

Political (1895) Department.

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ORDINARY MS.

G.O., No. 563

Dated 24th Aug. 1895.

INDEXED.

5105-4-2

[Despatch Abstract.]

PETITION

Declining to reconsider the orders already passed by this Government withholding the memorial addressed to the Government of India by A. Valliyandanda Mudaliyar, ex-munsif of Vailam, Travancore, appealing against the order of this Government declining to interfere with that of the Travancore Government suspending him for six months while acting as Munsif and directing his reversion to his permanent appointment in the Educational Department.

sufficient to show, that, far from being a matter
of purely internal policy, the action taken by the
Dewan of Travancore against petitioner was an
act, arbitrary, high handed, unwarranted, and
unjust in the extreme. Petitioner's claim for
promotion in the Department, which he has
served for 19 years has been systematically and
grossly overlooked four times, and he has been
kept on the same pittance of a salary for
the last 10 years. This may be an act of
purely internal policy, and the petitioner
never thought of memorializing the British
Government, though in some similar cases,
other servants of the state had, by the inter-
ference of the British Resident, been given
their due promotions. But the subject of
petitioner's present complaint is, as will be
seen by his several petitions, that the
Travancore Government has punished him
with suspension for no offence, rather for
a supposed offence not brought home to him
by anything like evidence with the same.
And that the Dewan had, in so doing, acted
from prejudice, and prejudgment (vide para 5
of memorial to Madras Government). Will
such an act, if it is proved, be so by records,
be an act of purely internal policy? The
Dewan has punished him twice over
for the same supposed offence, first by recall
from Munsiff's post, and secondly, by suspension.
Is this a legal procedure? What law did the
Dewan follow in so doing? In what civilized
country is such a procedure a vague? Or had
there been a similar procedure adopted in
numerous other cases that had arisen previously?

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Why adopt such a unique procedure with
regard to petitioner? Can such an act be said
to be a matter of purely internal policy? Again,
why did the Dewan set aside the opinion of a
Full Bench of the High Court, and concur,
without assigning a reason, with the Commissioner?
What law is this? What evidence did the Dewan
find in the records to agree with the opinion of
the Commission, whose report has been fully
exposed by the High Court to be based on no
evidence recorded? Why did the Dewan punish
petitioner as severely as with six months suspension
for as many months as he was Munsiff? Is
any other evidence required to show the Dewan's extreme
cruelty towards petitioner? Did the Dewan find any
previous black mark in petitioner's public career?
Or, what motive for the Dewan find in the petitioner
in the offence supposed to be done, to punish him
with six months suspension? Is not motive, accord-
ing to any law, the chief element in an offence?
Was any motive suggested against petitioner?
What principle of law or common equity, or, ordinary
justice did the Dewan follow in setting aside the
opinion of a Full Bench of the Highest Court of
Justice in the Country? Is the Dewan, who has
all along been an executive officer, in a position
to appreciate evidence better than three High
Court Judges of vast and varied experience, two
of whom had his judicial training in the
British Service, and one a European Barrister
at law? What was this act of the Dewan an
act, if not to his harshness and arbitrariness?
It was only the day that the British Resident
had to direct in connection with a certain case
that it was inadvisable for the Government

to criticize the proceedings of the High Court, and yet this was exactly what was in petitioners case. While all this has been clearly brought out by petitioners in his several petitions, the act of the Dewan complained against, he said to be an act of purely internal policy. Does internal policy consist in punishing the innocent? If such an action is taken by the Dewan towards petitioners, be matter of internal policy, what case can there be for the interference of the Paramount Power? And what do the several notifications of the British Government published by time to time mean? It would be in terms to call the act of the Dewan a matter of internal policy. Again, what law is it to turn out a public servant from a post the duties of which he had been satisfactorily discharging suddenly and who there was no charge proved against him? If there was anything to be enquired into regarding the conduct of petitioners assistant, should not then inquiry, according to the principles of common justice at least, if not in compliance with the offices existing on the subject, be held before removing him? Was this not what was done in numerous other cases that arose previously to petitioners? Why should such a unique and singular procedure be adopted in petitioners case alone? Petitioner begs to submit that these acts, instead of being matters of internal policy, amount to such an act as to justify the interference of the benign British Government. The action of the Dewan towards petitioners in the present case and in some other cases, amount to no other than actual persecution, and the Petitioner humbly believes that the benign British Government are by the terms of their treaty with the

Travancore Sirkas as well as by their policy hitherto followed, pledged themselves to protect persecuted subjects of this State.

That, the G. O. says provided the State is one, which it is not, customary for the British Government to interfere in matters of internal policy. Petitioner begs to submit that the Travancore State is one in which it is customary for the British Government to interfere. To the Petitioner's knowledge, there have been, as stated in his several petitions, several instances of such interference. A few years ago, Police Inspector unjustly dismissed was ordered to be reinstated. The latest instance is again that of Police Inspector ordered under similar circumstances to be restored to office by the interference of the British Resident.

That, the G. O. says and that the matter complained of does not disclose a state of misrule so gross that the Paramount Power would be called upon to interfere. The word misrule applies to an individual as well as to a collection of individuals. Justice can be done by a Govt. to one or to many. Injustice to one individual has to be remedied in the same way as injustice to many. In the present case, the injustice done to Petitioner by the Travancore Government is so great that it may be said to be gross misrule. So far as the Petitioner is concerned, misrule need not necessarily apply to many, but may be applied to an individual and be synonymous with gross injustice. That the grossest injustice has been done to petitioners is amply shown in his several memorials. Is it not gross misrule that the administrator of a country should, in the case of the petitioners

discard all standing orders of Government and Royal proclamations, violate statute law of the country, set aside the opinion of a Full Bench of the Highest Judicial Tribunal, allow public servants of influence to go scot-free for very serious offences, and punish petitioners for what was simply a mistake? If these acts do not constitute gross ^{misrule} ~~mistake~~, what misrule is passes petitioners' compensation. If the word misrule is to be interpreted so as to apply to those cases only where no persons are concerned, what remedy is there to one individual to whom the worst injustice has been done. The records of petitioners' case have only to be read to see what injustice has been done to him. Is not a justice done to him, because he is one? The facts disclosed in petitioners' several memorials cannot fail to convince Your Excellency-in-Council, that the acts of the Dewar are such as to amount to gross misrule towards petitioner concerned.

For which all of kindness & charity
 P^{rs}. shall as in duty bound ever pray.

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Ref: mC No. 2252
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Resident's Office,
Tirumangalam, 1st August 1895.

Read petition d/ 13th July 1895 from
Mr. R. Py. A. Valliyaranda Mudaliyar
Gen. Manager of Veikann requesting
that the Resident may be pleased to for-
ward his petition to the Madras Government.

Enclosurement thereon.

The Government of Madras having
already passed orders on the Petitioner's
memorial, the Resident declines to
forward the rejoinder now submitted
by him. It is therefore herewith returned.

(Signed) Thomson

Resident.

(True copy) S. M.

The Honorable J. F. Price C. S. I.
Chief Secretary to
Government of Madras

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GOVERNMENT OF MADRAS

Sir,

I beg to request you will be good
enough to lay the accompanying petition
before His Excellency The Right Honorable the
Governor in Council of Fort St. George and
its dependencies, and convey to me their
orders thereon.

From the enclosed copy of endorsement,
it will be seen that the petition was submitted
to the British Resident to be forwarded to
Government and that it was returned for
no valid reason, nor under any rule or
Government notice.

Tirunelveli
7th August
1895

Yours obedient servant
J. F. Price

Ex-

The Memorial is withheld as the matter in respect of wh. the Memorial appeals is a matter of internal policy affecting him as a subject of a nation state, in wh. the G. in C. has no reason to interfere. "