

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 1010

DATED 11th March 99

[Despatch Abstract.]

Opening that the memorial to the Secy. of
State from A.V.P. Kinkhalary, late Adhikari
of Palayur Anson, Ponnani Taluk, Malabar
Dist. re. his dismissal from service, be
withheld under rule XII (8) of A Memorial
rules, and that the memorialist be in-
formed accordingly.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue
(Land Revenue),

No. 764 Misc. dated 1st March 1899.
Read again Board's Proceedings No. 373
Misc. dated 14th August 1896 decli-
ning to interfere on behalf of A. V.
Punnayil Kunhi Alawi, in the matter
of his dismissal from the Adhigari
office of Palayur Amson, Ponnani
Taluk, Malabar District.

Also Endorsement of the Collector
of Malabar. End. out C. No. $\frac{216}{P-99}$ date
16th February 1899.

Resolution.

Submitted to Government with
the remark that the memorial is
liable to be withheld under Clause
& Rule xii of the Rules regarding Me-
morials addressed to the Secretary
of State for India. Each sheet of the

memoria

memorial with all accompanying documents has not been authenticated by the memorialist as required by Rule VIII of the memorial rules.

(True Extract)

Ld Swaminathan

1 MAR 898

For ag. Secretary.

To
The Secretary to Government, Revenue Department with the Collector's endorsement in original and its enclosures.

File

To,

THE RIGHT HONOURABLE

Lord George Hamilton,

SECRETARY OF STATE FOR INDIA,

India Office,

LONDON.

The humble appeal of A. V. P. KUNHALAVY,
late Adhikari of Pallayur Amshom, Ponnani
Taluk, Malabar District, Madras Presidency.

MOST RESPECTFULLY SHEWETH,

That Your Petitioner is a Moplah by nationality and belongs to the Ponnani Taluk of the Malabar District. It is a Taluk in which Moplah ignorants and that form of religious fanaticism which has proved such a disturbing force against the peaceful progress of British administration have been deeply rooted in the soil from the very beginning of the British occupation. Though the Government has been at much pains and expenditure to spread education among the Moplahs of the Taluk, the number of literate Moplahs with any pretence to education are remarkably small. Your Petitioner is one of the few of his community who have chosen to avail themselves as far as possible of the advantages of State aided education. He belongs to a respectable family holding landed property in the Taluk and at the time when the incidents which led up to his present misfortune transpired he was the only Moplah Adhikari or Village Magistrate in the whole Taluk. He had been ten years in Government service at the time and had received very satisfactory certificates of character from various Government Officers of high position and responsibility (enclosure A).

Early in 1896, when discharging the duties of Adhikari or Village Magistrate of Pallayur Amshom, Your Petitioner was reported against by the Tahsildar of the Taluk for alleged temporary misappropriation. The expression "temporary misappropriation" if unexplained may be thought to refer to a serious offence involving moral perversity. It is necessary, therefore, that Your Petitioner should explain before proceeding any further that the temporary misappropriation with which he was charged merely consisted in his having delayed for some days to remit into the Government Treasury certain petty individual sums of money which he had collected from rate payers. Each individual collection represented a very trifling sum and the total of the collections amounted only to Rs. 81. To a man of the substance and position of Your Petitioner, who had furnished security of Rs. 1,500 for his appointment and who was possessed of property of the aggregate value of Rs. 5,000, the amount of Rs. 81 said to have been temporarily misappropriated was obviously a sum of no consequence whatever. It is unreasonable to assume, without sufficient warrant for the assumption, that Your Petitioner would have misappropriated this sum with any criminal intention, more especially when the penalty of such criminality would have been forfeiture of office and security, social disgrace and perhaps,

through your ever-ready government and

earnest

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a criminal prosecution resulting in imprisonment in jail. There was not the slightest necessity to court these disasters by indulging in misappropriation, for the position of an Adhikari is undeniably one of influence, and had Your Petitioner really been at any time in need of money he could easily have raised it without having recourse to shady and dangerous methods. Furthermore, it should be particularly remembered that during the ten years Your Petitioner had been in service he had had the handling of various sums of money large and small, and never in any single instance prior to the present case had there been even the faintest suspicion that he had sullied the trust reposed in him. This one circumstance should of itself have led his superiors to accept with the greatest caution and reserve a vague and practically unsubstantiated charge of temporary misappropriation. In this present case, not only had the Head Assistant Magistrate and the District Magistrate accepted and acted upon without question the report of the Tahsildar, but they persistently denied Your Petitioner the bare justice of being furnished with copies of the various reports and papers on which the finding of dismissal was based. It is an established maxim of the British Government that no public servant whatever his position, whatever the charges against him, should be condemned unheard on evidence taken behind his back and without his being provided with the legitimate weapons of defence. Your Petitioner was denied all these weapons, though he frequently applied for them.

The position of Adhighari is not by any means a bed of roses. The most trying and unpleasant portion of his multifarious duties is the collection of revenue from an impecunious agricultural population that cannot be persuaded without difficulty to meet its debts and to render unto ~~to~~ ^{the} ~~Casr~~ ^{Casr} what belongs to ~~Casr~~ ^{Casr}. The worry of collections over, the village accounts have to be written before the money can be remitted into the Treasury. For this latter work, the co-operation of the Menon and the other village officials is absolutely necessary, and if this co-operation is not prompt, delay in remitting will of course ensue. In your Petitioner's case, it was explained that the delay was due to the tardy collaboration of the Menon. This explanation was unjustifiably ignored.

Your Petitioner has ventured to show above that there was no necessity and no reason why he should have misappropriated, if even temporarily, paltry sums of money that, when totalled up, amounted only to about Rs. 81. He realises that if this view of the case is to be entitled to any serious consideration, it is for him to show what motive could have induced the Tahsildar to launch an unfounded charge against an innocent and inoffensive subordinate. Your Petitioner respectfully ventures to presume that the motive underlying the action of the Tahsildar will be sufficiently clear from the following significant circumstance:—On the dismissal of your Petitioner, two applicants endeavoured to obtain the vacated post. One of these applicants was Achuthan Nair, a *Gumustah* or clerk employed in the Taluk Office. The man was in every way an eligible candidate. The other applicant was one C. M. Krishnan, a man belonging to the same caste and hailing from the same part of Malabar as Mr. Kunhambu, the then Tahsildar. This Krishnan had previously been an income tax clerk in the Neligiri District and had been ignominiously dismissed for misappropriating of monies which had been entrusted to him. He belonged to North Malabar, to a part of the district not less than a hundred miles distant from Ponani. It should be especially pointed out that recruitment for village service is invariably carried out from among candidate, belonging to the interested village and if such

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village cannot furnish eligible candidates, men are usually selected from immediately surrounding villages. In this case, it will be seen that notwithstanding there was a properly qualified local candidate available, the Tahsildar preferred to ignore his application and to lend his support to a man who had been dismissed for a crime, who belonged to a distant part of the district and who had not the slightest claim to obtain a second footing in the public service. The Tahsildar's nomination proved successful in the first instance, but the other applicant appealed and wrested the appointment from Krishnan. Your Petitioner humbly submits that the whole of this incident furnishes the clue to the Tahsildar's action and purpose in consummating Your Petitioner's ruin.

If Your Petitioner has hereinabove established that he was unjustly dismissed and that he was the victim of favoritism, it is still necessary that he should offer some explanation with regard to a certain incident the slight importance of which might otherwise be unduly exaggerated. When Your Petitioner appealed to the Collector against his unjust dismissal, he was represented by a Vakil who, in the course of argument, made the unwarranted statement that his client (Your Petitioner) had been grossly negligent in the performance of his duties. Counsel exceeded his instructions in making such an admission there had never been any negligence on Your Petitioner's part. Is there had been any, the Menon was to blame. That was Your Petitioner's one single contention from the very start, and it is incomprehensible to Your Petitioner why his legal adviser should have offered a plea that was not borne out by facts. Your Petitioner humbly hopes that other circumstances being judged favourably to him, this stupid and unauthorised declaration on the part of his pleader will not be allowed to outweigh equitable considerations.

Against his undeserved dismissal, Your Petitioner has appealed in vain to the Collector, the Madras Board of Revenue and the Madras Government. Nothing daunted and still convinced that he will not knock in vain at the door of British justice, he now respectfully appeals, Honourable Sir, to Your lofty sense of justice. The British Empire in India has been raised on the solid foundation of justice and equity it owes its present proud and prominent position solely to the high sense of justice which pervades its administration, and for this very reason, it will, under Heaven, continue to endure and expand in undiminished vigour and vitality. Animated by this belief and serene in the confidence that the justice of British rule is never narrowed by petty or unworthy considerations of caste or color or wealth or position, Your humble Petitioner appeals to you, Honourable Sir, to look down from your great position and right the wrong which has been done to him. For the justice of reinstatement which he now seeks, Your humble Petitioner shall as in duty bound,

EVER PRAY.

Accused
22nd November 1898.

Through your excellency's government and
earnestly

C/S 216
P-99

To,

His Excellency,

The Governor in Council,
Fort Saint George,
Madras.

Thru,

The Collector of Malabar,
Calicut.

The humble petition of A. V. J. Hanthalaray
late Adhigari of Pallayur Amshom, Ponnani Taluk,
Malabar District, Madras Presidency.

Most respectfully Sheweth:-

That in obedience and reference
to the Government Order No. R 45 dated 7th January
1899 returning the petitioner's appeal dated 22nd
November 1898, submitted to the Home Government,
on grounds that the same was not submitted
through the Local Government, Your Excellency's
humble petitioner most respectfully and sub-
missively begs to submit his said appeal
through Your Excellency's Government and
earnestly

RECEIVED
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INDIA OFFICE
12 DEC. 1898

1899
REVENUE DEPT.
Encl. No. 13
C. No. 1533

19 THE
accompanying appeal with its enclosures to the
Right Honourable the Secretary of State for
India with Your Excellency's favourable endorse-
ment.

For which acts of kindness,
Charity and justice the humble petitioner
shall as in duty bound
Ever Pray

3rd February 1899 }

A. V. P. Kunhalavy

Kunhalavy

Revenue (1899) Department.

BOARD'S PETN NO 347 OF 1899
LAND REVENUE
ENLOS.

BOARD OF REVENUE
22 FEB 1899
LAND REVENUE DEPT.,
MADRAS.

Enat. or C. 1826
P-99

Submitted through the
Board of Revenue in the Land
Revenue Department

2. The circumstances that
led to the dismissal of the
Memorandum from the post
of Adhikari of Palayur Taluk,
Tonnani Taluk, have been
fully stated in my letter to
the Board No 1408 dated 28th
July 1896. Pub

3. Since his dismissal,
Kankalavi has been appealing
in turn to the Board, the
Madras Government, and the
Government of India, but
without success.

M. Rao

For Collector of Malabar
Camp, Karmarakundi.
Dated 16th February 1899.

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When given for copying _____
When copied _____ } 189
When examined _____
When signed _____

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

CURRENT No.

ENCLOSURES TO G. 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.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1899) Department.

CURRENT No. 1533

SP 11/3



From The Board of Revenue,
Land Revenue,
Madras.

Order No. 1010 of 11/3 March '99.

Ordered that an memorial
be withheld under rule
XII(8) of (A) Memorial rules
quoted below, and that
the memorialist be informed
accordingly.

Misc No. 764.

Received 2nd March '99.
Registered 3rd March '99.
Enclosures 15
Spare copies

11/3/99

SUBJECT.

4/3/99

To the

Board of Rev. (R.R.)
with encls. 15.

3/3/99

+ encls. 13+15 may
be retained

Submitting to Government
Revenue Department with remark.
Memorial addressed to the Secretary
of State for India from A.V.P. Kua
halavy regarding his dismissal
from Adhigari post of Palayam
Amsom, Ponnai Taluk, Mala
ber District.

memoria