found that though the memorialist was present at the station on the 26th June 1892, when the memorialist's office clerks were examined by the acting Registrar, that officer took care to take down statements from them only without his knowledge & in his absence. Consequently, apart from the slight regard usually shown by office subordinates to their superior in trouble, the clerks were, by the acting Registrar's step, in a manner bound to adhere afterwards to the statements irregularly wrested from them in the petitioner's absence. The acting Registrar's irregular procedure is further evidenced by the fact that statements made before him by persons who, continued throughout hostile to the memorialist, as the Pondicheri merchant was, were afterwards disputed or retracted.

That the attitude of the permanent Registrar

no better than that of the acting [illegible]

[illegible] one as they have been [illegible] about his

allow the memorialist to conduct the enquiri
(2) by a professional man and that he did not
even send for the witnesses who had much
bearing on the facts relevant. The Inspector
General's report is silent on this subject, and
as that officer refused the grant of copies of
the Registrar's reports and other papers, the
memorialist is unable now to say anything
about the nature of the acting Registrar's answer
to the dispute raised by Pondicheri merchant
regarding the correctness of the depositions
taken at his dictation and about the answer
of the permanent Registrar to the complaint
that he did not allow professional aid to the
memorialist; and for the same reason, the
memorialist is not aware whether the
latter officer even sent for the parties concerned
in the transaction for being examined & whether
he had the notices signed by them in token of
service thereof.

3. Your Excellency's humble memorialist ha
been dismissed the service by the Governmen
on account of 3 charges of corruption bei
regarded as proved. The last two of these n
[illegible] one as they have been [illegible] about hi

…-7-94.

x made of para 23 of

(3) left incomplete as "Regist" at the e[illegible] of a line in the day book that the merchant produced, does not necessarily show subsequent interpolation but might have been so left to save space. But he does not appear to bring to your Excellency's notice a facsimile representation of the merchants' account attached by memorialist to his written explanation, which if perused will impress your Excellency favorably towards him + which he therefore humbly begs leave to subjoin, representing in English as nearly as possible what was entered in Tamil in the pages (1) of the daybook of the 6th Kártigai month (2) of the ledger of Subbaraya Kaundan's Account (3) of the ledges of Muruga Tambiran's Account.

(1) Two consecutive pages of Day book, date 6th Kartigai month

Page of Ledger	Date		Credits			Debits		
			Rupees	Fanams (each equal to 2 annas)	Cash (each equal to 1 pie)	Rupees	Fanams (each equal to 2 annas)	Cash
x x		x x x x x x x x						
x x		x x x						
172		Debit to Bomapalam Pa Muruga Tambiran Regist				2	"	
63		Debit to Chinnakottakuppam Pa Subbaraya Kaundan for registration				2	4	
x		Expended for Vanur Regn Carriage hire				1	4	
x		x x x						
x		x x x						

The

6

Chinnakotta Kuppam Pe. Subbaraya Kaundan

(2) Page of ledger devoted to Subbaraya Kaundan's account.

Month	Date		Debit Rupees	Debit Fanams (each equal to 2 annas)	Debit Cashes (each equal to 1 pie)	Rupees
x	x	Debit	x	x	x	
x	x	Debit	x	x	x	
x	x	Debit	x	x	x	
		+ so on				
Katigai month	6	Debit for registration	2	2	"	
x	x	Debit	x	x	x	
x	x	Debit	x	x	x	
		+ so on				

Bomma Palayam Pa. Muruga Tambiran 172

(3) Page of ledger devoted to Muruga Tambiran's account.

x	x	Debit				
x	x	Debit	x	x	x	
x	x	Debit	x	x	x	
		+ so on	x	x	x	
Kartigai month	6	Debit for registration	2	"	"	
x	x	Debit	x	x	x	
x	x	Debit	x	x	x	

It is only in this one place (underlined in the representation) that the fractional word corresponding to "Regist" occurs. In no other place are words thus cut short and on the other hand there are many instances in which only two letters remaining in a word are made to fill the

How do you know?

other entries on the next page. Your Excellency will therefore have no doubt in classing it as a interpolation, intended to give colour to the merchants' oral statements. The Inspector General also wishes, in regard to the specification of the purpose of the loan in this one instance alone, to slur over it by saying that the purpose was known in this case only and was recorded therefore, while it was not recorded in other cases because unknown. Would your Excellency believe than in a ledger comprising of more than a hundred items of debits, the purpose of only this particular item, having reference to this unique transaction, was known and that the purpose of not even one other was known? Would your Excellency be again satisfied with the view of the Inspector General that the merchant might have said Rs 2.4.0 included registration fee but signed a statement which means that it was exclusive of it, even after the Acting Registrar read it over to him and after he approved of the same! (For the Acting Regr writes at the foot of the statement that it was read over to, and approved by, the deb

affirmation for the affidavit and he pray

6. The

is and not to ~~suppose~~ view him as th respectable man represented by the Inspecto General? Your Excellency will also be pleas to note that all the explanations suggested by the Inspector General are classified by him as "probable" and not as offered by deponent himself and so to be relied upon. The Inspector General, in para 21 of the same report, also states that the Pondichuri merchan testimony is corroborated by Subbaraiya Kaundan and that an attempt was made to induce him to withdraw his complaint. The facts that this Kavandan was indebted to the merchant and that he was under his influence have to be considered by Your Excellency and he does not state anything distinctly that he was asked by anybody to say anything or to suppress anything in behalf of the memorialist. Moreover he could not have been asked by anybody to withdraw his complaint, because he never put forward any complaint at the time of the alleged request; and all that is elicited from him is what he gives out vaguely that a certain [illegible] affirmation for the [illegible] . The

everything about the tra
not examined solely because his atten
could not be procured is a statement
the petitioner hopes, your Excellency wi
easily believe. since that Alaga Pillai
brother-in-law of the Pondicheri merchant a
could have brought him for being examined
he were such as would support all the mer
chants' false assertions. He was not broug
by him and the memorialist had no pow
or influence over him to make him attend
memorialist only met another man Meera
Tambiran who was also alleged to have be
present during the transactions, had an aff
vit sworn by him and submitted the same
with his written explanation, for he could n
succeed in moving the Registrar to send for
Tambiran. The memorialist begs to bring
to notice further, that he did not, as the Ins
General remarks, take the Tambiran all
way to Tanjore for getting an affidavit, b
that he met him there accidentally when
he had gone to get his written explanat
ready. The petitioner thought further tha
a village magistrate would be sufficient
the eye of the law to administer the necessa
affirmation for the affidavit and he pray

6. The

seems to imply.) in the light of a
veracity of the deponent because a hig
magistrate has not attested the affida
These considerations the petitioner hopes
materially alter your Excellency's concl
about the last two charges regarded as p
and will place the merchants' statemen
no other light than that of those made
a man who was eager to do the petition
some evil turn and who in such an atte
made interpolations and prevaricated o
every occasion that he was called upon to g
depositions.

4. Your Excellency's humble memorialist ha
in reference to the first charge regarded as p
by the Government and dwelt upon in par
18 & 20 of the Inspector Generals' report, pray
that all persons alleged to have been concer
in the transactions stated in the charge m
be examined, since he could not have ha
any other way of defending himself from
of malicious persons set on foot by his enem
He could only expose the weak points of the
statements by their own contradictions s
he could not have ~~any counter~~ much coun
farce.

evide 6. The

evidence against charges made about a registration which forms one of the large number of transactions constituting the daily work of an office. This he was not permitted to do, by the Registrar's omission to call them up, which he explains perhaps, as for all other cases, in general terms, by saying that they could not be found. Whether they were at any rate sent for + a notice was shown to them and acknowledged by them are facts which are yet to be known and which the Inspector General has not furnished the Memorialist with, since he has refused (in his Proceedings G. No 4042cas dated the 26th August 1893, Madras, herewith submitted) to give copies of all papers sent up by the Registrar as being unnecessary for the memorialists petition for review. The Inspector General remarks in para 20 of his report that the corrections in the document No 2417 of 1891 being in the handwriting of petition writer Kandasámi Mudali and not in that of the original writer Váthiyar Kuppusámi Náyudu lends some corroboration to the statement of the deponent, [illegible] of the deeds to be [illegible] turns into a mere farce.

6. The

Translation of an

be examined regarding the correction, as th statements would be relevant to the points issue. They were not examined till the sub mission of the written explanation which wa ordered to be done within a stipulated tim and within which therefore the memorialist could not have any evidence taken from them or from any others concerned in the transaction He has however afterwards got a letter by post from the Vathiyar in reply to a letter which the memorialist wrote to him and that letter (with as correct a translation as could be mad thereof) the petitioner herewith submits. The Vathiyar states therein that the document wa not presented on the day on which it was drawn up and, on a subsequent day, the executing party came to him and wished to have a portion of the document to be cancelle on account of only one mortgage having to be tra ferred ~~laid in full~~ and on account of a fre stamp not being available in the place fo drawing up a fresh document. The Vathi could not however write so small as to cancel add corrections in the space available in th document and had therefore to be [illegible] parties into a mere farce.

6. The

herewith the original and translation of an
affidavit which he had to obtain from the
Manikka Mudali, referred to in Inspector
General's report, para 18, and alleged to have been
present all along with the Subbaráya Náikan
referred to in the same para. That Mudali
says on oath that the document was not ac-
cepted into the office on the day on which it
was first brought there since it was presented
late, that nothing was asked of him or his
companion by the Sub-Registrar, that they ual
turned home and that he knows nothing of ap
any bribe to the Sub Registrar. This affidavit
the memorialist had to obtain himself, be
the Registrar would not examine the Muds.
perhaps ~~on~~ the oft-stated ground of impra
cability of procuring attendance. These fi sub.
points, all in memorialist's favour and stan
by persons who must naturally be held fit
acquainted with all circumstances attendings of
the transaction from beginning to end at the
convince your Excellency that the deponent
baráya Naikan who is made much of by e exp
Inspector General has simply been made ras to
hold of a document corrected at the mo mere

6. The

of a bribe he never knew; and the memori
therefore humbly prays that your Excellency w
regard him free from guilt on this head a

5. In para 27 of the Inspector Generals' report
the clerks are said to have deposed to ~~the~~
Kandasámi Mudali's going constantly to th
sub-Registrar's house and to their hearing of
complaints from parties about the sub Registra
malpractices. These statements your Excellency
will be pleased to note are very vague and
such as have been wrested from subordina
ministerial officers under threats of harm
them by a superior officer who had the power
doing that harm. The memorialist has expla
also at the middle of para 2 of this memorial
the clerks had been bound to state in certa
lines, by being made to sign statements i
absence of the memorialist on the 21 June 18
Para 27 also refers to a statement submitt
by the Registrar showing the number of case
which Kandasámi Mudali has appeared a
identifying witness and draws the conclus
that the ~~set~~ memorialis raged th
fication of parties into a mere
farce.

6 - The

appea

200—27-7-94.

RE [illegible]

of a summary of the [illegible] The
Generals' report, he would humbly state
Kandasámi Mudali would not have bee
the sole witness in the cases he had appear
in and that his evidence would have been
accepted only in cases in which the parties id
fied were inhabitants of Kandasami Mudal
own village or such adjoining villages as he
might reasonably be supposed to have been
acquainted with. The ~~pete~~ memorialist begs
humbly to state further that it is not unusual
in almost all offices for petition writers to ap-
:pear as identifying witnesses in cases, though
numerous in which they might reasonably be
presumed to be acquainted with the parties.
That Kandasami Mudali turned out to be a m
who is suspected to have taken bribes in the Sub-
Registrar's name & that he was a writer in Vanur
are circumstances for which the Memorialist
cannot be held to blame and he therefore begs of
Your Excellency not to draw the conclusion that the
number of cases of Kandasámi's identifying,
hitherto unexplained by the Memorialist since exp
:nation was not called for, shows that he was t
:ing the identification of parties into a mere
farce.

6. The

appea

200—27-7-94.

RE [illegible]

of a summary of the points dealt with. Th Registrar, in his part of the enquiry, went th the most objectionable procedure & wrested st from ryots against the memorialist. The pe nent Registrar neither permitted professional to an innocent and prostrated young man & refrained from examining all witnesses which wo be favorable to the memorialist. The conviction of the poor memorialist stands based on the slippery statements of only two men, one for each case, who sought simply to cast aspersions but not to prove them by witnesses. These men are by their own admissions guilty themselves and as such not entitled to credence. The correction of the document No $\frac{2417}{1891}$ would appear to have been done at their pleasure of the parties themselves. ~~That~~ Kandasami has been attending the office only as a petition writer and appearing as witness as all petition writers use to do.

7. In these circumstances Your Excellencys humble memorialist ~~who is~~ had been kept under suspension and intense mental anxiety for a period of more than a complete twelve-month (the Inspector General alone having taken eleven months to submit his final report)

appea

200—27-7-94.

REGISTRA

more harshly than was
cipated by even by the Inspector Gen
for that officer considers that the charges 3
number are not proved strictly beca
perhaps, they rest chiefly on the statem
of two men who, in truth are prevaric
and therefore says there is mere suspic
expressing a doubt at the same time th
Government might not find the memori
strictly guilty & proposes in consequence com
=pelling him to resign as a desirable step.

The petitioner is a young man, who for
for 5 long years had most assiduously worked
in his post to satisfy his superiors and to rise
in the service; but his service has been closed
with the extreme penalty of the Government
and that penalty has closed also all ways
that lay for the petitioner, for earning his
bread & that of the large family and no. of
children with whom he is encumbered.
Your Excellency's humble memorialist
would not have been so utterly ruined
even if the Government, agreeably to
the proposal of the Inspector General and
adapting the punishment to the slight

fer

appea

200—27—7—94.

REGISTRATION DEPARTMENT.

[illegible] for him to enter yet.

8. Your Excellency's humble memorialis
fore approaches the august presence of Y
Excellency in council with the hope and
that after his innumerable privations and
less mental anxiety, for a period of nearl
years from the 21st June 1892, Your Excelle
will be graciously pleased to review his co
with the usual care and regard to justice a
mercy for which your Excellency's Governmen
is so much renowned, to find him guilt
in the light of the additional matters embode
and the irregularities of procedure and weake
ing circumstances pointed out in this memori
and to restore him to the office in which he truly
& conscientiously served.

For this act of justice & mercy your Excellency's humble memorialist shall, as in duty bound, ever pray.

Your Excellency's humble memorialist
begs to remain
Your Excellency's most obedient Servant
D. Swaminatha Pillai

Madras
2nd April 94

Registrar of

Dt, residing in
Chetty Gardens street
Bangalore

His Excellency
The Rt Honble The Governor in Counl
Fort St George, Madras

CHIEF SECRETARY
4 APR. 1894
GOVERNMENT OF MADRAS

Dated 2nd April 1894

Enclosures (7) Seven.

Copy of G.O. d/5-7-93 No 1360.

Proceedings of Inspector General of Registration G. No 4042(a) / 26th August 1893

Copy of Proceedings of Do G. No 1382 d/24th May 93

4. Original letter from Vathiyar Kuppusami Nayudu

5. Translation of Do.

Original Affidavit of Manikka Mudali

7. Translation of Do

Subject

Requesting that his case may be reconsidered & that he may be restored to his former post

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200—27-7-94.

REGISTRATION DEPARTMENT.

No. 1182

From

THE HON'BLE S. SRINIVASA RAGHAVAIYANGAR,
DEWAN BAHADUR, C.I.E.,
INSPECTOR-GENERAL OF REGISTRATION,
Madras,

To

The Honorable J. F. Price, C.S.I
CHIEF SECRETARY TO GOVERNMENT,
Fort St. George.

Dated Madras, 12 March 1895.

SIR,

I have the honor to submit for the orders of Government, a memorial submitted by D. Swaminatha Pillai, the Late Subregistrar of Vanur praying for a re-consideration of the Government Order dated 5th July 1893, No. 1360 judicial.

2. A full report of the results of the enquiry held into the complaints preferred agains the memorialist was submitted by me in my letter dated, 24th May 1893, I. No. 1382; an the Government, after carefully considering the evidence available came to the conclusio that the second, third and fourth charges of corruption must be regarded as proved, tha the memorialist was guilty of serious irregu in admitting to registration, after they had be materially altered, the two documents refer

R.G.O. 1360 / 5-7-93

in the first and second charges and that his relations with a petition-writer named Kandaswami Mudali were, considering their relative respective positions, of the most improper character.

3. The memorialist asks for a reconsideration of the order passed in his case on the following grounds, Viz,

1st, that the evidence recorded against him was, in the first instance, taken behind his back without his being allowed to cross-examine the witnesses, that he was not permitted to employ Vakils in conducting his defence, that the Acting Registrar and the permanent Registrar, by whom the enquiry was conducted, were prejudiced against him, and that the enquiry was incomplete, in that the evidence of some material witnesses was not taken;

2ndly, that in the third and fourth cases, the inferences drawn are not justified by the evidence produced, and that the manner, in which the entries in the accounts of the Pondicherry merchant relied on as supporting the charges have been made, shows that te entries are fictitious and unworthy of edit,

3rdly, that the further evi- ce obtained by the memorialist from two witnesses

witnesses

witnesses not examined in the second case and now submitted by him, clearly shows that the charge is a false one;

and 4rthly, that there is no sufficient evidence to show that the relatio between him and Kandasami Mudali were improper.

4. I will briefly notice ~~the~~ the arguments adduced by the memorialist under each of the above heads.

5. Under the 1st head, the memorialist states that the enquiry was conducted by officers who worked from the beginning with a mind totally prejudiced against him and that this fact is evidenced by the questionable procedure of the acting Registrar, who took down depositions in his absence on the 26th June 1892. The actual facts are these. A numerously signed Mahazar complaining against the memorialist and accusing him of illegal exactions and other irregularities was received by me in May 1892. It was sent to the Registrar on the 20th May, and he was asked to ascertain and report confidentially whether the signatures attached to the Mahazar were genuine and whether there was any truth in the allegations made therein. The District Registrar was on leave at this time, and his locum tenens sent a notice to 3 signatories of the Mahazar to appea

Enc 1.

him, intimating that an enquiry
in be held in regard to the allegations,
if they appeared before the 20th June. 2 of Encl 11 & 12
these appeared and gave in written statements.
These stated that the other signatories could
not appear, as it was the cultivation season
and that the truth as regards their allegations
would come out, if the Registrar proceeded
to their village, Kottakuppam, and conducted
the enquiry. The acting Registrar proceeded
to Kottakuppam the next day, 21st June, and
took statements from 10 other persons, among Encl 13 to 21
whom were 4 Muhammadans who had not
signed the Mahazar. He submitted these
papers to me for orders stating that, as he
had to take statements from villagers, the
enquiry could not be kept confidential any
longer and proposed to take the evidence of
the clerks and peon in the office at once, and Encl 22 to 25
this he did on the 26th idem. I issued orders
on the 25th for a public enquiry being made
and a report being submitted after taking
the Subregistrar's explanation. The acting
Registrar thereupon sent an order on the
30th June to the memorialist to attend before
him for the purposes of the enquiry. The
memorialist did not obey this order, but sent
a medical certificate from a hospital assistant Encl 4 & 5
on

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on the 2nd July stating that the memorialist
was under treatment for dysentery from the
28th June and was therefore unfit to travel jus
then and would require probably seven days
more to get well. This letter had not reached
the acting Registrar on the 3rd July, and he
sent a special messenger to the memor
an order directing him to be present a
Encl 8 Kuppam when the enquiry should be held. The
memorialist sent a reply referring to his letter
of the 2nd and reiterating his inability on
account of illness to come over to Kottakuppam
The Acting Registrar on receipt of this letter
went over to Vanur and found the Subregistrar
doing work in the office. He told him that it
was strange that a man, who was working
6 hours a day, should not be able to come over
to a village 4 miles off to attend the enquiry,
and that as he (acting Registrar) was not
satisfied that the memorialist was too ill to
Encl 6 attend, he should either attend or produce a
medical certificate from a District Surgeon
in support of his plea. The memorialist did
En 26, 27 & 28 neither the one nor the other. On the 5th July,
the acting Registrar took depositions from 3
other persons. The depositions taken were sent
to the Subregistrar, and on obtaining his
A29 explanation, the sanction of Government wa

Obtaine

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e him, in t

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obtained for placing him under suspension, and a full departmental enquiry was ordered to be made. This enquiry was conducted by the permanent Registrar, and during this enquiry the Subregistrar was present and was allowed to cross-examine the witnesses. It will thus be seen that the allegations of the memorialist under the first head are entirely groundless. The evidence taken by the acting Registrar on the 21st and 26th June 1892 was taken with a view to find out whether the complaints were genuine and there was a case at all for enquiry; and, when this was taken, the memorialist could not, of course, be present. There is, therefore, no inaccuracy in the statement in para 3 of my report, dated 24th May 1893, No. 1382, as he seems to assert. The memorialist wilfully refused to be present at the enquiry made on the 5th July, and the excuse given by him, that he was too ill to attend, was manifestly false and put forward with a view to delay the enquiry and gain time to tamper with witnesses. As, for several days during which memorialist was supposed to be ill, he was working 6 hours a day in his office, it is absurd to suppose that he was too ill to go to Kottakuppam only 4 miles distant from

18.5-92 No. 1630/Rev

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from Vanur and where the enquiry had to be held, as the witnesses would not leave their village during the sowing season, and the acting Registrar had no power to enforce the attendance of witnesses at a departmental enquiry. Moreover, the acting Registrar who went over to Vanur and saw the memorialist on the 4th did not consider to him to be too ill to attend; and in disobeying the distinct warning given to him on that occasion, the memorialist was guilty of a grave breach of discipline in addition to his other irregularities. The evidence of the clerks taken on the 26th June was not against memorialist except as regards the intimacy between the memorialist and Kandaswami Mudali; which was too notorious to be denied. There was nothing irregular in the enquiry made by the acting Registrar, and the allegation that he and the permanent Registrar were prejudiced has not the slightest evidence to support it. It is not usual to allow Vakils to conduct the defence in departmental enquiries, and the Registrar was perfectly right in refusing permission to the memorialist to do so. Though a Vakil was not allowed actually to conduct the case, the memorialist was allowed by the

Registrar

Registrar to consult counsel when he conducted his own case. He had one pleader from Cuddalore, one from Tanjore, his own father, and a relation of his – a clerk in the Tanjore Sub-court to assist him. The memorialist complains that all the persons, who were stated to have had any knowledge of the transactions referred to in the enquiry were not examined. The fact was that all the persons whose appearance was procurable were examined. An officer conducting a departmental enquiry has no power to compel the appearance of witnesses or to administer an oath to them. In the present case the witnesses were most of them French subjects, and even if summonses could be issued, there would be no means of enforcing them, the enquiry not being a criminal investigation.

Para 20 of Encl 56

6. Under the second head, the memorialist comments on my remarks and inferences in regard to the 3rd and 4th charges referred to in paras 21-23 of my report.

1st. He seems to consider that the fac simile copies of the entries in the accounts – ledger and day-book – of the Pondicherry merchant received with his explanation were not submitted to Government. These copies were in due course sent to Government and they appear to have been specially referred to by Government

annexures to Encl 56.

from the blue pencil notes found o them. It may, however, be noted that the so called fac simile representation at page of the memorial does not exactly tally with the extract from the accounts submitted with the explanation, for the middle entry covers two lines in the first and only one in the second. Also, the amount of this entry sho be Rs 2, fanams 2 and not Rs 2, fanams 4 a stated in the fac simile representation.

2nd. The memorialist argues that the word "register" being left in an incomplete state in one of the entries in the day-book necessarily shows that it is a subsequent insertion made by the merchant to support the charge, because there are several entries in the account book in which a single entry occupies more than one line. I have not the account book of the merchant with me, and have, therefore, no means of finding out whether the latter assertion is correct. All that I said was that is quite possible that the word "register" might have been left incomplete to save the necessity for allotting a second full line for a few letters, when the word, as it stands, sufficiently indicates the purpose, and that

that the incomplete word does not necessarily show that it is a subsequent interpolation. It may be also that the purposes were not stated at first, but entered at once, soon after the items were written, long before any question as regards the present complaint had arisen.

3rdly, the memorialist states that the explanation suggested by me in regard to the purpose of the debit being stated in the ledger as regards the items in question and not in other cases is far fetched and cannot be correct. The memorialist has either misunderstood or misrepresented my explanation. What I pointed out was that, where the debits represent sums handed over to the debtors themselves and expended by them, there is no occasion to mention the purposes for which the sums were borrowed. Where, however, the debits represent sums expended by the merchant himself on account of the debtors, there is necessity for stating the purpose for which the sums were expended by the merchant. The items in question refer to the latter class. The marialist's statement that in no other case has the purpose been

been stated is a mere assertion, the Matam, capable of being verified. Even if there and such case, it would be necessary to find out whether any sum was expended by the merchant on account of debtors. It must be noted also that the 3rd entry in the day-book as per fac-simile representation given at page 5 of the memorial does not relate to any charges made against the memorialist. Still the purpose of the item is stated to be "Vanur registration — cart hire."

Enc 26

Enc 48

4thly, the memorialist urges that the first deposition given by Kuppuswami Pillai really contradicts the second and that his evidence is therefore untrustworthy. The statement in the first deposition is as follows:-

"For document No: 2247 of 1891, I paid to the Sub-registrar Rs 2-4-0. This was paid ([illegible]) in excess besides registration fees." This might mean either that the amount was in addition to or exclusive of the registration fee, or that it was in excess of and inclusive of the registration fee. This deposition is a short one consisting

that the
show a few lines and was taken
o ly at Pondicherry where the acting Registrar halted for a few hours on his way from Vanur to Cuddalore. In the deposition taken by the permanent Registrar in the final departmental enquiry held by him, Kuppuswami Pillai distinctly stated that he did not depose to the acting Registrar that Rs 2-4-0 was exclusive of the registration fee. I do not think that the somewhat loose wording of the first deposition can be taken to render the second deposition unworthy of credit. If it were so the theory put forward of pre-meditated falsification of entries in the accounts of the merchant will fall to the ground. It must be remembered that no motive is alleged for the merchant to come forward with a false charge against the memorialist. The circumstances under which the accounts were produced preclude also the existence of any premeditated plot. The acting Registrar happened to stay in the Vanamamalai Matam at Pondicherry for a few hours on his way back from Vanur. Kuppuswami Pillai's house is in the street opposite to the Matam. On learning that the

acting

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acting Registrar had halted in the Matam, Kuppuswami Pillai made his complaint and produced the account. There was no time f concoction, and Kuppuswami Pillai could no have known beforehand that he would have a opportunity of meeting the acting Registrar on that day.

5thly, the other comments of the memorialist" do not require serious consideration. The reasons given in my report for discrediting the affidavit of Muruga Tambiran made before a Village Magistrate in Tanjore stand good. The memorialists' statement that he did not take the Tambiran all the way to Tanjore for getting an affidavit, but that he met him there "accidentally where he had gone to get his explanation ready" may be taken for what it is worth. Two attempts were made by the Registrar to procure Muruga Tambiran's attendance at the enquiry, but without avail.

para 6(6) of Encl 58

Alagu Pillai, was not examined, as his attendance was not procurable for the reasons already explained, viz, that the Registrar had no power to enforce the attendance of witnesses. The memorialists' statement to the effect that Subraya Gaundan could not have been request to withdraw his complaint, because at the

Enc 37

time

that the mo

time, he had made no complaint, is a mere quibble. This was the man who paid the bribe referred to in Kuppuswami Pillai's complaint and to whose account the money paid was debited in the accounts.

Enc 2.6

7. Under the 3rd head, the memorialist complains that all the persons connected with the second charge dealt with in paras 18-20 of my report were not examined. The reason for this has already been explained. The Registrar tried his best to procure their attendance, but they could not be got at, the village munsif having reported that they either could not be identified or could not be found. The memorialist states that I refused to grant him copies of the records sent up by the Registrar with his reports. This statement is totally incorrect. I gave him a copy of my report to Government, which contained a full statement of the grounds for the conclusions arrived at, but I declined to grant copies of the Registrar's reports, as in some respects my conclusions differed from those of the Registrar. (vide letter to Government dated 4th August 1893, G. No. 3561 recorded in G.O. dated 19th

Enc 33

August

15

August 1893, No. 1687, Judicial). There wa no objection whatever to granting copies of an records with the exception of the Registra reports, and the memorialist did not apply for any such records. The memorialist has now sent up two papers, viz, one purporting to be an affidavit given by Manikka Mudali before the village munsif of Kottakuppam on 26th October 1892, and the other, a letter purporting to have been written by one Kuppu-swami Nayudu bearing date 30th October 1892. In the affidavit, Manikka Mudali states that he was present when the the document referred to in the second charge was taken to the Subregistrar's office, that the Subregistra said that he could not receive it, as it was late in the evening and that the Subregistra did not ask for a bribe for registering the document. The affidavit is very vague and entirely valueless for purposes of evidence. This Mani. Mudali was sent for during the Registrar's enquiry, but could not be found. The second paper is a letter from Kuppuswami Nayudu the writer of the document, in reply to a lette written by the memorialist. It is to the

Para 5(3) of Enc 58

followin

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following effect:— Kuppuswami Nayudu wrote the document. On the second day Manjini Naikkan brought it back to him and told him that it was found necessary to transfer only one of the mortgage deeds and not two as originally agreed, that there was difficulty in obtaining a new stamp paper for writing up the document anew and asked him whether there was any objection to alter the document already executed so as to serve the present purpose. Kuppuswami Nayudu said there was no objection to this course, but he could not do so, as there was very little space in the document for making the necessary alterations and additions. Kandaswami Mudali, who was by, however, agreed to do the needful, and the document was altered accordingly— The whole story is improbable on the face of it. Both these papers were obtained within a fortnight after the memorialist submitted his explanation, and the fact that he did not venture to submit them then and there shows their worthlessness.

8. Under the fourth head, there can be no doubt that Kandaswami

Mudali

Mudali was on intimate terms with the memorialist. Besides the statements of the clerks on this matter — and there is no reas to discredit them, as they were unwilling witnesses and would not say anything whi would incriminate the memorialist, and spoke only to Kandasami Mudali's intimacy because it was too notorious to be safely denied — there is a large number of cases in which there was evidence to show that Kandaswami Mudali was levying illegal fees from parties for the memorialist. Thes cases, it will be seen, from paras 26 and 28 of my report were put aside by me, as there was no proof to show that the sums allege to have been paid to Kandaswami Mudali reached the memorialist or that he was aware of the transactions. As regards the statement of cases in which Kandaswami Mudali was admitted as an identifyin witness, if the memorialist had applied for a copy of it, a copy would have been furnish to him. The statement fully establishes that Kandaswami Mudali was a favourite of the memorialist.

Enc 22 to 25 + 50 to 52

Enc 31

Following

9. In my report I fully described the difficulties felt in conducting the enquiry. Large numbers of persons came in a body at first to complain of the exactions of the memorialist; but, when the final enquiry commenced, most of the complainants had been won over and induced to withdraw their complaints. The Registrar had also no power to summon witnesses or take evidence on oath and the fact that most of the complainants and witnesses were inhabitants of French villages added to the difficulty in conducting the enquiry. I pointed out in my report the strong and weak points in each case and expressed my opinion that in the cases selected there was sufficient evidence to lead to strong suspicion amounting to moral certainty to show that the memorialist was guilty of corruption. I at the same time suggested an alternative measure to the effect that, if the Government did not consider the evidence to be sufficiently ble to establish the charge of corruption

corruption, the memorialist should be compelled to resign his appointment. The order of Government, which the memorialist wants should be reconsidered, was passed on a full consideration of all the facts and circumstances of the case. I see nothing in the arguments adduced in the memorial to induce me to modify the opinion I expressed in my report.

10. I much regret the delay in the submission of these remarks. The memorial was received by me at a time, when I was greatly pressed for time owing to arrangements which had to be made for introducing the revised scheme of clerical establishments; and since then, owing to continual touring and pressure of work, I was not able to find time till I went on leave to read up the voluminous records and submit my report.

11. All the papers connected with the memorialists' case are submitted herewith as per list enclosed for reference, if necessary.

I have the honor to be,
Sir,
Your most Obedient Servt
S. Srinivasa Raghavaiyangar
Inspr: Genl: of Re

1367

Judicial (1895) Department

"Registration"

From

The Inspector-General
Of Registration,
Madras,

1630: 5 [illegible]
Returned

To

The Chief Secretary
to Government,
Fort St. George

Dated 12 }
Despd 18th } March 1895
Recd 19 }

G. No: 1182

Enclosures (68)

No:

Submitting with remarks the memorial of D. Swaminatha Pillai, late Subregistrar of Vanur (South Arcot Dt) praying that he may be restored to his appointment.

S. 23/3.

CHIEF SECRETARIAT
19 MAR 1895
GOVERNMENT OF MADRAS

(For orders

[G/25.]
500-20-6-94.

Judicial DEPARTMENT.

C. No. 1367/95.

FOR ORDERS.

The I.G. of Registration submits for the orders of Govt. a memorial from D. Swaminatha Pillai, ~~the~~ late Sub Registrar of Vanur, praying for a reconsideration of G.O. 7 5 July 1893, No. 1360 Judl. His ~~the I.G.~~ states that he sees nothing in the arguments now advanced to induce him to modify the opinion he formed in the first instance.

Attention is invited to the notes under cover of G.O. 7 5 July 93 No. 1360 Jl.

There is certainly nothing in the present petition to render a reconsideration of previous orders necessary. It is subm.d that H.M. need not be troubled with these papers as he does not know anything about the case & as there is really nothing of importance adduced. The I.G. does not say when he received this petition but it was probably ten months or so ago, as the petition was originally subm to Govt. & returned under Rule X in April 1894. It will per be as well to express regret at the delay. The I.G.'s report & letters are always very

No

WR 23.3.95

ood, but he is inclined to e a long time in sending hem.

Ch
26 Mar.

N.

Order 1st April/95 No 664
issue

The petr. should be informed that Govt. declines to reconsider its previous orders. The delay which has occurred in forwarding this memorial is to be regretted.

(From orders of C.S.)

Ch
28/3

the I.G. of Reg. (R & O) with enclosures mentioned in his list returned.

DESPATCHED
2 APL 95
IN M.S

C.P.

Appeal from a dismissed Sub Registrar.

(For orders)

CS

I have remarked in the margin ?

When given for copying
When copied
When examined
When signed
189

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

CURRENT NO.

ENCLOSURES TO C. NO

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

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