[Poll. / 8.]
1,000—24-8-97.

Political (1899) Department.

ORDINARY MS.

G.O., No. 163

DATED 20—2—99

INDEXED.

10/2/99 20/2/99

[Despatch Abstract.]

Informing Kohiala Syed Bukari Koya of Malabar that the Govt declines to reopen the question of his conviction & punishment, & requesting the Collector of Malabar to report as to whether the bond executed by him in 1894 to keep the peace is still in force or if so whether there is any objection to its being now cancelled.

BACK PAPERS.

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

FURTHER PAPERS.

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

Political (1898) Department.

Note
entered in the Petition Regr.
[illegible] 26/11/98

80 578 fdg 21.8.94
67 MRs 2.2.94
being cancld on
[illegible]

CURRENT No. 1477

P
29. NOV

CHIEF SECRETARY'S
24 NOV 1898
GOVERNMENT OF MADRAS

C.S.

From

H. A. Sim Esquire I.C.S.
Private Secretary to
H.E. the Governor

Order.

End.t No
Returned
Forwarded to the Collector of Malabar for ~~remarks~~ report —

No.

Dated 22nd November 1898.
Received 24 " "
Registered 24 " "
Enclosures "
Spare copies "

SUBJECT.

Transfers a petition dated 28th October 1898 from Koliala Syed Bukari Koya, Calicut praying that he may be no longer considered a State prisoner

28/11/98 Cmd 30.11.98

OR

No. 2700, dy 3-12-98

Returned to the petitioner for resubmission through the Collr. of Malabar

Cmd 30.11.98

3-12-98

Cottle

Petn (1 Encl C with Co & encls. in original)

Desp 7 5/12/98.

By order,

BACK PAPERS.

G.O.	No.	Department.	Date.
296:	7. 3. 96 Mis		
578:	21-8-94 "		
506:	23-7-94 abst		
67:	2-2-94 cnfd		
415:	30-6-93 Mis		
150:	29-2-92 Sc		
524:	8-11-90 "		
281:	13-4-87 "		
569:	14-12-81 "		

FURTHER PAPERS.

G.O.	No.	Department.	Date.
cwo	318	Pol.	4. 3. 98.

Political
Educational (1899) Department.

CURRENT No. 156

CHIEF SECRETARY
27 JAN. 1899
GOVERNMENT OF MADRAS

From The Collector of Malabar.

Order

Encl. on C No. 385 Dec. 98.

Dated 24th January 1899.

Received 27th —"—

Registered 27th —"—

Enclosures 1

Spare copies

SUBJECT.

Submitting with remarks, a memorial received from Kolial Syed Bulisai Kaya of Kavarathi Isla

Encl
Memorandum
G.O. No. 67 Mis 2-2-94
" 578 " 21-8-94
many other cnfd papers on subject.

BACK PAPERS.

G.O.	No.	Department.	Date.
296:	7-5-96 mci		
506:	23-7-94 a		
578:	21-8-94 a Cmpd		
415:	30-6-93 a		
150:	29-2-92 Sc		
524:	8-11-90 a		
781:	13-4-87 a		
569:	14-12-81 a		

by: 2-2-84 Cmpd
462: 16-6-98 Cmpd

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT No. 477

TREASURY DEPUTY COLLECTOR'S 8 DEC 1893 CALICUT MALABAR

A

TO,

HIS EXCELLENCY,

Sir Arthur Elibank Havelock G. C., M. E.,

GOVERNOR OF FORT ST. GEORGE.

MADRAS,

The humble memorial of Koliala Seyd Buhari Koya, a resident of Kavarathi, one of the Laccadive group.

MOST RESPECTFULLY SHOWETH,

That Your Excellency's humble memorialist, with profound respect, begs permission to appeal to your mercy for a favourable consideration of his case set forth below.

2. That the Amin of Kavarathi made a report against him to the Collector of Malabar who ordered the memorialist to appear before him which he did on the 24th November 1893. The Amin arrived in January 1894 when he was examined by the Deputy Collector in charge of the Islands. The enquiry having dragged on till the end of March, your humble memorialist was ordered by the Deputy Collector, on the 30th March 1894, to pay a fine of Rs. 25, to stay at Calicut as a State Prisoner on parole for 6 months and to execute a bond to keep the peace prior to returning to the Island when permission to that effect was given after the lapse of the period of 6 months. He was paid a maintenance allowance of Rs. 4 per mensem. On the 24th September 1894 he presented a petition for permission to return home which was granted him and he executed a bond pledging all his properties on the Island as a security before he left Calicut.

vide Collector's letter in G.O. 506/1894 23-7-94

3. That Your Excellency's humble memorialist, although living in peace in the Island, as he has been doing all his life in obedience to the laws of the administration, since his punishment has always been forming the subject matter of constant reports by the Amin to the Collector, urging that Officer to inflict further punishments on the memorialist who, therefore, finding it very difficult to live in peace on the Island with the Chief Executive functionary of the Island, the Amin, as his very active enemy, makes bold respectfully to approach Your Excellency with a prayer of redress on the following among other grounds.

(a) The whole procedure adopted in his case in 1894 was illegal and unauthorised even by usage prevailing on the Islands.

(b) After the 24th November 1893, the date on which he presented himself before the Collector under orders, he remained till the 12th December and the Amin having not turned up, he presented a petition to the Collector who ordered him to stay 10 days more. On the 21st December 1893 the Deputy Collector ordered him to put in his list of witnesses which was accordingly done. On the 22nd December the witnesses were present before the Deputy Collector, but the arrival of the Amin being uncertain, they were told they might return to the Island, in spite of his prayer to keep them on the mainland.

(c) The statement of the Amin was recorded on the 3rd January 1894. At the time of trial the report of the Amin on which these proceedings were instituted was never read out for the information of the memorialist, nor was he given copies of the same to enable him to prepare his defence. Your Excellency will thus see that the privilege, which even the worst criminal enjoys of being told what he is accused of before called upon to enter on his defence, was denied to your helpless memorialist.

(d) The three witnesses examined on behalf of the Amin were his creatures, depending upon him as his kudians and ready to swear away anybody's life, if he so desired.

(e) The depositions of the Amin and his witnesses do not show that Your humble memorialist has done anything so grave and serious as to necessitate the application of the arbitrary provisions of so drastic a measure as Regulation II of 1819.

(f) The memorialist was at very serious disadvantage in not having his witnesses on the mainland and the Deputy Collector accordingly ordered that the case would be disposed of on the Island, till when the memorialist was to remain on the mainland. Your Excellency's helpless memorialist thereupon fearing, that his witnesses would be easily gained over by the amin, who had the advantage of proceeding to the Island before him, presented a petition to the Collector dated 15th March 1894, throwing himself on his mercy and, waiving his witnesses, praying for disposal of his case on the evidence recorded. The disposal unfortunately resulted in his conviction.

(g) A perusal of all the records of the case will convince Your Excellency that there was no charge of any description against the memorialist and he believes that the then Collector Mr. Bradley, when he applied to Government for the issue of a warrant for his detention under Regulation II of 1819, could himself have not been sure of his guilt on the evidence recorded, and consequently could have urged his detention only as an administrative necessity, the only condition of circumstances justifying the application of such a severe measure as the State Prisoner's Act.

(h) The intention of the Legislature in passing such an arbitrary Regulation, he submits with profound respect, was to provide for grave crises in the equitable administration of a country and its application in the case of Your Excellency's humble memorialist, an inconsiderable person on the Island powerless to interfere with its peaceful administration, was hasty and resulted in inflicting undeserved hardship.

(i) The amin is a very old enemy of Your Excellency's memorialist and has all along been doing his level best to injure momorialist in all possible ways. The memorialist was his predecessor in office as Amin of the Islands, and the present amin and the witnesses cited by him in memorialist's case were the main signatories of a petition to the Collector, on which Mr. Dumergue removed memorialist from office at the end of 1890 and appointed in his stead the present amin. All these facts establishing his mortal enmity towards the memorialist were repeatedly urged by him before the Dy. Collector before his conviction, and in spite of records bearing testimony to those facts they had no weight with the convicting judge.

(j) The Government of India having finally ruled in the beginning of 1892 that the laws in force on the mainland are not applicable to the islands, your humble memorialist respectfully begs to submit, that the application in his case as native of an island, of Regulation 1I of 1819, one of the laws covered by the Ruling was *ultra vires*.

(k) Whatever the accusations of the amin against him might have been his trial and conviction took place on the mainland and he was therefore entitled to enjoy the protection of the laws obtaining on the mainland, but this was denied to him, on the interested allegations of an old enemy who, with all his endeavours, could not prove a charge against him.

4. That these facts set forth above will convince Your Excellency that the memorialist received unjust and severe treatment and was punished on insufficient and vitiated evidence under an arbitrary and drastic Regulation. His treatment since the issue of orders under the Regulation would tend to show that the authorities in Malabar displayed an anxiety to mitigate the resulting hardship. The warrant issued for his detention under section 6 of Regulation II of 1819 was, as he was then told, for his detention in the Cannanore Central Jail, but in the exercise of a wise discretion, the Collector allowed him to remain at Calicut free on parole. He was given a pittance of Rs. 4 for maintenance. The hardships he underwent and the sufferings he endured are beyond description. Several affairs of his on the island were irretrievably ruined and he had, after his return, to begin life anew. The amin is determined, though, to persist in his persecution and he therefore appeals to Your Excellency for protection.

5. That as an Islander he is exceptionally entitled to particular protection at Your Excellency's hands.

6. That he therefore humbly prays that in consideration of the above stated grievous circumstances, Your Excellency will be pleased to order that he is free from the taint attached to him by his former conviction. He begs to point out that the present Amin of Androth in the beginning of 1889 suffered, like the memorialist, as a state prisoner under the Regulation, under more aggravating circumstances, has been pronounced free from the consequences of such conviction, as would be well evidenced by his appointment as Amin of the island at the end of 1890. Your Excellency's memorialist therefore prays that the same grace may be extended to him to enable him to live in peace on the Island under the protection of the existing laws and beyond the pale of the amin's persistent persecution which always acquires weight when urged in connection with the previous conviction.

For which act of grace Your Excellency's humble memorialist shall, as in duty bound,

Ever pray,

Calicut
28th october 1898

KOLIALA SYED BUHARI KOYA.

address
moidin Palli Mosque
Big Bazar
Calicut

CURRENT NO. 156

Endl. on C No. 385 26-9-94

district magistrate was finally approved in G. O No: 506, Political, dated 23rd July 1894.

3. An appeal was preferred by Syed Bukari Koya to Government against the order fining him Rs 25 and Government declined to interfere — vide G. O. No: 578, Political, dated 21st August 1894. In the present memorial he tries to reopen the matter already disposed of.

Malabar Collector's Office
Cutcherry the 5th January 1895

Collector

Jn80 506/94 23-7-94 A

NB

Submitted to Government.

2. In this office letter to the Chief Secretary to Government, Political department, No: 781, Confidential, dated 18th January 1894, it was stated that Syed Bukari Koya threatened the Amin publicly that he persistently insulted him and that the Amin was afraid of his personal safety if Bukari Koya was allowed to be at large.

In a further letter Ref on C Nos 283 and 285 dated 14th June 1894, Government was informed that Bukari Koya was sentenced to pay a fine of Rs 25 and to remain on the mainland for six months. In Memo No 1298, Political, dated 26th June 1894 the Government asked for the authority under which the sentence in question was passed. This reference was answered by this office by dated 6th July 1894, No: to General; [illegible]

Jn80 506 Jdl 23-7-94 C

1894
Clerk Dept.
Number No. 1

[G. 154]

1,000—11-10-9

Political DEPARTMENT.

Subject

Request from Koliala Syed Buhari Koya of Kavarathi Island (Laccadives) that the stigma of having been a State prisoner may be removed from his name.

C. No. 151 From the Collector of Malabar, No 385/1898 Sedtn C, dated 24-1-1899.

" " " " 189 .

" " " " 189 .

" " " " 189 .

Koliala Syed Buhari Koya of Kavarathi submitted a petition on the above subject direct to Govt in Nov^r last. It was "returned xx for resubmission through the Collector of Malabar" & is now re-submitted by that officer.

2. The petitioner was for 16 years Amin of Androth having succeeded his uncle in that office but in 18 was convicted of bribery & tyranny & dismissed from his office by Mr Dumergue — the then Collector of Malabar. In 1894 the petr showed his resentment against the Amin by "beyond the pale existing laws" "and" arrests persisted

End 2700 / 13.1245. → H

Please see Notes to GO 415 Pol / 30.6.93 @ F

intimidation & sentenced to pay a fine of Rs 25 & to suffer 6 detention on the mainland for a period of six months as a State prisoner.

He appealed to Govt against this sentence but by GO 678 d/21-8-94 Govt "declined to interfere".

3- In the petition now forwarded by the Collector the petitioner states, as he has done in previous petitions, that the present Amin is & has always been "his very active enemy"; that his trial & conviction in 1894 were illegally conducted inasmuch as he was kept at a disadvantage in producing witnesses while the Amin enjoyed every opportunity, by making delays, &c, of securing his conviction; that in any case Regn II of 1817 is an "arbitrary provision" & "drastic measure" unsuited to the offence for which he was convicted & which by its hasty application inflicted undeserved hardship; that in view of the ruling of the Govt of India in 1892 [illegible] the laws in force on the mainland [illegible] applicable to the Is-

Collr's letter filed with GO No 678 Pol 2-2-94 - E

G

Note -
There is no trace of correspondence on this subject.

and that although the Collector at the time of petr's conviction exercised a wise discretion in mitigating the hardship of his detention by permitting him to remain in Calicut free on parole, giving him Rs 4 per m for maintenance yet his roland affairs were irretrievably ruined & on his return there he had to begin life anew; In consideration of all these circumstances the petitioner requests Govt to order "that he is free "from the taint attached to him "by his former conviction". He supports this request by quoting the present Amin who himself was a State prisoner in 1889 "under more aggravating circumstances" but who was afterwards pronounced free from the consequences of such conviction. He prays that the same grace may be extended to him to enable "him to live in peace on the Island under the protection of "existing laws & beyond the at[illegible] "of Amins persist[illegible]

17/ Pet to be returned to the petr through this office

which always acquires weight when
urged in connection with the
previous conviction"

4. The Collector, in forwarding the petition, recapitulates the events set out in this note and adds "In the present memorial he (the petitioner) tries to re-open the "matter already disposed of".

5. It is submitted that the real desire of the petr is not at all clear. He cannot possibly be freed from the taint attached to a criminal conviction while it is hardly credible that he supposes that his "enemy", the present Amin, will be deposed & he himself be restored to the post from which he was dismissed in 1891. In para 2 of the petition he states that on 24th September 1894 when he was granted permission to return to the Islands he "executed a bond "pledging all his properties on the "Island as a security" (presumably "up the peace") If he desires that bond may be cancelled it [illegible] that the [illegible]

at least a reasonable one & can hardly be described as seeking to "re-open a matter already disposed of". It is quite possible that with this bond in force the Amin could make things very disagreeable for anyone against whom he had a grudge & that by its removal he would be a freer man & cease to feel himself under a ban. On the presumption that this is what the petitioner really wants attention is solicited to the ~~Proposal~~ USAs attached to
A GO No 506 Pol dy 23-7-'94 and to
G GO No 578 Pol dy 21-8-'94.
Orders are solicited as to whether under the circumstances, the Coll may be asked to state whether there is any reason why the bond for good behaviour executed by the petr in 1894 should not be cancelled & the petitioner permitted to live as other Islanders, without the special supervision of the Admtrative Agent.

The petition is dated [illegible] solicit the [illegible]

Note - This file contains Confidential papers -

HWC 6/2/95

[illegible] the petn, to be returned to this office.

appears to be missing there at present. It is thought that the enquiry as regards the bond and the necessity for its continuance which is suggested above, might be made. It would be necessary at the same time to inform the petitioner that Govt. declines to re-open the case so far as his conviction & punishment are concerned.

Cmd
17.2.99 I see no objection to the enquiry suggested.

E.C. 16/2/99.

Order
Draft attached
F.D.S.
16/2/99

2 that on

[G 24] 1,000—15-12-98.

Political DEPARTMENT.

C. No. 156 From the Collector of Malabar, No 385/Jol/99 dated 24-1-1899.

" " " " 189 .

" " " " 189 .

" " " " 189 .

Order
Mis No 163 of 20-2-99

~~The petitioner~~ Koliala Syed Bukari Koya will be informed through the Collector of Malabar, that as the Govt declines to re-open the question of ~~fact~~ his conviction & punishment ~~are concerned Govt declines to go upon his case~~.

2. The Collector will, however, be requested to state whether the bond executed by the ~~above~~ named petitioner in 1894, ~~when he was permitted to return to Kavaratti~~ is still in force & if so whether there is any objection to its being now Cancelled ~~as this appears to what the petitioner really prays~~

F.D.S. 16/2/99

Collector of Malabar
with petn, to be returned herewith

Cmd. 17/2/99

When given for copying 29
When copied 20 / 2
When examined 24 / 2
When signed _____ } 189/.

By

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.