[Poll. / 8]
500—25-7-95

Political (1895) Department.

ORDINARY MS.

G.O., No. 765

DATED 16th Nov. 1895.

INDEXED.

[Despatch Abstract.]

MEMORIAL.

Withholding -- addressed to the Viceroy and Governor-General in Council by M.Krishnan Nair of Palghat on the ground that Government sees no reason to interfere with a matter of the internal policy of Travancore.

BACK PAPERS.

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

FURTHER PAPERS.

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

646 : 1. 10-95

D Memo Nos

1563

1895.

Political Department

From

The Resident in Travancore and Cochin

To

The Chief Secretary to Government

Fort: St: George

CHIEF SECRETARY
5 NOV 1895
GOVERNMENT OF MADRAS

Dated 31st October 1895.
Rec'd 7th Nov "
Received 5 " " "
Regd 6 " " "

Ref: on C No. 3213

Enclosure 1.

Form

Forwarding a memorial addressed to His Excellency the Governor General in Council from one Mr. Krishnan Nair of Palghat appealing against the orders of the Dewan of Travancore prohibiting him from practising as a criminal Vakil in any of the Travancore Courts.

Rate.

8.10.95.

To

His Excellency The Viceroy and
Governor General of India in Council
Calcutta

I. M. Krishnan Nayar of Vyakara Amsam
Palghaut 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~~ to interfere. Hence this appeal
to Your Excellency. Copies of Residents order and my
Certificates are herein enclosed. I have a Service of 17
years in British and Travancore State. I had also
been acting as Toll Clerk in Tamarassiri at Wynaad
I was doing duty as Toll Clerk very faithfully since
1878. I have undergone no Conviction. From 1878 to
1884. I was practising as Criminal Vakeels in British
and Travancore, States, From 1884 to 1895 I was.

M K Nair

practing at Kottayam. I was practising as Criminal
Vakeels 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. Here has allowed
persons who have been convicted of theft and fraba fabricating
false evidence in Travancore state to pratice there. He
has not objected to their practising though he is fully aware
of the same. Further persons who have been convicted for graver
offence, are appointed in 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 graver 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 Pathanth 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 sannad 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 appoint=
=ment and should be considered ineligible for ever.

Does not even God pardon a sinner after pious
repentance. Although the practise of defending parties
to criminal proceedings by private vakeels has been
observed from time immorial 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 authorized
them to act as their agents. The intention of Legislature
in framing Section 340 of Criminal Procedure Code de-
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 submit on the
fruits 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 offence still continue
their practice

I appeal
One Kesava Pillai who tampered with the
Government records there, has been permitted to practise
again in 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 this receipt of an order from the Dewan and
referred the matter, the High Court of Travancore
which ordered that those persons who have not been

M P Nair

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. The Dewan is also accepted that order, but to my misfortune, excepting me alone, The Dewan proceeded 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 favourably and get the above said order reversed

Your's most obedient and
humble Servant.
M K Krishnen Nair

27th Sept. 1895
Pashaun.

P.S.

I beg to draw your excellency's attention to this particular fact that one Aesava Pillay whose practice had also been objected to for his being by the Dewan punished in a theft case has been permitted again to practice on the ground of his being found to be of good character after the said punishment

M K. Nair

Residency Office
on Circuit

No. 2463.

Trichur 27th August 95

Read petition dated 16th August 1895 from M. Krishnen Nair late a criminal Pleader of Travancore complaining of his being prohibited from practising as such

Endorsement thereon

The Resident sees no reason to interfere in a case of this sort

(Sgd) Thomson
Resident

True copy

M K Krishnen Nair

[illegible] Nair from
Dy. Tasildar
had reasons
to accuse him formerly [illegible] me of him
at first acquaintance and I am happy to bear
testimony to his exceptional integrity and fidelity
a very valuable man

(Sgd) D. E. Ruzario

23-10-82.

[illegible] Registrar

Three copies

I am glad to certify that M. Krishnen Nair has been practising as a Criminal Vakeel in Quilon for the last 8 months. He has appeared before me in a few cases and judging from the manner in which he conducted those cases I think he possesses a pretty fair knowledge of law Indian Penal and the Criminal Procedure Codes. He appears to be an intelligent and a well conducted man

(Sgd) P. Thanu Pillai M. A.
Quilon } First class Magistrate
5th April 1884 } Quilon

I have known M. Krishnen Nair from 1879. when I acted for some time as Dy. Tasildar and Magistrate of Vythery I have never had reason to alter the favourable opinion I formed of him at first acquaintance and I am happy to bear testimony to his exceptional integrity and fidelity a very valuable man

(Sgd) D. E. Ruzario
23-10-82. Asst Magistrate
Vythery

Convicted ... "

This is to certify that I have known Mathulagath Krishnen Nair since 1879. He has very frequently appeared before me as Vakil in criminal cases and conducted himself to very entire satisfaction, he has a fair knowledge of criminal law.

(Sg) J. H. Boyer
A.J. Sasildar 2nd class Magistrate
Co chin

30th November 1883.

The bearer Mr Krishnen Nair is a candidate for a Vakilship in the Wynaad Munsiff's Court. He has for some time practised in this Court and during the short time I have known him, I have found him well behaved

Vythery Magt. Court 20th March 1879. (Sgd) J. H. Boyer 2nd class Magistrate

Mr. Krishnen Nair had often appeared before me in the capacity of a vakeel when I was the Sub magistrate of Vythery I am glad to testify to his good behavior uprightness & a tolerably fair knowledge of the criminal law.

(Sg) D. Brown
Vythery 22nd October 1882.

Pashaut
26. 2. 79.

Krishnen Nayar is anxious to get a Sunnad for the Vythery Munsif's Court at present he is a Vakil in the Vythery Magistrate Court. He is an able hard working man and as I know his family well he has applied to me for a recommendation, which I am glad to give

(signed) H. D. Robinson
Assistant Superintendent of Police
South Malabar Pashaut

This is to certify that Mr. Krishnen Nair is a criminal Vakil in this Court During the short period he has given me satisfaction in the discharge of his duties as a Vakil

(Signed) A. Nanu Menon
3rd class Magistrate

Angengo 5th August 1883.

Mr. Krishnen Nair of Pashaut has only with began practice in this Court as an agent in Session cases. He shows several creditable certificates from British Magistrates and so far as I have been able to judge. I think he is possessed of some abilities and what he has read some law.

Quilon 12th Feb 1884. (Sgd) C. Rabressing
Session Judge

(Seal) No. 94 Notice Municipal office

Cochin June 30th 1884

H. R Ry. M. Krishnen nair lawyer

Cochin

Take notice that you have been assessed under Section 82 Act

III of 1871 (Madras) according to the particulars specified hereunder

Place of business or Residence	Particulars of Trade &c	class	Period for which assessed	Amount R	A	P
Tanur Road No. 16	Practising Vakil	4	7 ear ending 31st March 1885	12	"	"

Appeal time will expire within 7 days. 7 R C. M. Service. you are required to pay the above mentioned amount into the office of the Commissioners by two instalments viz 7 rs 00 As. 6 to be paid within 10 days from the receipt of this notice and the second As. 6. on or before the 15th October 188. in default you will be prosecuted under section 62 of the Act

N. B. no appeal will be entertained unless Case is deposited with us

By Off

By order

(signed) Manager

M Krishnen Nair

No. 28 From the Deputy Tahasildars office Vayittiri

To M. Krishnen nair. Toll Gumasta

Tamarachery

your Resignation is accepted

19th May 1879 } (sig) J. H. Boyer

Deputy Tahasildar

No. 124. From the Deputy Tahasildars office Vayittiri

To M. Krishnen nair Toll Gumasta

Tamarachery.

You should pay in advance Rs 100 for security

9th April 1879 } (sig) J. H. Boyer

Deputy Tahasildar

From the District Court of South Malabar

To Krishnen nair

Order

He is hereby informed that he cannot allowed to practise in Munsiff's court as he has not passed in the examination

By order

22nd Novb. } (sig) M. Vythynaden

1879. } Sheristadar

True copys

M Krishnen Nair

CURRENT No. 1563

Resident's Office
Trivandrum.
31st October 1895.

Ref on C No 3213.

From.

J Thomson Esquire
Resident in Travancore & Cochin

To.

The Chief Secretary
to Government
Fort St George.

Sir,

I have the honor to forward herewith a memorial addressed to His Excellency the Governor General in Council from one Sri Krishnan Nayar of Palghat appealing against the orders of the Dewan of Travancore prohibiting him from practising as a Criminal Vakeel in any of the Travancore Courts. The memorialist does not submit a copy of the Dewan's order referred to, and I have not called for it since it seems to me that no appeal lies against such an order, if one has been passed and Government can withhold the present memorial

No 1128

Foreign Dept
Ft St G.
8-10-95

memorial under No 7 (3) of the Memorial rules for Native States.

2. I beg to add that in G.O. dated 1st instant No 646 Political, Government has declined to interfere on behalf of the memorialist

I have the honor to be
Sir
your most obedt servant

Thomson 1.11

Resident.

BW

[Pol. 5.]
100—9-9-95.

Political Department.

CHIEF SECRETARIAT. MADRAS.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

C. No. 1563

R. 8213 ? 31. 10. 95.

READ the following paper :—

Memorial from From the Resident in T. & C.'s Nowadays Mr. Krishnan Nair & Palghat addressed

to the Viceroy & G. of G. in Council dated 27. Sept 1895.

ORDER— 16 Nov 95 ~~189~~, No. 765

THE memorial is withheld as the matter in respect of which the memorialist appeals is one of internal policy affecting him as a subject of a Native State, in which His Excellency the Governor in Council sees no reason to interfere.

W 14 Nov

(True Extract.)

C.S. 12.11.95

12/11/95 for *Chief Secretary.*

To Resdt. in T. & C. Dupd 22/4 Nov 95 18/11
/ Mr Comm. of Pol. / 4
- Withheld Memorial. Sent

D.-7 (3).

[Pol. 5.]

Govt. of {189} Madras.

POLITICAL.

G.O., 189 , No.

SUBJECT.

Withholding memorial addressed to the

by

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