

ORDINARY, MS.

Public DEPARTMENT.	
G.O., DATED	11-4-93
No.	751.

INDEXED.*When given for copying. 13/1*

[Despatch Abstract.]

*Declining to reconsider the
 directing the removal of mislocated
 clerk S. R. Thana Chetty of the Account-
 ant-General's office from the public
 Service*

Public (189) DEPARTMENT.

From *C. F. MacCarthy Esq. J.C.*
THE PRIVATE SECRETARY TO THE
RIGHT HONORABLE THE GOVERNOR,
To *Chief*
THE SECRETARY TO GOVERNMENT,
DEPARTMENT.

Dated 25th } August 1893.
Received }
Regd 28 8 73.

CHIEF SECRETARY
DEPARTMENT OF MINISTERS
ENCLOSURE.

Subject.

TRANSFERS a petition from *S. Rathnam*
Chetty requesting to be restored to
his former post without break in his
service.

Enclosure

Hon. Sir H. E. Stokes K.C.S.G.
Hon. Mr. Garstin C.S.G.
Order 11th Dec 1893. No. 751.
24th 10/9/93 7th 10/9/93
The Govt. declines
to reconsider G.O. dated
5th April '93, No. 264.
1 from orders 1

J.S.B.
5/9.
11/9/93

To the Secy.
X-15/9
DESFATCHED
16 SEP 93
IN M.S.

BACK PAPER, No.

FURTHER PAPER, No. *Do 443* *or 189.*
no 22610894

READ AGAIN ORDER OF GOVERNMENT, DATED
18, No. MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DUTY.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DUTY.

PAPERS NOT FILED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL (not paged).

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

Petition from S. Rathnam Chetty
late, "Class Clerk Accountant"
General's office Madras residing at
Vyemta Vathiar Street, Black Lion Road

DATED 24th August 1893.

TRANSFERRED to the Chief Secretary to
Government for disposal.

Please mark for H. E. the Governor in
disposal.

(By Order.)

Curran

Private Secretary.

GOVERNMENT HOUSE,
Cochin
25th August 1893.

Suppose half the principal is paid up (Rs. 1,000) and a fresh loan is desired, say of Rs. 3,000. A new bond is executed for Rs. 3,000, but first of all, half this sum is deducted towards interest in advance, and then the arrears of principal on the old loan (Rs. 1,000) are recovered, leaving Rs. 500, which is all that is paid in cash.

5. Moreover Petitioner had all along hoped that the commercial prosperity attending his father's business would place a decent fortune at his own disposal; events, however, unfortunately took a different course.

The Law itself, in extending its protection to such helpless victims as Petitioner, recognises the truth, that there can be no moral turpitude in declining to gratify the insatiable thirst for lucre displayed by these usurers, who make it their nefarious trade to advance very small sums to their customers, but have the audacity to take bonds for over five times the amounts actually advanced. They know full well that almost every one of their victims will become insolvent, but they are safe-guarded by the usurious rates of interest charged, and the hard conditions of repayment exacted, and they are content to squeeze out as much as they can, while their victims are in good circumstances.

8. But, unfortunately, it is only those who are *not* Government servants, that obtain the full benefit of the Act, and escaping scot-free are enabled to turn over a new leaf. The real torments commence afresh and with redoubled cruelty in the case of Government servants, who for the past few years, are being removed from the Public service, without any sympathy being shown either for their private troubles past and future, or for the incessant and arduous toils which they have so zealously and cheerfully endured on behalf of a paternal Government in spite of the most harassing cares and sufferings in domestic life.

10. Is Insolvency the only cause which can render a man's work unsatisfactory? Illness at home, losses abroad and a thousand other sources of anxiety may conspire to disturb a man's equanimity during working hours: no Government or head of a department can sift all this; the one standard by which a Government can judge of the merits of a public servant is the testimony given by the head of his department in regard to the work turned out by him, and nothing else.

11. Conviction by a Criminal Court, followed by imprisonment, is a different matter. There, the culprit infringes the law and is visited with condign punishment. In the case of Insolvency it is the reverse. Here, the Law protects the helpless victim and frees him from the clutches of his wicked tormentors. It is for this reason that, in principle, the Government merely discourages on the part of its subordinates, a recourse to the Insolvent Act, and leaves it to the Court to dispose of each case on its own merits. Neither the head of a department nor Government can pronounce upon the guilt or otherwise of an insolvent

12. The correspondence recorded in G. O., No. 331, Public, dated 25th April 1891, clearly proves that the rules are worked with greater leniency and latitude in other Provinces of India, and that it is only in Madras that such great pains are taken to bruise the frail and broken reed, and to drive the impoverished and half-famished children of improvident clerks to further desperation and disgrace, if not to absolute beggary.

The causes of insolvency cannot be the same in all Provinces, and it is possible that if the Government of India knew the facts relating to Sowcar-insolvency in this Presidency, the rules might be relaxed; at all events, the circumstances of Petitioner's case might be treated as special, and he might be let off.

On the contrary, His Lordship was convinced of the fact that Petitioner was entirely duped by the Sowcars, and that though he had received only Rs. 2,500 in all, he had repaid his creditors a great deal more than what they had really advanced to him for his own private purposes. The Petitioner had moreover proposed to pay a definite sum out of his salary regularly every month towards further liquidation, but the Court commiserating his wretched plight, gave him a full personal discharge, and remarked in the Discharge Certificate that "the question of allocation of the said Insolvent's salary do stand over."

He has already put in 17 years' service, devoting the best part of his life in the cause of Government; he has all along discharged his duties to the entire satisfaction of his immediate superiors, conducting himself with uniform propriety, diligence and love for his work, as will be readily testified to by the Accountant General. In this one instance, however, namely, in the matter of indebtedness he had gone wrong, but he begs leave to submit that it was not a step deliberately taken by himself, but he was led on to it by the force of circumstances, over which he had no control.

17. This being the case, the Petitioner most earnestly prays that his poor children who have been unwittingly driven out into the public streets by a paternal Government, in spite of the protection afforded them by the stern hands of the Law, may be mercifully repatriated to their homes, by directing that Petitioner may be restored to his former appointment without break in his service.

Dated 24th, August 1893.

Northampton

To

HIS EXCELLENCY THE RIGHT HONORABLE
BEILBY BARON WENLOCK, G.C.I.E.,
GOVERNOR AND PRESIDENT IN COUNCIL.

The humble petition of S. RATHNAM CHETTY, late 1st
Class Clerk, Accountant General's Office, Fort St. George,
Madras, residing at No. 7, VYCOONTA VATHIAR
Street, Black Town, Madras.

MOST RESPECTFULLY SHEWETH,

That your Excellency's humble Petitioner, who was driven by circumstances beyond his control, to seek the benefit of the Act for the relief of Insolvent debtors, Madras, has been removed from the Public service, on receipt of G. O., dated 5th April 1893, No. 264, Public, on the ground that he "has been guilty of the utmost recklessness in the management of his affairs."

2. Your Excellency will have observed from the Accountant General's letter recommending Petitioner's reinstatement, that the Petitioner had repaid more than twice the amount actually received by him in cash, and that although he was compelled to renew his bonds for fabulous sums, his creditors have not been put to any real loss, nor had he any deliberate intention to deceive or circumvent them in any way. No injustice has been done, and no moral stigma therefore attaches to Petitioner's name.

3. He first contracted debts to provide for the medical treatment of his wife, when she fell seriously ill in 1888; the illness lasted full eighteen months and involved the Petitioner in an expenditure of nearly Rs. 1,000.

A further loan of Rupees 1,500 had unavoidably to be raised to celebrate the marriage of Petitioner's daughter and to give her a suitable dowry; this he was compelled to do at the instance of his wife, whose life was despaired of, and who was anxious to see her daughter respectably connected and well settled in society. Thus the total amount of debt actually incurred by him was only Rs. 2,500.

Having no property of a substantial nature on the security of which the Petitioner could raise loans, he had recourse to the money lenders of Sowcarpet, who advanced small sums on promissory Notes at very exorbitant rates of interest, and on the discount system; he had to renew several of the bonds for fictitious amounts, simply to keep up appearances and to save himself from being harassed. This multiplied his liabilities to an enormous figure.

4. His *bona fide* transactions are compared below with the fictitious amounts sought to be recovered from him—

<i>Bona fide transactions.</i>			<i>Fictitious transactions.</i>		
		Rs.			Rs.
Amounts actually received in cash by the Petitioner	for wife's illness	... 1,000	Interest prepaid by deduction from principal	...	8,369
	for daughter's marriage	... 1,500		...	1,869
		2,500	Appropriated on account of previous bonds	...	1,869
Amounts borrowed for subsequent renewals		... 6,451		...	990
	Total receipts	... 8,951	Bonds given without consideration to those who had promised to help him out of his difficulties	...	351
Deduct amounts repaid in cash	...	5,840		...	340
Do. for which bonds were not returned	...	380			
Do. paid into Small Causes Court & Assignee's Office	...	800			
	Total deductions	... 6,800			
Net amount of liability really outstanding		2,151			11,868

The large sum of Rs. 6,451 borrowed for subsequent renewals was not at all utilised for Petitioner's private purposes, but had to be paid back to the Sowcars themselves, according to their atrocious discount system, which is explained below, as the Government does not appear to be in possession of the full details of the working of this system.

Suppose a man wants to borrow Rs. 2,000, the Sowcar agrees to lend this on the condition that the principal should be repaid in 20 months at the rate of Rs. 100 a month; the interest being calculated at 2½ per cent. per mensem (30 per cent. per annum). The bond is executed for Rs. 2,000, but only Rs. 1,000 is given in cash; the interest due for the whole of the 20 months (*vis.*, $\frac{2,000 \times 2\frac{1}{2} \times 20}{100} = 1,000$) being deducted in advance at the very onset, although the interest for the last month does not fall due until after the expiry of the 20 months.

No. 2318.

From S. Ratanam Chetty.

Dated 25th Aug: 1893.
189FOR ORDERS.Attention is in-
vited to the notes in G.O.
of 5.4.93, No. 264.J.B.
29/828
29/8/93The man was actually killed.
I see no reason to reconsider the
order already passed.
W.C.
29/8/93See L.H.
Sent to H.E. for for-
warding by the sub
3/9/93 L.H.It may be hard on the individual - but I
think it would be a mistake to re-open
the question. In the public interests - to say
nothing, as to the effect on the other servants
of Govt. I think the rule is a sound one, and
ought not to be departed from, except on very
good grounds. I do not see any here, and I
only hope that others in like circumstances will
be deterred from indulging in the wasteful and
extravagant outlay which has characterized
the petitioners' dealings - especially in the
matter of marriages.W
4 Sep.I think the proper procedure is
to leave it. A man gets his money
into debt & his relation to the
public money becomes important.
What he does not be treated as a
person - but as a domestic & private
any person he might be entitled
to if it were a public person.
Why was the Government not prepared
if people were not to take advantage
of it? It is no affair to do so.
But it may be a ground for retiring
even on a pension if he does so.

10/9/93 L.H.