

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	213	Press ~~Mis.~~
Dated	24-1-	1868.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
24th January 1868.*

No. 428. Read the following letter from the Officiating Inam Commissioner, to the Secretary to Government, Revenue Department, Fort St. George, dated Madras, 11th January 1868, No. 3 :—

1. I have the honor to acknowledge the receipt of the Order of Government, dated 16th December 1867, No. 248, and to submit, for the consideration of Government, the following observations regarding the Bill therein directed to be introduced into the Legislative Council.

2. The Bill proceeds on the supposition that in every case two Title Deeds were given, one prior to enfranchisement, and the other afterwards; and it purports to correct an error committed in paragraph 3 of the Title Deed issued prior to enfranchisement, the remaining portion of the Title Deed and the Sunnud granted after enfranchisement being supposed to have been correctly drawn up in every respect. I have to observe that two Title Deeds were not issued in every case, that the error which it is the object of the Bill to correct is not confined to paragraph 3 and to the Title Deed issued prior to enfranchisement, and that in certain cases the mistake occurs in paragraph 2, and not in paragraph 3 of the Title Deed.

3. There are eight forms of Title Deeds issued for the various descriptions of Inams. In the first four forms the word "land," which is the cause of the apprehended misunderstanding, occurs in paragraph 1 as well as in paragraph 3. In the case of Inams confirmed under Forms Nos. 5 and 8, the enfranchisement is effected compulsorily, and the only document issued in those cases is the Sunnud of enfranchisement in which the mistake, which the Bill is intended to correct, occurs in paragraph 2 and not in paragraph 3. Inams confirmed under Title Deeds Nos. 6 and 7 are not allowed to be enfranchised at all, but are simply confirmed on their present tenure. There is no error in paragraphs 2 and 3 of these latter forms, but only in paragraph 1, which error is common to all the forms of Title Deeds.

4. The two following phrases in the preamble of the Bill, viz., "one of the stipulations," and "where the Inams do not include the proprietary right in the soil," do not appear to me to be quite correctly worded. In the case of the first, I would observe that there is *but one* stipulation in the Title Deed, "whereby the Inamdar is allowed the option of enfranchisement from liability to lapse;" and as regards the second, I consider that the Inam right is quite distinct from, and independent of, the proprietary right in the soil, though both rights are frequently vested in the same individual. Moreover, the very object of the Bill is to declare that the two rights were treated by this department as separate and distinct, so that the one right cannot be said ever to be included in the other.

5. Under the foregoing circumstances, I think that the Draft Bill requires some alteration to render it applicable to all the different forms of Title Deeds, and I accordingly venture to submit a revised Draft, which appears to me to meet all the requirements of the case.

6. As regards the form of the Title Deed to be adopted for the future, the Government, in paragraph 4 of their Order, dated 13th September 1867, No. 2,160, observe that the simple substitution of the word "Inam" for "land" in paragraph 3 of the Deed will suffice to effect all that is desired. I beg to submit, for the consideration of Government, whether some alteration is not also necessary in

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paragraph 1. The alteration which I would propose is as follows:—For “claimed to be of” substitute “claimed to consist of the right of receiving the rent or tax payable to Government on.”

7. I request that the Government will favor me with early orders on this subject, as much work has accumulated in the Office since the question of the alteration of the Title Deeds has been under discussion.

8. I believe that it is the intention of Government that the Title Deeds already issued, but not delivered, to the Inamdars should be re-called and re-issued in the form which may be ultimately approved of by Government.

A Bill to prevent doubts as to the true intent and meaning of certain words used in the Title Deeds of Inam lands furnished to Inamdars by the Inam Commissioner of the Madras Presidency.

WHEREAS, under the rules sanctioned by the Local Government for the adjudication and settlement of Inam lands in the Madras Presidency, the Inam Commissioner of the said Presidency is required to furnish Inamdars with Title Deeds in respect of their Inams, prepared according to certain forms prescribed by the said rules; and whereas the terms of the Title Deeds so prepared appear to convey a more extensive right than was intended to be given, or than was in fact given; and whereas it is apprehended that the terms of the Title Deeds may be so construed as to affect the rights and interests which other persons may have in the lands forming the subject of the Inams, in cases where the Inamdars do not possess the proprietary right in the soil, but only the right of receiving the rent or tax payable to Government in respect of the Inam lands, and it is therefore expedient to remove all doubts as to the true intent and meaning of the words used in the said Title deeds; It is enacted as follows:—

1. Nothing contained in any Title Deed issued to any Inamdar shall be deemed to define, limit, infringe, or destroy the rights of any description of holders or occupiers of the lands forming the subject of any Inam, or to affect the interests of any person other than the Inamdar named in the Title Deed. Persons claiming rights paramount to, or independent of, any Inamdar, shall be at liberty to have their claims investigated and decided by any Judicial or Revenue Officer who would ordinarily have jurisdiction in that behalf.

No. 429.

ORDER THEREON, 24th January 1868, No. 213.

Miscellaneous.

1. Ordered that the subject of paragraphs 1 to 5 of the above letter, with the revised draft of an Act to remove doubts as to the interpretation of the Title Deeds granted for Inam lands, be referred for consideration in the Legislative Department, with reference to the Proceedings in that Department, No. 248, dated 16th December 1867.

2. Paragraph 6 will be referred to the Board of Revenue for any remarks they may wish to offer, with reference to G. Os. Nos. 2,160 and 2,839, Revenue Department, dated 13th September and 29th November 1867, respectively.

3. Now however that it has been decided to enact a law declaratory of the intention and force of the Title Deeds issued by the Inam Commissioner, it appears to Government to be very doubtful whether it is desirable to make any alteration in the form and wording of the Deeds themselves even in the way of emendation.

4. It is doubtless to be regretted that defects exist in the forms, but it is very questionable whether the suggested alteration would remove *all* those defects, or

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might not give rise to fresh doubts, while it is almost certain that any change in the form will excite wide-spread distrust among the holders both of the old and of the altered Deeds, and thus tend seriously to neutralize the benefits which have been confidently anticipated from the settlement, while there will be the added difficulty of having estates or tenures of identical character held on Title Deeds of different form.

5. All risk of injury to private rights will be removed by the enactment of the declaratory law, and the Government are of opinion that this measure may well supersede the necessity for any further changes.

6. The Officiating Inam Commissioner will also submit his opinion with reference to the above remarks.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Officiating Inam Commissioner.
,, the Legislative Department.
,, the Board of Revenue.

Exd. F. R. Bantleman.

No. 213.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 21 January 1868.

Read the following
letter from the Off^r Inam
Commissioner

With reference to the order
of Gov^d dated 16th December 1867
N^o 248, submits for their con-
sideration certain observations
regarding the Bill therein di-
rected to be introduced into the
Legislative Council.

(Here enter N^o San^y 1868
N^o 3)

Ordered that the
subject of paras 1 to 5 of
the above letter, with the
revised draft of an Act
to remove doubts as to the
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the suggested alteration
would remove all those
defects or might not give
rise to fresh doubts while
it is almost certain that
any change in the forms
will excite widespread
distrust among the holders
both of the old and of the
altered deeds - and thus
tend seriously to neutral-
ise the benefits which
have been confidently an-
ticipated from the set-
tlement, while there
will be the added
difficulty

There are at least 3 others -
viz. 1. The Inam Commission
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any further changes.

The Off^r Inam Comm:
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L.R.

6 copies to the Off^r Inam Commr
5 " " Legislature Dept^y
11 " " Secy of Revenue

D. A. Bell

Sp.
About Oct 10 some doubts
in dream like sleep

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