Political (1895) Department.

ORDINARY MS.

G.O., No. 646

Dated 1st Oct. 1895.

INDEXED.

[Despatch Abstract.]

PETITION

Informing M.Krishnan Nair of Yakkara in Malabar district, that the Government cannot interfere in the matter of his -- praying that he may be allowed to practice as a Vakil in the Criminal Courts.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1563		95				

[G / 9]
2,000—2-4-95.

Current No. 1563

Pol^l DEPARTMENT.

From

M. Krishnan Nair &
Yakkara, Palghat Tq;
Malabar Dt.

No.

Dated 20-
Received 23. } Sept^r 95
Rec^d 24.
Enclosures 2

SUBJECT.

Requesting to allow him
to practise as a Vakil in the Criminal Cts
Vakil ~~amount~~

C.S.
Issd

ORDER dy 1-10-95 No. 646.

The Govt. cannot interfere

C.S.
30.9.95

Dy
30/9/95.

Resident in Travancore Cochin (Pol)
for comm^n to Petitioner
with enclo. recd
Issd

CURRENT No/895

To

His Excellency the Governor in Council,
Fort St. George
Madras.

CHIEF SECRETARY
23 SEP 1895
GOVERNMENT OF MADRAS

I, M. Krishnan Nair of Pakkara Amsam, Palghat Taluq, Malabar District, humbly beg to bring the following few facts to your Excellency's kind notice, submitting, I cannot but trespass upon your Excellency's patience and invite particular attention to the illegal and unjust procedure of the Dewan of Travancore in the matter of my criminal Vakeels profession.

I have been a Criminal Vakeel for about 17 years. The Dewan of Travancore has objected to my practising as such on the ground of my having been convicted some 25 years ago in British India.

On an appeal to the Resident to Reverse that order, he declined to interfere. Hence this appeal to your Excellency. Copies of Resident's order and my Certificates are herein enclosed. I

have a Service of 17 years in British and Travancore States. I had also been acting as Toll Clerk in Tamarasseri at Wynad. I was doing duty as Toll clerk very faithfully. Since 1878, I have undergone no Conviction. From 1878 to 1882, I was practising as Criminal Vakeel in British and Travancore States. From 1884 to 1895, I was practising at Kottayam. I was practising as Criminal Vakeel in Travancore State alone for a period of 13 years and no objection was taken to the same, until now. The objection too is unfounded. The certificates I hold from heads of departments in both the States bear testimony to my good character. The dewan has done me injustice as will be worn out by the following. He has allowed persons who have been convicted of theft and fabricating false evidence in Travancore State, to practise there. He has not objected to their practising though he is fully aware of the same. Further persons who have been Convicted for grave offences are appointed on Government pay.

There is a rule in British India that a Convict if he proves to be of continued good character for 10 years, will be considered as one of good character. It has lately been ruled by the Travancore State, that, persons except those that have been convicted of grave offence may be allowed to practise as Criminal Vakeels. My Conviction is as follows. I was the Head Clerk in the office of the Sub Registrar of Palghat and on certain occasions I had to act as Sub Registrar too. During the period of my acting as Sub Registrar, I was Convicted on the presumption that I registered a document alleged to be false. The offence as this, though unnecessary on my part to point out is not intentional. Even on an application made by me to the District Court of South Malabar to furnish me with a Sanad to practise in any Munsiff's Court no such objection was raised. I rest assured that no Government has ruled up to this time, that persons once Convicted should not be provided with any appointment

And should be considered ineligible for ever. Does not even God pardon a sinner after prious repentance. Although the practise of defending parties to Criminal proceedings by private Vakeels has been observed from time immemorial yet it is a profession with which Government has nothing to do and it is left to the choice and discretion of poor people who are to authorize them to act as their agents. The intention of legislature in framing section 340 of Criminal Procedure Code, I humbly think, is though not mainly, to encourage private Vakeels in their way of transacting business on behalf of Criminal litigants.

In Conclusion, I submit that I cannot but repeat my grievance again as I subsist on the fruit of this profession and as my interest alone is affected by the order of the Dewan, while so many others who have been Convicted of graver offences Still Continue their practice.

One

There are no papers in 93, 94 & 95.

One Kesavan Pillay who tampered with the Government records there, has been permitted to practise again on the interference of this (Madras) Government to which an appeal was submitted against the order of the Dewan the Divisional Magistrate of Kottayam objected to the transfer of many Vakeels on the receipt of an order from the Dewan and referred the matter to the High Court of Travancore, which ordered that those persons who have not been Convicted of theft, on their proof of good Character may be allowed to Continue their practice. The Divisional Magistrate accordingly allowed, at the time of his transfer, the said vakeels to Continue their profession, but to my misfortune, excepting me alone. The Dewans procedure in objecting my practice alone, notwithstanding the letter no 624 of 95 submitted to him by

the Divisional Magistrate stating about my efficiency and good Character, is, I cannot but say, prejudicial. I have paid Even profession tax in the Cochin Municipality when I did practise there.

I therefore most respectfully crave your Excellency will be gracious enough to Consider my Case favorable and get the above said order Reversed.

Yours
most obedient & humble
Servant

20th September 1895
Pazhanis

M Krishnan Nair

When given for copying ____
When copied ____
When examined ____
When signed ____
} 189.

READ AGAIN G.O., No. 189, DATED

CURRENT No.

ENCLOSURES TO C. No

ORDER OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT.							
STATEMENT WITH DITTO.							
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

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