

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1457	Press ~~Mis.~~
³²⁻³³ Dated	4-10-	19 1864

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
4th October 1864.*

No. 32. Read the following letter from Y. KRISTNIAH, late Inspector of Calastry District, North Arcot Police, now residing at Kistnama Naik's Agrarum, Door No. 5, Black Town, Madras; to the Secretary to the Government of Fort Saint George, dated Madras, 21st September 1864.

In forwarding herewith an address to the Secretary of State for India, with triplicate copies, I request you will despatch them to their respective destinations, should the Government be of the same opinion as before without considering the grounds set forth in my appeal petition, and issue the necessary instructions to reinstate me to my former post.

To the Right Honorable Sir C. WOOD, Bart., K. C. B., Secretary of State for India.
The humble Petition of Y. KRISTNIAH, late
Inspector of Police in the North Arcot District,
in the Presidency of Fort Saint George.

MY LORD,

With profound submission and reverence, I beg to apologize for my intrusion on your precious time, and being compelled from a sincere desire to hope from your lordship's humanity as there are several circumstances in my favor regarding the injustice done to me by this Government on an appeal made to them against the unjust order of the Inspector General of Mofussil Police to partake of your Excellency's clemency which delights in bringing blessings to the afflicted.

2. I now beg to state that I have been entertained as a 5th Class Inspector in the Police, of 60 Rupees pay, and continued to be the same from August 1861 till November 1863, during which period I discharged my duties to the satisfaction of my superiors.

3. On the night of the 5th November last a dacoity was committed on the Post Banghy parcels despatched from Madras Post Office to the North and Hyderabad, on the high road within the limits of Calastry, then under my inspection. The report of the occurrence having been duly received, I have not only without loss of time proceeded to the spot and intruded into the adjoining forest in pursuit of the dacoits, but also succeeded in apprehending a few of them with their share of booty. I have also communicated the matter to the District Superintendent without any loss of time.

4. The District Superintendent with the Deputy Inspector General of that range, and followed by a European Inspector, came down from Chittoor to Calastry (my Division Head Quarters) on the 14th November last, and desired me to furnish them with an explanation regarding the measures I have been adopting for the apprehension of the offenders during the last nine days, which was duly obeyed.

5. The Deputy Inspector General on the very next day (15th November) sent for me and told me on a sudden, without instituting inquiry or assigning any special reasons, that I have been writing false diaries on this occasion, and consequently I am suspended from that date pending orders from the Inspector General.

6. The Deputy Inspector General then substituting in my room the European Inspector (whom he, as I now conclude, purposely brought from Chittoor) proceeded to Madras and consulting with the Inspector General, finally succeeded in getting me dismissed from the service.

7. When the order of dismissal reached me I thought it necessary to have a personal interview with the Inspector General, and relate the circumstances which led to my unjust dismissal, and thus solicit redress, but alas to my great astonishment and disappointment that officer, being actuated by the misrepresentations of the Deputy Inspector General, did not at all allow me to speak even a word, but on the contrary sent me under escort of a Police Constable to the District Superintendent of North Arcot, instructing him at the same time to prosecute me criminally for the falsification of diaries.

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8. The District Superintendent without giving effect to the instructions of the Inspector General set me at liberty, stating that dismissal is altogether a separate thing from criminal prosecution, for the former was successfully effected as the Inspector General has the sole authority to choose or dismiss a Policeman, whereas the latter cannot be attempted under the present circumstances inasmuch as the dismissal itself was not based on strong grounds. This had once more induced me to have recourse to the Inspector General who had no other alternative now left than to maintain an utter silence to two of my petitions subsequently addressed.

9. I was therefore obliged to have recourse to this Government, who, like other cases, referred the matter to the Inspector General for explanation. On the receipt of a reply, the Government gave me the Order* No. 1347, herewith enclosed, from which it will be observed that the Government, without having before them any records for their reference, any evidence to judge upon, and without assigning any reasons that could justify ordinary reasonings, merely say that because the Inspector General writes against me they also concur with him, and entirely prohibit me from further employment in the Government service.

* Marked A.

10. I never thought that public employ will be so insecure in this Government; but the case of the poor helpless inhabitants will be better inquired into and guaranteed by the Government from the lawless treatment of the officers in the Mofussil. For the Deputy Inspector General in order to accomplish his only design of extricating himself from the blame likely to fall on him by the occurrence of the dacoity, commanded his pen to this effect, which indeed proved most fatal to me.

11. The law moreover provides that when a public servant is about to be dismissed the grounds under which such dismissal is to be awarded will be informed to him, allowing him time to defend his own cause; but in the present instance the Deputy Inspector General refused to hear my defence even when I voluntarily attempted to offer it.

12. During the whole career of my life, I have not written any falsity, nor made a false statement.

13. When on being dismissed I presented myself before the Inspector General to state my circumstances, he sent me under escort to no effect. That officer in so doing has not only affected my respect to a great extent, but also has been acting contrary to the provisions of Section 133 of Act XXV of 1861, Code of Criminal Procedure and of his own Police order, No. 11 dated 10th March 1860 inasmuch as that officer without considering the nature of the offence with which he charged me, reduced me to escort without the warrant of any Magistrate and so sent me from Madras to Calcutta.

14. In the extract† from the district orders of the Superintendent herewith enclosed, it is stated that I have been dismissed only for falsification of diaries, but in the recent order of the Government, I see an additional offence was imputed to me, viz., gross neglect of duty. This no doubt I think must have had its origin from the Inspector General, when he was called upon to furnish explanation.

† Marked B.

15. In the said Government order it is also mentioned that I was convicted on the clearest evidence, &c. The impossibility of obtaining evidence, while there was no local inquiry held is obvious; conviction must moreover be followed by punishment. To say that superior officers of Police were satisfied with a departmental punishment is contradicted by the Inspector General's sending me under escort, with instructions to prosecute me. Therefore it may be possible for your lordship to arrive to a conclusion that I am quite innocent, and that I am unlawfully deprived of my post.

16. Under these circumstances I beg your Lordship to take my miserable case into your benign consideration, and issue the necessary instructions to this Government to reinstate me to my former post, and pay the arrears of salary due to me from the date of suspension. For this act of benevolence, I, as in duty bound, shall ever pray.

MADRAS, 22nd September 1862.

*Proceedings of the Madras Government, Judicial Department,
4th October 1864.*

No. 33. ORDER THEREON, 4th September 1864, No. 1457.

The Memorial submitted will be forwarded to the Secretary of State.
(True Extract.)

Secretary to Government.

To Y. Kristniah, late Police Inspector of Calcutta.

Exd. J. Tulloch.

Grand no 1 April 1866

To

His Excellency

The Governor in Council
Fort St. George.

My Lord

With profound respect I
beg to bring the following five lines into your
Lordship's benign consideration, with
cordial hopes of participating the blessings
likely to be enjoyed in an enlightened Govt.

2
Here the early ^{course} of my career in the Department
of Public Instruction, but suffice to say
that I was entertained a 5th Class Inspector of
60 Pupils pay and continued to be the same
from August 1881 till January 1883.

3
On the 15th Novr (a day he =
markable as the most unfortunate to me and
and as it would appear for the present that my
career as my Police life, the Deputy Inspector General
of Ceded Districts, Punjab, and the Deputy Inspector
of Police of a North British with his Captain
and a European Inspector. Came all
simultaneously into the Calcutta Dept (then
under my inspection) to arrest and if possible
try to apprehend the prisoners concerned in
a recent Dacoity which happened on the
5th of that month.

4
The Dacoity in question
was an Path Bangley party. These gentlemen
were then finding their proposed end to be
a

With Orders

32 33

124

a look of much difficulty and in order
to extricate themselves from the impending
blame. Carefully to get her rid from the prison
and throw the anticipated blame on her and
then that they might have a subject for their
report for the satisfaction of their superiors.

5 They could find no fault with
her but at last imputed her with having
written false depositions (which has no connexion
at all with this dacoity) and suspended her
and the Dy. Inspector Genl. then substituting
in her room the European Inspector whom
he purposely brought with him from Chittur
instantly proceeded to her room and reported
to the Inspector Genl. what I know not and
summed in finally dismissing her.

6 News of this unexpected and
fatal event reaching her in due time
she became very anxious to have a personal
interview with the Inspr. Genl. & remove
the innate feelings with which the course
of injustice commenced to arise. But the
Inspector Genl. innocent of the same was
not good enough to hear her defence but
satisfied with the explanations rendered
by the Dy. Inspr. Genl. sent her under
escort to the Supt. of Police at Mount with
instructions to transmit her to the Supt.
of North Street.

7 The Inspector Genl. had
not failed to communicate to the North
Street Supt. to prosecute her criminally.
But though this I thought to be an error
Further

Order of Government on the
Petition from J. Kristiah, late
Inspector of Calastary, Madras,
No 1347 of 1864.

The Government find from the
report of the Inspector General of Police
that petitioner was convicted on the
clearest evidence of gross neglect
of duty, and systematic falsification
of diaries. They fully concur
therefore in the opinion expressed
by Mr. Robinson, that Peti-
tioner is unworthy of confidence
and should not be again
employed

a
to 24 employed in any Department
black of the public service.—

Post St George
8th June 1864.
By Order
to the
Dy. Secy to Govt.

To.
The Petitioner
(with order of dismissal)

1720 of 1864

Madras 22 June 1864

To
His Excellency
The Governor in Council
Fort St. George

My Lord.

With reference to the Government
Order No. 1347 of the 19th Instant I am apt to
think that the Govt. have misconstrued the
meaning of the word "Convicted" in Mr.
Robinson's report & thus followed the error
of his opinion. I now beg to state that that word
does not include Punishment by any Competent
Court. But when after his dismissal & having
to the Superior Court to prefer an appeal and
state the circumstances which led to his dismissal
that appear from clear evidence of defendant
that at the same time to thwart my future
success by his unimpaired & Secretary
has under escort from Madras to Calcutta
as Mr. Robinson says.

2. Was convicted on the charge of evidence
of gross neglect of duty & systematic falsifica-
tion of diaries what prevented the officer
from proceeding to trial before a Competent
Court even after conviction having been
obtained if the evidence was true &
if he was convicted for offences.

3. of the above description are not capable of
being arrested but by the warrant of any
Magistrate. Though the Super. Court was able
to prove the facts for the satisfaction of any
Competent Court what necessity was there.

32.33.

194.

With Order

Decides the late object of his
education is to earn bread by means of
any sort employ but the fact of his present
present dismisal is a great bar to his
future Career.

future Career.

Under these Circumstances I
do solicit your Lordship to enquire into the
Truth of my Case, and declare me
as guiltless to be fit for further Service
in the future and order the proper General
and to revivitate me to my former post and
then relieve me from all my Misfortune
For this Act of Benevolence

Has in Anty hand

Shall ever Pray.

(Sign) H. Kristniak

Late Inspector of Calcutta

North Great Plain

Exacted from District Order
by the Superintendent of Police
North Street dated 27th November/63

№ 1167

11/10/1907
 Suspecton G. Kistiaich is
 dismissed for systematic
 falsification of diaries. He
 will be paid to date of suspension.
 (I rec retract)

R. A. Stevenson to Kinder

My dear brother

g. bistriah
Lutea L.

Late Inspector of

Kalastyr

RETURNED UNDER THE REVISED
PETITION RULES.

REVISED RULES RESPECTING PETITIONS.

Para 5. The Government having passed one order on any appeal made to it, will not notice a second petition on the same subject, unless it contains some new and important matter.

W. Walker

Deputy Secretary to Government.

16th July 1864.

29th Oct 3
Engl
No 2532 of

1864
1864

on his petition No 1367
protests against the report
of Mr Robinson stating
that the petitioner was
convicted on the clearest
evidence of gross neglect
of duty & prays that
on a scrutinizing
enquiry justice may
be done to him.

No 1720 of 1864.
His High Com-
missioner of Calcutta,
to Acreb, Police
22 June 1864.
26th D

Referring to the En-
dorsement dated 18th Instant

And to the En-
dorsement dated 11th October
1864.

the enclosed Supplement
Petitions may be for
submitting to the Secretary
of State for India.

To V. Kristuiah, late
Police Inspector of Calcutta.

No 1457 - 4 October 1864.
The Memorial submitted
will be forwarded to the
Secretary of State.

And to the En-
dorsement dated 25th 32 of 1864.
From V. Kristuiah
late Inspector of Calcu-
tary & Acreb & Acreb,
Police. Madras.
Dated 21st Oct 1864.
Recd 24th Oct 1864.
With 4 Enclosures
of 1962
That if the Govt
still see no reason
in reinstating him
in his former office
for the reasons set
forth in his appeal
petition, prays that
With Order