M.R.O. 1—50,000—16-16-28.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1032 Press / Mis.

194-175

Dated 25-7-1985

W/S

Not to be folded or roughly handled

No. 174. Read the following letter from E. C. BAYLEY, Esq., Secretary to the Government of India, Home Department, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Simla, 12th June 1865, No. 1397.

Home Department.
Judicial.

I am directed to acknowledge the receipt of your letter, No. 351, dated the 3rd March, communicating the opinion of the Government of Madras that the money grants to the Kazees in the Madras Presidency should be converted into land, and that the whole of the Inams should be conferred on the Mussulman community as permanent endowments for the office of Kazee.

2. In reply, I am directed to state that, as at present informed, it does not appear to the Governor General in Council that the endowments of Kazees in the Madras Presidency should be exceptionally treated, but that, as the Mahomedans in all parts of India have the same religious feelings and prejudices, all such cases, whether in Bengal, Madras, or Bombay, should be dealt with on one principle.

3. The Governor General in Council observes that the tabular Statement of lands and endowments, which accompanied your letter, dated the 19th August last, No. 1251, does not give full and sufficient information of the date and the circumstances under which those grants were in each case originally made, but that there is sufficient evidence that most of them, particularly the grants of land, are of old date, or were given in substitution of former grants of that description.

4. Though all grants of this kind were, no doubt, attached to the office of Kazee, still they became more or less of a personal and hereditary character, being liable to modification at the pleasure of the ruler of the day. The Governor General in Council is, therefore, of opinion that the Government has a full right to deal with them, guided by principles of general expediency and justice.

5. In the opinion of the Governor General in Council all grants in land may properly be maintained, and declared to be in each case attached to the office of Kazee in the places where they are now enjoyed. If dispute as to the right of succession should arise on the death of a Kazee, which cannot be settled by the parties among themselves, the case will of course be determined by the Civil Court.

6. The case of grants of money, except where they have been already declared to be permanent or hereditary, seems to His Excellency in Council very different. These grants, it is admitted, were usually given by the British Government in lieu of fees and privileges which have been abolished; but these advantages are not enjoyed by the State, but have been given up in favor of the Mahomedan community, from whom they were levied. Unless, then, Sunnuds or orders exist, plainly granting these allowances for ever, or in hereditary succession, the Governor General in Council would continue them in each case for the life of the incumbent; and if any particular case of hardship should arise, the Government might deal with it on its merits, continuing a portion of the money grant for a second life only.

7. The Governor General in Council is of opinion that the system of commuting money grants for grants of land is generally objectionable, it being injurious in many ways to the proprietors and sub-proprietors of the land so given; but of course this objection does not apply to waste or unoccupied lands, or to lands in which the State is the absolute proprietor.

Proceedings of the Madras Government, Judicial Department,
25th July 1865.

No. 175. ORDER THEREON, 25th July 1865, No. 1032.

The Collectors of the several Districts will furnish lists showing the Kazees in their respective Districts whose claims to grants of money are founded on permanent Sunnuds or grants, as distinguished from those to whom no such Sunnuds were granted.

2. A tabular Statement, in the form appended, will be submitted in the cases of those to whom permanent Sunnuds were given, and copies or translations of the Sunnuds relied on, or any other documentary evidence produced, will be forwarded at the same time.

3. The circumstances under which grants of money have been given in lieu of the enjoyment of fees or privileges, and the nature of the rights so given up, should be stated in every case, if possible.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

To the Collector of
" Revenue Department.

Statement showing the Kazees in the District of to whom permanent Sunnuds for payments of money allowances have been granted.

Kazee's name.	Amount of grants, or allowances per annum.	By what Government or authority, and when endowed, and for what purpose.	Summary of proof of original grant, and nature of the Sunnud, whether permanent, hereditary, or otherwise.	Remarks.

Exd. J. H. Burns.

Judicial Department.

2

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Secretary to Government of India Home Department (Home under 12th June 1865 No 1397)

Order thereon 25 July 65 No 1032.

The Collectors of the several Districts will furnish lists shewing the Kazees in their respective Districts whose claims to grants of money are founded on permanent Sunnuds or grants as distinguished from those to whom no such Sunnuds were granted

2 A tabular statement in the form appended will be submitted in the cases of those to whom permanent Sunnuds were given, and copies

Copies or translations of the documents relied on, or any other documentary evidence produced, with the Answer of the Claimant at the same time.

3. To circumstances under which Grants of Lands have been given in lieu of the Quit-rents of Fee or Freehold, and the nature of the rights so given, when such shall be in every case referred to.

To the Collectors of the Seigniorial Rents, &c. &c. &c.

Statement shewing the Cases in the District of [illegible] in which permanent Annuals for payment of many allowances have been granted.

Grantee's name	Amount of Grant or allowance per annum.	By what Government or authority and when and for what purpose	Summary of proof of original Grant and nature of the Annuity whether permanent, hereditary or otherwise.	Remarks

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Judicial 1865. Department.

No. 1032.

PROCEEDINGS OF GOVERNMENT.

Dated 25th July 1865.

Ltr 1621-1683-1714-1848-
1934-2035-2101-2753-2193.
2743-2494-2205-2147-224
6216-139-521.

Directing the Collectors of the several Districts to furnish lists shewing the Ryotees' Claims to grants of money are founded on permanent Sunnuds or grants.—

174-175.