Political (1899) Department.

ORDINARY PRINTED.

G.O., No. 684

DATED 10-10-99

INDEXED.

[Despatch Abstract.]

Carnatic stipends.

Informing the ~~Govt~~ Paymaster, Ca
natic stipends, that the rule laid down in G.O. No. 44
d. 25th July 92 in regard to the resumption of pensions
on acct. of misconduct applies equally to persons who
are Carnatic stipendiaries and to those who, having
been convicted of an offence, may thereafter become
eligible to receive —, and that each case should be
reported on fully to Govt as it occurs.

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 {1899} of Madras.

POLITICAL.

Recd. } 1899. *Enclosures*

Regd. } *Spare copies*

G.O., No. 684, 10th October 1899.

OCTOBER.

Carnatic Stipends.

Informing the Paymaster, Carnatic Stipends, that the rule laid down in G.O., No. 445, Political, dated 25th July 1892, in regard to the resumption of pensions on account of misconduct, applies equally to persons who are Carnatic stipendiaries and to those who, having been convicted of an offence, may thereafter become eligible to receive —, and that each case should be reported on fully to Government as it occurs.

GOVERNMENT OF MADRAS.

POLITICAL DEPARTMENT.

Read—again the following papers:—

Extract from G.O., No. 230, Political, dated 19th March 1857.

* * * * *

9. The Agent will explain most distinctly to all the members of the Carnatic family to whom stipends have been assigned, the conditions in regard to their treatment on lapse as fully set out in the letters from the Government of India, 17th September 1856, No. 482, paragraphs 7, 8, 10, and 8th September 1856, No. 455, paragraph 13. He will also apprize them as well as all the officers, servants or dependants who may be admitted to pensions that as these allowances have been conferred only from the pure bounty of Government, so they will be subject to be at any time suspended, or withdrawn altogether, should the misconduct of the recipient, in the opinion of Government, render such a measure deserved: all parties except those entered in list No. 1 should also be most explicitly informed that their pensions are given them for life only, and that they will not be continued to their heirs wholly or in part under any circumstances whatsoever.

* * * * *

Extract from G.O., No. 445, Political, dated 25th July 1892.

* * * * *

2. The Governor in Council, however, resolves to make the orders of 1857 applicable, in future, to Carnatic stipendiaries of all classes; the Paymaster should accordingly warn them that their pensions will be liable to resumption in case of misconduct.

Read—also the following paper:—

From Captain R. F. R. FORMBY, I.S.C., Acting Paymaster, Carnatic Stipends, to the Chief Secretary to Government, dated Chepâk, 23rd September 1899, No. 388.

I have the honour to state that paragraph 2 of G.O., No. 445, Political, dated 25th July 1892, warns Carnatic stipendiaries of all classes that their pensions will be liable to resumption in case of misconduct. I beg to be informed whether the above decision should refer to persons who were, previous to their becoming stipendiaries, convicted by a Presidency Magistrate of theft and sentenced to rigorous imprisonment.

NOTES CONNECTED WITH G.O., No. 684, POLITICAL, DATED 10th OCTOBER 1899.

Note.

The Paymaster, Carnatic Stipends, raises the question (generally, not in relation to any particular case) whether G.O., No. 445, Political, dated 25th July 1892, is applicable to persons who were convicted by a Magistrate *before* they became Carnatic stipendiaries.

2. The history of the Government Order is as follows. In 1857 this Government, in passing orders regarding pensions to be conferred on the family and dependants of the last Nawab of the Carnatic, ruled that all these stipendiaries should be liable to the resumption of their stipends in the event of any misconduct which Government considered to render such a resumption deserved.

Paragraph 9 of G.O., No. 230, Political, dated 19th March 1857.

2. Two cases may be quoted in which this ruling was put into force—

Karím Bí—convicted of keeping a gaming house and sentenced to three months' imprisonment.

G.O., No. 71, Political, dated 24th February 1862.

Mír Ahmed Husain—convicted of theft and sentenced to five months' imprisonment.

G.O., No. 302, Political, dated 14th October 1869.

3. In 1892 the Paymaster brought to notice the case of Muḥammad Muḥi-ud-dín who received one month's rigorous imprisonment for theft, but in this special case, partly because he was of the 1801 class of stipends and it was doubtful whether the order of 1857 was applicable to that class of pension, and partly because his offence arose from a family squabble and the theft was more technical than real, Government permitted his stipend to continue, at the same time laying down the rule that thenceforth the orders of 1857 should be held "applicable to Carnatic stipendiaries of all classes" and the Paymaster was instructed to warn all the pensioners accordingly. It is in connection with this order that the question is raised.

G.O., No. 445, Political, dated 25th July 1892.

4. It might be argued that a man who, after conviction of an offence, became a Carnatic stipendiary (or, at least, heir to such a stipend) does not fall under the rule, because he was not a Carnatic stipendiary *at the time of his misconduct*. It is quite possible, too, that the rule might operate very harshly in particular cases—as, for example, where a fault had been committed some years previously and been followed by very good conduct. The object of the rule, however, is clearly, to make stipendiaries value their position as such, and a man who has once been convicted of an offence carries the stigma throughout his life and no more deserves support at the Government expense, it is submitted, than he does to be entertained in the public service. Paragraph 3 of this note shows that cases *may* exist in which Government can justly make a special exception and the later case of Mirzá Sikandar Bakhsh is another illustration of this, his children having been allowed to draw the pension on condition of their being kept at school. If any case arises in which special grounds should exist for taking a lenient view of the offence which was committed before the person concerned became a Carnatic stipendiary, those grounds will, doubtless, be brought forward by the Paymaster or by the person concerned and the case can then be considered on its merits.

G.Os., No. 427, Political, dated 29th June 1897, and No. 597, Political, dated 9th September 1897.

Quite so.

(Intld.) G.S.

Political (1899) Department.

CURRENT No. 1268

CHIEF SECRETARY'S
24 SEP 1899
GOVERNMENT OF MADRAS

From

The Ag: Paymaster
Carnatic Stipends
Chepak

Order

No. 388 of 1899

Dated 23 9/99

Received 24 " } September 1899.

Registered 25 "

Enclosures - Nil.

Spare copies -

SUBJECT.

Requests to be informed if para 2 of G.O. No. 445 dated 25th July 1892 "Political" refers also to persons, convicted by Presidency Magistrates, prior to their becoming Carnatic Stipendiaries -

C. 5/10/99.
R7. 6/9

Political DEPARTMENT.

Notes appended with G.O. No. 388 Pol dy 19

BACK PAPERS.

G.O.	No.	Department.	Da
Mis.	597	Pol	8.8.9
—	427	—	29. 6.
—	445	—	25. 7
S.C.	302	—	14. 10
S.C.	71	—	2.
S.C.	230	—	19. 3.

FURTHER PAPERS

G.O.	No.	Department.	Dat

No. 1268 From the Paymaster C.S., No. 388, dated 23-9-1899.

" " " " 189 .

" " " " 189 .

" " " " 189 .

Notes.

The Paymaster Carnatic Stipends raises the question (generally, not in relation to any particular case) whether Go No 445 Pol d/25.7.92 is applicable to persons who were convicted by a Magistrate before they became Carnatic Stipendiaries.

2. The history of the Go is as follows. In 1857 this Govt, in passing orders regarding pensions to be conferred on the family & dependants of the last Nawab of the Carnatic, ruled that all these stipendiaries shd be liable to the resumption of their stipends in the event of any misconduct which Govt considers to render such a resumption

W. E. Mr Lud

7/x/99

~ 7 of Go 230 Pol 19.3.57

deserved.

2. Two cases may be quoted in which this ruling was put into force —

Karim Bi — convicted of keeping a gaming house & sentenced to 3 mos imprisonment. GO No 71 Pol dy 28

Mir Ahmed Hussain — convicted of theft & sentenced to 3 mos imprisonment. GO No 302 Pol dy 14

3. In 1892 the Paymaster brought to notice the case of Mr Moin-ud-din who received one month's R I for theft but in this special case, partly because he was of the 1801 class of stipends & partly because it was doubtful whether the order of 1857 was applicable to that class of pension, and partly because his offence arose from a family squabble & the theft was more technical than real, Govt permitted his stipend to continue, at the same laying down the rule that, thenceforth, the orders of 1857 should be held "applicable to Carnatic Stipendiaries of all classes" & the Paymaster was instructed to warn all the pensioners accordingly. It is in connection with this order that the question raised in the Current is brought forward. GO No 445 Pol dy 25. 7. 92

4. It might be argued that a man who, after conviction of an offence, became a Carnatic Stipendiary (or, at least, heir to such a stipend) does not fall under the rule, because he was not a Carnatic Stipendiary at the time of his misconduct. It is quite possible, too, that the rule might operate very harshly in particular cases — as, for example, where a fault had been committed some years previously & been very followed by very good conduct. The object of the rule, however, is, clearly, to make stipendiaries value their position as such & a man who has been convicted of an offence carries the stigma throughout his life & no more deserves support at the Govt expense, it is submd, than he does to be entertained in the public service. Para 3 of this note shows that cases may exist in which Govt can justly make a special exception & the later case of Mirza Sikandar Baksh is another illustration of this, the latter's children

2

bring allowed to draw the pension on condition of their being kept at school. If any case arises in which special grounds shd exist for taking a lenient view of the offence which was committed before the person concerned became a Carnatic Stipendiary those grounds will, doubtless, be brought forward by the Paymaster or by the person concerned & can then be considered on its merits.

It is subm[d] that the Paymaster should be informed that the principle of the ~~decision~~ rule laid down in GO No 446 Pol dy 25.7.92 applies also ~~equally, to persons whether the person nominated at the time of appointment, at the time of appointing a Carnatic Stipendiary to Carnatic Stipendiaries~~ to persons who may hereafter become entitled to receive a Carnatic Stipend ~~after having been convicted of an offence~~.

Each of such cases should however be reported fully to Govt. & the P.C.S.

CWS 2.x.99

Draft Order subm[d]

JWS 7/10/99

F GO No 427 Pol dy 29-
A " " 597 " " 9-

Quite so.

Read. A.H.H. 5.10.99

GO No 230 Pol dy 19-3-'57 = "a" of para 9 only - as extract.
GO No 446 Pol dy 25-7-92 of para 4 = A

Political DEPARTMENT.

From the P.C.S., No. 388, dated 23-9-1899. = "a"

, " , " 189 .
, " , " 189 .
, " , " 189 .
, " , " 189 .

Order No. 684 of 10-10-99.
P.S.

The Paymaster Carnatic Stipends will be informed that the rule laid down in para 2 of GO No 445 Pol dy 25 July 1892 applies equally to ~~Carnatic~~ persons who are Carnatic stipendiaries and to those who, having been convicted of an offence, may thereafter become eligible to receive Carnatic stipends.

2 Every such case ~~which may occur~~ should, however, be fully reported ~~at the time~~, by the Paymas when it occurs

JWS 7/x/99 CWS 7/x/99

From Orders

Dft. Order

Dated 23-x-99

Paymaster Carnatic Stipends.

Copy with yellow notes to CA's VR's Stock files

JWS 7-x-99

being allowed to draw the pension on condition of their being kept at school. If any case arises in which special grounds shd exist for taking a lenient view of the offence which was committed before the person concerned became a Carnatic Stipendiary those grounds will, doubtless, be brought forward by the Paymaster or by the person concerned & can then be considered on its merits.

It is subm^d that the Paymaster should be informed that the principle of the ~~rule~~ rule laid down in GO No 445 Pol dy 25.7.92 applies also ~~equally, to persons who, after~~ ~~having been convicted of an offence~~ ~~were not, at the time of~~ ~~their becoming Carnatic Stipendiaries~~ ~~to Carnatic Stipendiaries~~ to persons who have been convicted of offences thereafter become entitled to receive a Carnatic Stipend ~~after having~~ ~~been convicted of an offence~~.

Each of such cases should however be reported fully to Govt. & the P.C.S.

CWS 2.x.99

Draft Order subm^d

JWG 7/10/99

F GO No 427 Pol dy 29-
A " " 597 " " 9-

Write to.

Addd. 5.10.99

Draft Order

Dated 25-x-99

Pay^r Carnatic Stipends.

Yellow Note to C.G.'s & R.'s Stock files

Political DEPARTMENT.

printed.

D GO No 230 Pol dy 19-3-'57 = "a" of para 9 only - as subst.
B GO 445 Pol dy 25-7-92 Para 4 = A

Revenue 1810 40

No. 1268 From the P.C.S., No. 388, dated 23-9-1899. = "a"

" " " " " 189 .

" " " " " 189 .

" " " " " 189 .

Order No 6847/10-10-99.
P.S.

The Paymaster Carnatic Stipends will be informed that the rule laid down in para 2 of GO No 445 Pol dy 25 July 1892 applies equally to ~~Carnatic~~ persons who are Carnatic stipendiaries and to those who, having been convicted of an offence, may thereafter become eligible to receive Carnatic stipends.

2 Every such case ~~which may occur~~ should, however, be fully reported on to Govt, ~~at the time~~, by the Paymaster when it occurs

JWG 7/x/99 CWS 9/10/99

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