

MEMORANDUM.

FINAL DISPOSAL OF THE BÂD INÂM CASES IN MASULIPATAM.

1. Extract Minutes Consultation of 31st March 1855, laid down the several subjects to which the enquiries of Mr. Ballard the Special Assistant in Masulipatam were to be directed, in disposing of Inâm claims of all sorts in that district.

Certain divisions of these cases have been disposed of finally on different occasions by Government. After the passing of the last orders, the Bâd claims only remained to be adjusted.

The Commissioner Northern Circars in his letter to Government dated 17th July 1856, submits a letter from the Collector of Masulipatam giving cover to one from Mr. Ballard and its enclosures reporting the final adjustment of the Bâd claims, and submitting several questions for the decision of Government. These questions are detailed in para. 12 of the Commissioner's letter. They are noticed seriatim below.

The Bâd Inâms, now treated of, are divided into 3 classes,

- I. Personal.
- II. Service.
- III. Temple.

3. In Extract Minutes Consultation of 22d August 1855, Government directed that the personal Bâds should be disposed of in 3 ways, viz.

1. Those of a hereditary nature, to be commuted to 20 years' allowances;
2. Those resembling life allowances, according to a scale of purchase framed with reference to the age of the claimants;
3. Those unsupported by grants, or otherwise defective, to 5 years' purchase.

In accordance with these principles, 856 Inâms have been disposed of: 328 at 20, 422 at 10, and 106 at 5 years' purchase, the amount adjudged altogether having been Rupees 22,822-1-10.

* Commr's para. 4.
Collr's paras. 5-6.
S. A. C. paras. 5-6.

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Of this amount Rupees 21,127-6-8 was received by the claimants: and all but a very small sum had been distributed at the date of the Collector's letter,* Rupees 1,694-11-2 were refused as compensation.

† Commr. para. 7. Sanction† is now requested for the disbursement of the above sum of Rupees 21,127-6-8, and both the Special Assistant‡ and Collector recommend that the sum refused shall be expended in municipal improvements to the town of Ellore; in the immediate neighbourhood of which the recusants live.

§ Commr. para 7. cl. 3. The Commissioner§ states that he has received certain petitions from some of these parties applying for payment of the sums due to them; and which were refused by them or on their behalf at first. He recommends that the claims of these petitioners be satisfied, and likewise any others that may be put forward. It now rests with the Government to decide whether any further indulgence be given to men who have contumaciously refused a full compensation for claims which a less liberal view than that taken by Government would have altogether rejected, or whether as strongly recommended by Mr. Ballard and the Collector the sum refused shall be expended in benefiting hundreds by improving Ellore.

Commr. para. 6 cl. 2. Among the Bád Inám cases are 8 called *Param Krushi* Ináms; meaning literally Ináms *not cultivated* by the Inámdárs themselves.

These 8 cases though entered in the accounts as *Param Krushi*, or cultivated by other than the grantees, Mr. Ballard shews to have been either actually in possession of the Inámdárs, or though not actually so, cultivated *directly* for them by Ryots, the grain produced on these lands being deducted from the gross produce of the village with the other Bád payments before the division of the Government and Ryot's share. He thinks that they were enjoyed in land before the permanent settlement and entered about that time as "*Paramkrushi*"; the Inámdárs have received the whole Ambáram or landlord's share of the produce; he recommends therefore, that inasmuch as the Inámdárs have practically been in

* Encl. K. in Colr's letter to Commr. of March 24. S. A. C. p. 6-8. Collector p. 5-6. Commissioner p. 5.

† Colr. para. 6. S. A. C. paras. 6-7-8.

Commr. para. 6 cl. 2. Colr. para. 10. S. A. C. paras. 1-6 of Memo. forming Enclosure B in letter from Collector to Commissioner dated 24th March.

the full enjoyment of their land they should be definitely allowed to remain in possession until the general settlement of Inám tenures throughout the Presidency. Mr. Lushington fully concurs in the mode in which Mr. Ballard proposes they should be dealt with, and remarks that the only thing to be done now, is to transfer them in the village accounts to the head of *Swayamkrushi* (*i. e.* cultivated by the grantees themselves).

In Ellore, are 15* Ináms called *Swayamkrushi*†. They are, Mr. Ballard states, similar to the *Paramkrushi* cases

(above discussed), but "their claims to a full and free enjoyment of the lands are somewhat more obscure." In three of these cases hereditary Sanads are produced, in addition to other documents, and Mr. Ballard recommends that land be made over to the Inámdárs in those cases.

Mr. Lushington passes this recommendation on to the Commissioner without however giving his opinion. Mr. Goldingham agrees with Mr. Ballard; and recommends that land shall be granted: orders are now requested on the point.

(The lands are only to be so given, of course, till the general revision of Ináms). 11 cases† out of the abovementioned, in which the claims are well supported in the absence of hereditary Sanads, Mr. Ballard recommended should be treated as personal Báds; and commuted to 20 years' purchase. Mr. Lushington considered that these terms were very liberal; but as he looked upon them as in accordance with the spirit of the orders of Government, he paid the parties Rupees 2,188-5-11. This sum is included in the amount of Rupees 21,127-6-8 for which final sanction is requested above.

Dáluvá Ináms.—In December 1855, Mr. Ballard requested the orders of Government on the case of 20 Ináms called *Dáluvá* or *Dálvá* in the which the privilege consisted in being allowed to cultivate a certain extent of land free of assessment, the locality not being specified, Mr. Ballard recommended that 6½ Cutties of rent free land as a permanent Inám, might be granted instead of them.

Para 2. Extract Minutes Consultation 17th Dec. 1855.

Government dissented on two grounds.

*Examined in 14 cases. †Commissioner para. 7 Cl. 2. Collector para 11. Enclosures C. and D. in Collector's letter. S. A. C. para. 19 Seqq.

† Commissioner, para. 6. Collector, para. 11. S. A. C. para. 21.

(1.) The Sanads were issued by Zámíndárs who possessed no right to alienate in perpetuity.

(2.) A grant of land without description or definition, is *ipso facto* null and void.

E. M. C. 17th Dec. 1855. They accordingly directed the disbursement, as a matter of grace and favour of a sum equal to 5 years' value of the privilege claimed in each case.

Collector, para. 12. Mr. Lushington has now re-opened the subject. He points out, that the first principle would if carried out to the full extent sweep away half the Ináms of the district: and as regards the second objection, he thinks that it is impossible to define a piece of land under the Kolér, which shall be cultivable every year, as the lands are subject to inundation. Lastly, he remarks that it is an argument in favour of the validity of these Ináms that the same Sanads which granted them, form the document on which the title to other Ináms rests, the validity of which is recognized. He therefore seeks modification of the final orders of Government passed in December 1855.

Para. 7, Clause 4. The Commissioner states on this subject that he cannot give an opinion as the information before him, is defective; the correspondence not having passed through his office in the first instance.

Mr. Lushington's grounds of argument appear very slender.

He first says that carrying the rule, that grants by Zámíndárs are invalid out to its extreme, would sweep away half the Ináms in the district; but here it may be asked whether because Government in its liberality, and fear of harsh measures, has recognized grants by Zámíndárs, it is bound to do so on every occasion? especially when other considerations militate against the validity of the grant. No one wants to carry the rule to its extreme; that Government do not, their repeated recognition of such grants shews. Mr. Lushington would apparently carry the reverse to its extreme, that such grants are valid.

Secondly, Mr. Lushington says that as the lands under the Kolér are liable to flooding it is impossible to fix upon a piece of land which shall be cultivable in each year. To this it may be replied, that inasmuch as neither the village, nor in many instances the Taluk, in which the Inámdár may select the land, is specified in the grant, the necessity of adhering to the Kolér is not apparent; but even if it were compulsory

to take up land there only, surely it would be over-indulgence to give those who contribute nothing whatever to the State an opportunity of selecting the best lands every year to the detriment of the claims of tax payers. The last argument, that the Dáluvá Ináms were some of them granted by Sanads whose validity as granting other Ináms has been recognized, appears of little worth; for 1st, it does not touch either of the principles on which the validity of the Ináms was denied; and 2ndly, it is tantamount to saying that because one part of a document is authentic every thing contained in it is.

It remains accordingly with the Government to say whether Mr. Lushington, or the Acting Collector Mr. Fraser, shall be directed to re-enquire into these cases, (a measure which will lead every Inámdár of the District to think that a little agitation is all that is necessary to induce Government to modify a final order in their favor), or whether he shall be ordered to abide by

	Rs. A.	Extract Minutes Consultation of 17th December 1855, and immediately distribute the compensation there awarded to the claimants which would appear to be Rupees 721-12, and not Rupees 751-13-7 as stated by Mr. Lushington.
20 years' purchase	2887 13	
5 years do.	721 12	

II. *Service Bád Ináms*.—In Extract Minutes Consultation 22d August 1855, para. 24, Government directed that Service Báds should be continued in the commuted form of fixed periodical payments. The number of these claims now to be disposed of is 85.

Of 47 of these Mr. Ballard recommends the continuance by a commuted payment of Rupees 457: this amount is calculated on the average payments of 10 years: and should Government permit its disbursement it will hereafter be paid at the annual settlement only to those actually performing the duties, and not to several persons, relations of the party in office, as is at present done. The Collector supports the arrangement, and the Commissioner gives his (tacit) approval. The arrangement will only continue till the general revision of village officers' salaries.

The total discontinuance of 23 very small allowances, amounting altogether to Rupees 20, is recommended by Messrs. Ballard and Lushington. But as the Commissioner shews, no

grounds are stated for such a recommendation and a reference is apparently necessary, to ascertain why the abolition of these is recommended and the continuance of the larger ones.

Mr. Ballard directed that 2 allowances paid to the head inhabitants of a certain village in Bezwāda, (which existed hitherto in the shape of annual deductions from the yearly shist of those individuals, having been originally commuted to that form from land Ināms), should be continued to them as hitherto during their lives; subject to revision at their death. Mr. Lushington thinks with Mr. Ballard, that the 2 allowances should be resumed on the death of the present holders; the Commissioner on the contrary, considers that "the allowances are attached to the office, and not to the individual; and should be continued so long as the services of those persons are required." (para. 9.)

Orders are now requested on the point.

Commissioner para. 10.
Collector para. 15.
S. A. C., para. 17.

In the Bittazally Parganah certain Ināms of a peculiar nature exist, viz. a cess of 5 per cent. is levied on the Shist of lands of both the Ryots and Ināmdārs, professedly to meet Bād payments; of late years, however by far the larger portion of this cess has been credited to Government.

Mr. Ballard in October 1855 recommended that as no such cess was levied elsewhere, and as no reason existed for its levy here, it should be discontinued. Mr. Lushington remarks that as arrangements have been made for settling by compensation all Bāds (except service ones) he has ordered the discontinuance of the cess, thinking a previous reference to be unnecessary. The Commissioner considers that the measure was premature; and that the effect of the order will be to deprive Karnams of their customary allowances enjoyed in this form. The demand, the amount distributed to Kar-

Faslies	Sist.	Karnams.	To Govt.	Bal.
1261	1037	453	584	12
1262	912	475	436	15
1263	3103	618	2575	15

nams and that credited to Government during Faslies 1261 1262 and 1263 was as per margin.

Orders are now necessary on the subject of the abolition of the cess by Mr. Lushington.

Certain Karnams' families and the former Chaudhari family in Bittazally Parganah enjoyed entirely without Sanads a remission from their Shist at the rate of 2 Annas in the Rupee on

the Dáluvá cultivation, and 1 anna on other cultivation. Mr. Ballard thinks it is desirable to continue the former; the Collector thinks the reverse; he says that in this Parganah, land is superabundant, and the assessment moderate; and shews that Mr. Ballard's proposal to continue the remission on the Dáluvá Shist *only*, must infallibly lead to abuse from the influence of the Karnams, (who could enter as much of their land as they liked as Dáluvá and thus give themselves remissions). Mr. Lushington would leave the Karnams who perform the work in each village, to receive the regular grain fees from the Ryots, naturally shrinking from adopting a system which every man who claimed to be of the blood of a few privileged families could demand remission of a portion of his Shist; to say nothing of the office of Chaudari no longer existing. The Commissioner thinks that the allowances may be left undisturbed to the Karnams, noticing that a similar remission exists in Guntúr, called "Vandra" and that the form of payment of this cess, a deduction in the Patta, is unobjectionable; he suggests that perhaps Government may deem further enquiry necessary, into the particulars of each case.

Commr. p. 10, Cl. 3.
Encl. D in S. A. C's letter
of June 25, 1855.

The Chaudari allowances the Commissioner considers with the Collector, should be to-

tally disallowed. Enclosure H details the circumstances of tenure, &c., of 9 (so called) Service Ināms in the Bittazally Parganah.

Mr. Ballard's recommendations are contained in the final column of the statement. In the

A fixed remission on their
"Kolér cultivation."

1st case he would continue the indulgence during the life of the

present holder; he disallows the claim in the 2nd, 3rd, 4th and 5th cases; in the 6th which is connected with a grant to a Pagoda, Mr. Ballard would continue the indulgence, provided the service is duly performed; the 7th, 8th, and 9th allowances, being indulgences originally given to a family of Carpenters to settle among the cultivators of the Kolér, he would continue so long as the Carpenters reside there.

Collector, paras. 17-18.

Mr. Lushington is entirely opposed to exempting any of the 9 individuals in question from any portion of the ordinary rate of assessment. He points out the large profits now realized by the cultivators of the Kolér, and the extreme unfairness of regulating the demand of assessment by distinction of class.

Commissioner, para. 10.

The Commissioner says, that the Collector's

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view would be correct, assuming the assessment to be right; but the Kolér taxation is still *unsettled*, and he considers that present arrangements should continue until a moderate assessment has been fixed.

(N. B.—The Commissioner by no means *denies* that the tax is moderate now. He merely alludes to the *possibility* of its being raised). Orders are therefore necessary on 7 out of these 9 cases of which the following is an outline.

Cases noticed Seriatim.
Enclosure in K in letter from Collector.

In 2 cases resumption has already taken place, owing to the failure of the parties to attend before Mr. Ballard; vide Special Agent's letter to Collector of 17th December 1855, para. 2. "All claims not advanced *have ipso facto* ceased to exist."

The first case is a deduction of 25-10 from the fine and coarse paddy cultivation of one Vammanná. If his sist does not exceed that amount he pays nothing. He has no Sanad, and knows nothing whatever about the antecedents of his Inám. From an account made in Fasli 1251 by the "Zamindár's officer," it appears that the allowance was granted instead of an Inám formerly given to "induce the proprietor to remain". No service whatever is now performed for the Inám, neither is the identity of the present Inám, with the one entered in the account certain. Mr. Ballard himself admits that on the death of the present holder's father, the remission should have been stopped; doubly must his argument *now* apply.

Case 2 is a remission of 19-15-0, enjoyed on the same conditions as in the former case.

The holder can give no information, has no Sanad, there is no mention of his Inám in the register.

On a former occasion doubt arose respecting this and other claims, but further enquiry was put a stop to by the transfer of the Parganah to the Zamindár.

Mr. Ballard thinks that *there is no proof* whatever that this Inám is connected with former claims; and recommends that it should cease *immediately* in accordance with C. 7, P. 22 of Extract Minutes Consultation 28th August 1855, No. 971.

Case 3 is exactly similar in its features.

Cases 4 and 5 have already been disposed of.

In case 6 the holder claims an annual remission of Rupees 18-2-3 on his Dáluvá and

Sáruvá lands, on the strength of an hereditary Sanad given by Sobhanádri Ráo. It *purports* to be given with reference to a former Inám, but no registry or accounts prove the existence of former rights.

On a former occasion, on a correspondence taking place in the District about the Inám, the Dáluvá allowance was not mentioned. The entries in the Bád lists are discrepant.

Mr. Ballard would continue the allowance as a life grant if the temple service continues to be performed. This reasoning appears faulty. If the Inám is entitled to respect *on the ground of the service being performed*, there can be no authority for resuming it on the death of the present incumbent, if there be ground for making it a *life grant*, the matter of the service cannot enter into the question; any cause that would warrant resumption on the death of the present claimant surely must apply with equal force now.

Cases 7, 8, and 9 are the Carpenters' grants, given originally to encourage them to settle in the Kolér villages *by the Zamindár*; *probably*, Mr. Ballard says with reference to a former Inám. No Sanad exist. It now remains for Government to decide whether, the grant having been made by a Zamindár, the title to the whole Inám being questionable, and it being doubtful whether simple residence in a village can be held to constitute service, the allowance shall be continued.

Mr. Ballard would respect the grant *not as hereditary*, but as affording encouragement to settlers in the Kolér. Surely the demand for Carpenters' work in the villages will of itself create the supply of workmen, without extraneous support from the State.

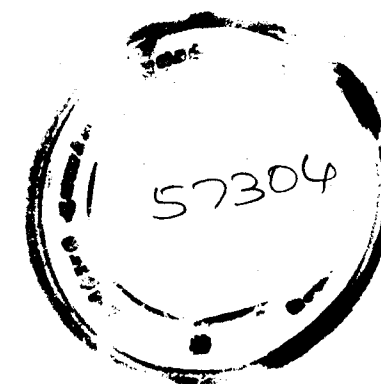
III. Temple Bád.—In Extract Minutes Consultation of 30th November 1855, Government abolished the religious allowances in Masulipatam, except such as were clearly granted in lieu of landed grants formerly existing, this order was passed under the impression that there were only 5 such existing in which the condition was present.

Mr. Lushington states now, that the former order was held to refer entirely to grants for religious purposes in *money*, and it is now necessary to dispose of the temple Bád claims.

The amount of these claims is Rs. 162-11-9 annually. To allotting lands to this amount of assessment, sanction is requested by the Collector. Mr. Goldingham dissents; he thinks, that "grants of this description were for the most part made by *farmers* of Revenue as the

“ holders of lands, in consequence of excess of
“ assessment were too poor to pay ; now that
“ the assessment is moderate, the village commu-
“ nity may fairly be left by the ruling power to
“ make the necessary provision for their religious
“ worship.”

The question of the treatment of these tem-
ple Bâds remains for the decision of Govern-
ment.



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