

DELHI RECORDS.

1920.

**GOVERNMENT OF INDIA.
HOME DEPARTMENT.**

POLITICAL—A.

Proceedings, December 1920, nos. 121—127.

- I. Representations, addressed to the Reparation Committee, London, by C. S. Sitarama Aiyer of Conjeeveram claiming compensation for his prosecution and imprisonment under the Defence of India Act and asking for pardon in order to render him eligible for election to the new Councils.
- II. Representation addressed to the Reparation Committee, London, by Darisi Chenchiah claiming compensation for loss of property, etc., as a result of his arrest and detention under the Ingress into India Ordinance.

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LATER REFERENCES.

CONFIDENTIAL.

NOTES.

POLITICAL—A., DECEMBER 1920.

Nos. 121—27.

- I. REPRESENTATIONS ADDRESSED TO THE REPARATION COMMITTEE, LONDON, BY C. S. SITARAMA AIYER OF CONJEEVERAM CLAIMING COMPENSATION FOR HIS PROSECUTION AND IMPRISONMENT UNDER THE DEFENCE OF INDIA ACT AND ASKING FOR PARDON IN ORDER TO RENDER HIM ELIGIBLE FOR ELECTION TO THE NEW COUNCILS.
- II. REPRESENTATION ADDRESSED TO THE REPARATION COMMITTEE, LONDON, BY DARISI CHENCHAI AH CLAIMING COMPENSATION FOR LOSS OF PROPERTY, ETC., AS A RESULT OF HIS ARREST AND DETENTION UNDER THE INGRESS INTO INDIA ORDINANCE..

LETTER FROM THE INDIA OFFICE, NO. F.-10473, DATED THE 9TH SEPTEMBER 1920.

Pro. no. 15

Please see the Office note on pages 1 and 2 of Political B., August 1920, nos. 63—65, which gives a brief account about C. S. Sitarama.

It will be seen that the original petition has been submitted through the Madras Government. The local Government must have disposed of it themselves. We may simply forward a copy of the India Office letter (without enclosure) to them for any action they think necessary. Draft endorsement submitted for approval.

C. S. Sitarama Aiyer had a regular judicial trial and was convicted under Rules 25-B. (3) and 28 of the Defence of India Consolidation Rules, and Sections 121-A., 122 and 511 of the Indian Penal Code. His appeal against the decision of the Sessions Judge was duly considered by the High Court, Madras, and it was rejected.

2. In his representation to the Reparation Committee, London, Sitarama Aiyer has referred to irregularities of procedure in the conduct of his prosecution and has made certain allegations against the officers of Government, and he justifies a claim for compensation from the German Government on the ground that his sufferings were the result of the action of that Government. As pointed out in the India Office letter, he is under a misapprehension as regards his claim for compensation. The Reparation Committee deals merely with losses suffered by the allied nationals owing to enemy acts and not with any losses which an allied national may have suffered through acts of his own Government. Sitarama Aiyer's attempt to bring his case under the reparation clause of the Peace Treaty stands on flimsy grounds and may be ignored.

3. As regards his allegations, the Reparation Committee's functions do not include any power to review the acts of individual officers or Governments. Sitarama Aiyer had a regular judicial trial, and if there was any irregularity, it is open to him to take any legal action that may be possible. He may also do the same in the case of the officers whom he has charged with certain offences.

The Indemnity Act which was passed last year (*vide* paragraph 13 of the petition) has reference to Punjab matters only, and the Imperial Indemnity Act recently passed by Parliament has not yet been applied to India. The question of making it applicable to India by an Order in Council is under separate consideration, but when it is applied it will apparently not protect officers from offences such as those alleged in the petition if they are really guilty of them. Sitarama could still seek redress in a court of law.

4. The allegations made are of a vague nature, and the postscript to the petition shows that the original was submitted through the Government of Madras. The local Government have apparently no power to withhold it and have probably passed it on to the Commerce Department or have returned it to the petitioner with the remark that his claim did not fall under the category of reparation. In the latter case no further action would be necessary. We may perhaps forward a copy of the papers to the Madras Government and ask them to inform the

petitioner that his petition has not been accepted by the Reparation Committee for the reasons stated above, if this has not already been done by them.

Legislative and Commerce Departments may see before orders are issued.

K. P. A.,—5-10-20.

The letter has only been sent to us with reference to the allegations made by Sitarama against the Madras authorities, judicial and executive. I think all we can do is to forward the papers to Madras, but Legislative and Commerce Departments should see first as proposed.

C. W. GWYNNE,—6-10-20.

[NOTES IN THE LEGISLATIVE DEPARTMENT.]

Seen in the Legislative Department. The action proposed in Mr. Gwynne's note of 6th October 1920 is suitable as the case does not fall under the Peace Treaty.

ARTHUR BROWN,—7-10-20.

A. P. MUDDIMAN,—8-10-20.

Commerce Department,

[NOTES IN THE COMMERCE DEPARTMENT.]

Seen and returned with thanks.

2. We have no papers on the subject in this Department.

K. D. B.,—13-10-20.

A. K. SARKAR,—14-10-20.

J. G. BEAZLEY,—14-10-20.

Pro. no. 122.

LETTER FROM THE INDIA OFFICE, NO. F.-11755, DATED THE 21ST SEPTEMBER 1920.

1. The previous papers on the subject of C. S. Sitarama Iyer's claim for compensation on account of his detention under the Defence of India Act were sent to Legislative and Commerce Departments on the 6th October 1920.

2. Darisi Chenchaiiah, the second individual who claims compensation for his internment, was, before the war, a member of the *Ghadr* party in California and a follower of Har Dayal. He was implicated in the San Francisco Conspiracy case. In 1915 he participated in the German-Indian Conspiracy which aimed at the seduction of Indian troops and military police in Burma as a preliminary to an attack on India. He was arrested in Bangkok in August 1915 and was sent back to India. He arrived in Calcutta on the 7th April 1916 and was interned under the Ingress into India Ordinance. At the beginning of this year he was released under the amnesty.

3. Before taking action on the present reference, we may wait and see what the Legislative and Commerce Departments have to say on Sitarama Aiyer's petition of 24th June 1920 which has been referred to in them unofficially.

J. Mc.D.,—14-10-20.

C. W. GWYNNE,—18-10-20.

Pro. no. 123.

LETTER FROM THE INDIA OFFICE, NO. J. AND P.-6505, DATED THE 27TH SEPTEMBER 1920.

The Legislative Department agree with Deputy Secretary that we need simply forward a copy of the papers to the Government of Madras for disposal. This procedure may, perhaps, also be followed in respect of the second letter from the India Office.

A statement of C. S. Sitarama Aiyer's case will be found at pages 1-2 of the marginally noted proceedings. This individual was sentenced in 1917 to seven years' rigorous imprisonment under the Defence of India Rules and to five years' rigorous imprisonment under Sections 121-A and 122 read with Section 511 of the Indian Penal Code, the sentences to run concurrently. No persons in Madras convicted under the Defence of India Rules in Sections 121-A of the Indian Penal Code were released under the

Royal Proclamation. The petitioner's statement that he was released under the amnesty is therefore not understood. We have no papers about this man's release: but Director of Central Intelligence no doubt has. In any case the question of granting him a pardon in order to render him eligible for membership of a Legislative Council is one for consideration by the local Government in the first instance. We may forward a copy of the papers to the Government of Madras for disposal.

2. Draft endorsement forwarding copies of the India Office letters to the Government of Madras is submitted for approval.

J. McD.,—11-10-20.

The first two letters may be sent to Madras for disposal. The third is about an entirely different matter, and may be submitted separately. We do not want amnesty questions to be mixed up with peace treaty questions.

C. W. GWYNNE,—25-10-20.

ENDORSEMENT TO THE GOVERNMENT OF MADRAS, NO. 4415, DATED THE 26TH OCTOBER 1920. Pro. no. 124

C. S. Sitarama Aiyer's petition dated the 22nd August 1920 has now to be disposed of. As already noted, the question of granting Sitarama Aiyer a pardon in order to render him eligible for membership of a Legislative Council is one primarily for consideration by the local Government. It may, however, be mentioned that release under the amnesty has been held to imply pardon and if Sitarama Aiyer was, as he alleges, released under the amnesty, his case for removal of disabilities for membership of a Legislative Council would be considerably stronger than if he were released under the ordinary law. We have no papers regarding Sitarama Aiyer's release, but Director of Central Intelligence probably has and may be asked kindly to let us see them.

J. McD.,—5-10-20.

C. W. GWYNNE,—8-11-20.

Director of Central Intelligence.

We have no papers regarding the release of Sitarama Aiyer and his name does not appear in the Madras list of persons released under the amnesty. I suggest that a reference be made to the Madras Government.

H. V. B. HARE-SCOTT,—22-11-20.

Home Department.

It is clear that Sitarama Aiyer's allegation that he was released under the amnesty is incorrect. As stated in the office note above, the question of granting Sitarama Aiyer a pardon in order to render him eligible for membership of a Legislative Council is one primarily for consideration by the local Government and it would, perhaps, suffice to forward the petition to the Government of Madras for disposal. Draft endorsement submitted for approval.

J. McD.,—25-11-20.

C. W. GWYNNE,—26-11-20.

H. McPHERSON,—26-11-20.

ENDORSEMENT TO THE GOVERNMENT OF MADRAS, NO. 4590, DATED THE 27TH NOVEMBER 1920. Pro. no. 125

LETTER FROM THE INDIA OFFICE, NO. J. AND P.-7322, DATED THE 25TH OCTOBER 1920. Pro. no. 126

Home Department.

Submitted. Two previous petitions from Sitarama Aiyer claiming compensation from the Government of India for his detention under the Defence of India Act were received from the India Office and were forwarded for disposal to the Government of Madras with our endorsement no. 4415, dated the 26th October 1920. The present reference may be forwarded in continuation of our previous endorsement. Draft endorsement submitted for approval.

J. McD.,—9-12-20.

C. W. GWYNNE,—10-12-20.

ENDORSEMENT TO THE GOVERNMENT OF MADRAS, NO. 4668, DATED THE 10TH DECEMBER 1920. Pro. no. 127
End. by—E. A.

C683HD.

PROCEEDINGS OF THE

HOME DEPARTMENT, DECEMBER 1920.

Reparation Committee, London, and C. S. Sitarama Aiyer and D. Chenchalah. [Pro. no. 121.]

- I. REPRESENTATIONS ADDRESSED TO THE REPARATION COMMITTEE, LONDON, BY C. S. SITARAMA AIYER OF CONJEEVERAM CLAIMING COMPENSATION FOR HIS PROSECUTION AND IMPRISONMENT UNDER THE DEFENCE OF INDIA ACT AND ASKING FOR PARDON IN ORDER TO RENDER HIM ELIGIBLE FOR ELECTION TO THE NEW COUNCILS.**
- II. REPRESENTATION ADDRESSED TO THE REPARATION COMMITTEE, LONDON, BY DARISI CHENCHALAH CLAIMING COMPENSATION FOR LOSS OF PROPERTY, ETC., AS A RESULT OF HIS ARREST AND DETENTION UNDER THE INGRESS INTO INDIA ORDINANCE.**

No. F.-10473, dated London, the 9th September 1920.

Pro. no. 121.

From—A. L. SAUNDERS, Financial Secretary, India Office, London, S.W. 1,

To—The Secretary to the Government of India, Home Department, (Reparation), Simla, India.

I forward herewith a petition (copy) from C. S. Sitarama of Madras addressed to the Reparation Committee, London, claiming compensation for his prosecution and imprisonment under the Indian Defence Act. The petitioner is of course mistaken in thinking that such a claim comes under the category of reparation. As a complaint about his treatment at the hands of authorities in India it is therefore forwarded to you to deal with. The petitioner is evidently the person

Poll., B. February 1919, nos. 71-72.

whose case was reported in correspondence ending with Sir James DuBoulay's letter

no. 216, dated 18th February 1919.

HONOURABLE SIR,

With reference to the Press Communiqué dated 20th May 1920 issued by the Indian Government announcing *that claims of damages as reparation for acts of war should be preferred before 30th June 1920*, I beg to submit my claims for damages amounting to a lakh of rupees under the following grounds:—

I was charged and convicted under the Indian Defence Act during the years 1917 and 1918 and consequently I have undergone imprisonment from 29th September 1917 till 6th February 1920. The Indian Defence Act is purely a war measure intended for the successful termination of the war. Hence any measure taken under this Act is an act of war requiring reparation. What is worse, my case is purely a concoction and at the same time frivolous from top to toe as could be seen from the memorial I submitted to Parliament on 15th June 1920.

2. My house was raided by 25 police officers and the malicious search continued for over 6 hours without allowing even my children to take meals. Not a single letter from the enemy countries was found during search.

3. I was arrested and kept under remand wilfully for over eight months without granting me bail when the evidence for the case was based on only written documents in custody of court. This was done simply to prevent me from making out a proper defence.

4. The case was delayed for eight months which requires a speedy disposal under the Indian Defence Act. This was done to look up further evidence.

5. The Sub-Divisional Magistrate, Chingleput, refused to summon the Consuls for examination as witnesses before his Court, but issued commission for their enquiry at Bombay without my knowledge. I was served with a notice by the Magistrate that commission enquiry will take place on 22nd December 1917 at Bombay whereas the enquiry took place on 20th December 1917. The Magistrate has thus cheated me with false information.

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PROCEEDINGS OF THE

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 Pro. no. 121.] Reparation Committee, London, and C. S. Sitarama Aiyar and D. Chenchaisah.

6. In the Sessions Court I have noted in my statement my objection for the use of this commission evidence. The Sessions Judge scored out the portion containing the objection after it was signed by me and he stated in his judgment that I never raised any objection for commission evidence (paragraph 6 of the judgment). The conduct of the Sessions Judge amounts to offences of forgery and perjury.

7. The High Court refused to allow me to argue my appeal nor did they appoint a vakil to argue on my behalf nor did they consider my grounds of appeal.

8. The prosecution vexatiously charged me as a spy to German Government under Section 25 (c), Indian Defence Act, a serious offence requiring sentence of death, but the Sessions Judge does not find me guilty under this section (paragraph 63 of the judgment).

9. The prosecution vexatiously charged me of having received £2,500 from the Crown Prince of Germany, which was not proved in Court (Ext. N. 4 in the case).

10. The prosecution admits that I am not acquainted with any Consul and that I had no connection with Home Rule Movement. It is further admitted that even Consuls could not send letters to Europe without knowledge of Censors at Bombay, under Section 20 the Indian Defence Act. Hence there is no way to commit the offence and the charge is simply frivolous. The trial in this case is a sheer farce.

11. I was made to undergo rigorous imprisonment from 29th September 1917 till 6th February 1920, the date of my release under the Royal Proclamation. This imprisonment has resulted in the loss of my livelihood and other incomes, loss of my reputation, loss of my family property to meet the expenses of the case which caused poverty to my wife and children, refusal of the Government to maintain them, loss of my caste and religious prestige as a Brahmin, loss incurred by my relatives on my behalf and loss in my vitality owing to mental suffering and bodily suffering from various diseases for which I have to risk my life in undergoing operations. These diseases caused mainly owing to bad diet and insanitary conditions in jail life.

12. The Madras Government holds this conviction under the Indian Defence Act as a bar to my future employment which means that my future prospects are completely sealed and I have practically no means of livelihood.

13. In conclusion, I submit that I have estimated my damages to a lakh of rupees on the above acts of Government which are purely malicious and for which exemplary damages can be claimed under the law of torts if these acts were done under the ordinary criminal law. But I was dealt with under the Indian Defence Act and I could not take any action through a court of law under the indemnity Act.

14. I would also request the Committee to take due notice of the conduct of Mr. Scott Brown, the Magistrate referred to in paragraph 5, and Mr. Venugopal Chetty, I.C.S., Sessions Judge referred to in paragraph 6 supra, for committing heinous offences of cheating, forgery and perjury.

Since Germany is said to be responsible for the war and for a campaign of secret intrigues in India by inducing innocent people by offer of bribes, the British Government had to do these acts out of fear in order to safeguard their interests and the reparation for such acts should be rightly met from German funds.

I therefore humbly request the Committee to consider my claims with good will and generosity and to maintain the noble traditions of British justice.

I beg, etc.,

(Sd). C. S. SITARAMA.

The 25th June.

6.

PROCEEDINGS OF THE
HOME DEPARTMENT, DECEMBER 1920.

Reparation Committee, London, and C. S. Sitarama Aiyer and D. Chenchalah. [Pro. nos. 121—123.]

The original copy of the above petition was submitted through the Madras Government on 25th June 1920. If the same had not reached the Committee till now I would request the Committee to obtain my original petition along with the connected records from the Madras Government.

I pray for early orders on my application for damages.

- I beg, etc.,
(Sd). C. S. SITARAMA.

7, RAJA STREET, CONJEEVERAM, INDIA.

The 4th July 1920.

No. J. and P.-6505, dated 27th September, 1920.

Pro. no. 122,

From—V. DAWSON, Esq., for Secretary, Judicial and Public Department, India Office, London, S.W.-1,

To—The Secretary to the Government of India, Home Department.

I am desired to forward in original for disposal a petition addressed to the Secretary of State by C. S. Sitarama Aiyer, praying that the offence of which he was convicted may be pardoned in order that he may be rendered eligible for membership of a Legislative Council.

No. F.-11755, dated the 21st September, 1920.

Pro. no. 123,

From—A. L. SAUNDERS, for Financial Secretary, India Office, London, S.W.-1,

To—The Secretary to the Government of India, Home Department, Simla, India.

In continuation of my letter no. 4490, dated 9th September, I enclose copies of two further communications addressed to "The Reparation Committee, London," one being again from C. S. Sitarama Aiyer and the other from D. Chenchalah. As observed in my former letter, the writers are mistaken in thinking that complaints against their own Government are matters for reparation under the peace treaties.

ADYAR, MADRAS,

INDIA.

6th August 1920.

SIR,

I am one of the unfortunate victims of war. While I was returning to India, my motherland, after being a student for 2½ years in the American universities, I was arrested and kept in custody without a charge and a trial. I requested the Indian Government to let me know what crimes I have committed, but they never replied. Being a poor man and having several dependants upon me, this internment was a severe blow to my prospects in life. I do not ask for any reparation for the trouble I was put to because it was impossible to get proper reparation to them. I would not voluntarily undergo the troubles I had undergone even for the whole wealth of the richest empire on earth. I ask compensation only for the period of internment (from 1st August 1915 to 1st January 1920, i.e., four years and five months) which I would have used profitably to myself, and for the actual loss of materials. I would have earned Rs. 400 to Rs. 500 a month or Rs. 21,200 to Rs. 26,500. The Government failed to return to me some of those things which they have taken possession of at the time of my arrest. All those things which

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Pro. no. 123.] Reparation Committee, London, and C. S. Sitarama Aiyer and D. Chenchiah.

were on my person at that time, namely, a cotton suit, a new pair of shoes, a hat, a watch, a fountain pen, note-book, purse, two travelling checks worth Rs. 60, besides several books, shoes, clothes, razor, pictures, photos, suit case, etc., worth over Rs. 600, were not returned to me. Moreover I spent over Rs. 700 for my clothes, foodstuff, books, etc., during the time of internment. So, on the whole, I lost actually Rs. 1,300, worth of materials and cash, and at least Rs. 21,200 which I would have made if I were free. So I request you to consider my case, in view of the fact of the various troubles I was innocently put to and the loss of prospects which I do not know when I will recoup them.

I am, etc.,

(Sd). D. CHENCHIAH.

To

The Reparation Committee,
London.

CONJEEVERAM,

16th August 1920.

HONOURED SIRs,

In continuation of my petition dated 24th June 1920 applying for damages for the vexatious prosecution and conviction under the Indian Defence Act, I beg to state that I have since received a copy of Sedition Committee's report prepared by Hon'ble Justice Rowlatt.

A kind perusal of the whole report will show that no mention has been made about the case brought against me at an enormous State expense.

The Committee consisted of eminent judges and lawyers and they have taken great pains to analyse all the sedition cases and German plots that have hitherto occurred in India. When such a Committee has ignored entirely the case of the petitioner, this itself is a sufficient proof to conclude that the whole case is simply vexatious.

The petitioner therefore begs that the Committee may be graciously pleased to consider this fact while deciding the claims of the petitioner for damages as an act of war under the Indian Defence Act.

I am, etc.,

(Sd). C. S. SITARAMA AIYER.

To

The Reparation Committee,
London.

To

THE RIGHT HON'BLE THE SECRETARY OF STATE FOR INDIA, LONDON.

The humble memorial from C. S. Sitarama Aiyer of Conjeeveram, a released political prisoner under Royal Proclamation, praying that he may be pardoned by His Majesty so that he may be eligible for membership in Reform Councils.

May it please Your Lordship,

Your memorialist was unjustly convicted to seven years' imprisonment under Sections 25-B and (C), Indian Defence Act, without proper evidence.

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Reparation Committee, London, and C. S. Sitarama Aiyer and D. Chenchalah. [Pro. nos. 123—126.]

2. The Sessions Judge has clearly stated in the judgment that he bases the conviction on mere circumstantial evidence and such a conviction is not tenable under the ordinary criminal law.

3. This case was omitted in the Sedition Committee's report submitted by Hon'ble Justice Rowlatt, which itself is a sufficient proof to show that the whole case is a mere conviction.

4. The petitioner has clearly explained the whole case in his petition to the British Parliament dated 5th August 1920, praying for compensation.

5. A kind reference to Madras Government will convince Your Lordship that the petitioner never took part in Home Rule Movement or in any political conspiracy against Government. He was a loyal, humble and old servant of the Crown.

6. Under Rule 5, Sub-clause (2) of the Reform Act, the petitioner is ineligible for election unless he is pardoned.

7. Your petitioner therefore prays that Your Lordship may be graciously pleased to recommend him for His Majesty's pardon so that he might be eligible for membership in Reform Councils.

Your petitioner respectfully begs to remain,

7, RAJA STREET, CONGEEVERAM

YOUR LORDSHIP'S

(INDIA).

Most obedient servant,

The 22nd August 1920.

C. S. SITARAMA AIYER.

No. 4415, dated Simla, the 26th October, 1920.

Pro. no. 124.

Endorsed by the Government of India, Home Department.

1. Letter from the India Office, no. F.-10473, dated the 9th September 1920.

2. Letter from the India Office, no. F.-11755, dated the 21st September 1920, and of its enclosures.

A copy of the marginally noted papers is forwarded to the Government of Madras for disposal.

No. 4590, dated Delhi, the 27th November 1920.

Pro. no. 125.

Endorsed by the Government of India, Home Department.

Letter from the India Office, no. J. and P. 6505, dated the 27th September 1920, and of its enclosure.

A copy of the marginally noted papers is forwarded to the Government of Madras for disposal.

No. J. and P.-7322, dated the 25th October, 1920.

Pro. no. 126.

From—V. DAWSON, Esq., Assistant Secretary, Judicial and Public Department, India Office, London, S.W.-1,

To—The Secretary to the Government of India, Home Department.

With reference to my letter of the 27th ultimo, J. and P. 6505-20, I forward for disposal a further petition received from C. S. Sitarama Aiyer.

Dated the 29th September 1920.

[Handwritten signature]

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HOME DEPARTMENT, DECEMBER 1920.

Pro. nos. 126—127.] Reparation Committee, London, and C. S. Sitarama Aiyer and D. Chenchalab.

7, RAJA STREET,
CONJEEVERAM (INDIA).

Dated the 29th September 1920.

MY LORD,

I learn from Col. Wedgwood, M. P., that he has forwarded to you with a covering note my petition dated 15th June 1920 claiming compensation for the vexatious case brought against me by the Madras Government under the Indian Defence Act.

The passing of the Indemnity Act in the Viceroy's Council prevents me from seeking redress through a court of law and I was therefore obliged to bring the case to Your Lordship's kind notice as well as to the Parliament.

As I have not heard anything from Your Lordship till this date about my petition, I wish to enquire what orders have been passed on my petition. I hope the petition will receive Your Lordship's best and merciful consideration. I pray for an early reply.

I beg to remain,

MY LORD,

Your most obedient servant,

C. S. SITARAMA AIYER.

To

The Right Hon'ble Mr. E. S. Montagu, M.P.,
Secretary of State for India.

on. 127.

No. 4668, dated Delhi, the 10th December 1920.

Endorsed by the Government of India, Home Department.

A copy of the marginally noted papers is forwarded to the Government of Madras for disposal in continuation of Home Department endorsement no. 4415, dated the 26th October 1920.

~~Letter from the India Office, no. J. and P. 7322, dated the 25th October 1920, and of its enclosure.~~

Exd. by—E.A.
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