

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 419	Press ~~Mis.~~
482.483	
Dated	24-2-1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
24th February 1865.*

No. 482. Read the following Proceedings of the Board of Revenue, dated 6th February 1865,
No. 642.

Read the following letter from E. G. R. FANE, Esq., Collector of Madras, to W. HUDLE-
STON, Esq., Secretary to the Board of Revenue, dated Sydapet, 17th November 1864,
No. 523 :—

• Received 9th July 1864.
Returned 17th November 1864.

1. I have the honor to forward the
accompanying copy of Mr. Pochin's report on
Board Petition, No. 2,031* of 1864.

2. In this report Mr. Pochin argues that the reversionary interest of Government having
ceased to exist in enfranchised Shrotriems, the holders of such Shrotriems cannot be compelled
under the Board's Circular of the 21st April 1828, Volume I, page 76, to repair their tanks.

3. I somewhat differ from Mr. Pochin in opinion, as I consider that as the Shrotriendar
stands in the position and exercises the rights of the Government, he should have the same
liabilities, and have like them to conduct the repairs of the irrigation sources, &c.

4. It is, however, for the Board to determine whether the Circular above quoted was
intended not for the protection of the Ryots, but only for that of the Government in their
reversionary right.

5. The Inám Settlement never cancelled this order; and as no Sunned-i-Mulkeut Istimarars
were given to enfranchised Shrotriendars, they cannot be considered Zemindars, and free from
the interference of Government, leaving the Ryot to seek remedy in the Civil Court.

6. I am of opinion we should retain the power of interfering on behalf of the Ryots, in
enfranchised Shrotriem villages more especially, as we never led the holders of them to believe;
when enfranchising their Ináms, that such interference would not be had recourse to.

ENCLOSURE No. 1.

From C. N. POCHIN, Esq., Acting Sub-Collector of Madras, to E. G. R. FANE, Esq., Collec-
tor of the Madras District, dated Chingleput, 28th October 1864, No. 239.

Nos. 46,988, 1,239, and 2,301 of 1864, herewith returned. 1. I have the honor to report on the
Board Petitions noted in the margin.

2. The subject of the complaint is two-fold, viz., (1) that the Shrotriem village of Karur,
Conjeveram Talook, which is said to be an endowment of Perrundeyi Taiyar Covil attached to
the Devasthanum of Varadaraja Swami in Conjeveram has been misappropriated by the Shro-
triendars; (2) that the irrigation works of the village have been entirely neglected.

3. Beyond the bare assertion of Petitioner, I can find nothing in support of the first point.
On the contrary, from the copies of documents produced by the Shrotriendars, it appears that
the Shrotriem has hitherto been regarded as a personal grant, and treated as such by the Revenue
authorities.

4. The title of Viraragava Tatta Charry and eight others (descendants of the original
grantee Vencatavarada Tatta Charry) has been acknowledged by the Inám Commission, and the
Inám has been enfranchised.

5. There is more truth in the second allegation of Petitioner regarding the state of the
tanks (two). They are undoubtedly in a very bad condition, and require a considerable outlay
to put them in good order. No doubt this is a real source of grievance to the Ryots of the
village, and it is to be regretted that the Shrotriendars are not sufficiently alive to their own
interests, to perceive that the preservation of the irrigation works would be alike beneficial to
themselves and their Ryots.

6. It may be said that the remedy is in our own hands, viz., to cause the repairs to be
made in the same manner as in Circar villages taking security from the Shrotriendars, vide
Circular Order, Board of Revenue, 21st April 1828, Volume I, page 76. It appears to be ques-
tionable whether such a course is now open to us. The view I take of this order is, that it was
not directly intended for the protection of the Ryots, but was based on the principle that the

*Proceedings of the Madras Government, Revenue Department,
24th February 1865.*

Government standing in the position of a "reversioner" with respect to Shrotriem estate, had the right to prevent waste. Now it appears to me that this principle is no longer applicable, for the relative positions of Shrotriemdars and Government have been materially altered since the enfranchisement. By it the title of the former has become absolute, while the reversionary interest of the latter has ceased to exist.

7. I am, therefore, of opinion that this Shrotriem is no longer subject to the interference contemplated in the Order quoted above.

8. As the copies of documents produced by the Shrotriemdars are unauthenticated, I forward herewith all the papers on the matter, that they may be verified by reference to the records of your Office.

(True Copy.)

(Signed) E. G. R. FANE, Collector.

ENCLOSURE No. 2.—Petition.

1. The Board observe that the Circular Order to which Messrs. Fane and Pochin refer, appears to have been issued on the supposition that a definite system of charging Shrotriemdars a certain share of the cost of the irrigation repairs made in their Shrotriem villages was about to be adopted. In a previous paragraph of the Government Order, a portion of which forms the Circular in question, it is stated that a certain proportion of the amount expended in repairing the irrigation works of a Shrotriem then under discussion, should be recovered from the Shrotriemdar "under the terms of a provision having reference to this point which is now under consideration, and which is intended to be introduced into all future Shrotriem Cowles."

2. So far as the Board are aware, no definite and general orders of the description referred to were ever issued, and the practice of charging Inámdars and Shrotriemdars a quota of irrigation repairs has varied considerably in different Districts.

3. The matter, however, is an important one, and the orders of Government will be solicited on the point raised, for, whether or not Government had a right under the original terms on which Ináms were given, to require the Inámdar to execute repairs under pain of the resumption of the Inám, the Inám Title Deed has now apparently denuded the Government of this power. Possibly expenditure made by Government on such repairs might be recovered under Clause 52 of the Act for recovery of arrears of revenue (Madras Act II. of 1864), but it is questionable whether that provision would meet the case.

No. 483.

ORDER THEREON, 24th February 1865, No. 419.

Miscellaneous.

The Governor in Council observes that an enfranchisement of an Inám extends only to the particular condition which forms the subject of enfranchisement, and does not absolve the Inámdar from other obligations. If in the present instance the Shrotriemdar by the terms of his Sanad or otherwise was bound to keep his tanks in repair, he undoubtedly continues bound to do so still. But as the Government have no longer any interest in the Shrotriem they must leave those who are interested to enforce the obligation if it exists.

(True Extract)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

Proceedings of the Madras Government
under date the 24th February 1865.

Read the following
Res. of the Bd. of Revenue.

Soliciting orders of
Govt on the question whether
or not Govt had a right
to require the Indamdar to re-
-pair repairs under pain of
the resumption of the Indam.

(Her entry to the Lib. of
1865, No. 642/-

It would seem that in our anxiety
to enfranchise the Indams we have lost sight
of the interests of the Indams who will
suffer if the Indams are not subject of enfranchisement.

WOU
JP

The Governor in Council observed that an enfranchisement of an Indam extends only to the particular condition which forms the subject of enfranchisement, and does not absolve the Indamdar from other obligations. If in the present instance the Shrotrindar by the terms of his Land or otherwise was bound to keep up his tanks in repair, he undoubtedly continued bound to do so still. But as the Govt have no longer any interest in the Shrotrindar they

they must leave those
who are interested to
enforce the obligation
it incurs.

10/10

19 To the Board of Commissioners
Dec. 26 Feb.

General S. B. D. H.
of the 1st Regt. of
the 1st Div. of the
Army of the Potomac

Ms. B. 1. 9.

9-9-161

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