[G/H]

S 600—8-8-05.

ORDINARY, MS.

Political Department.

G.O., dated 18-12-95

No. 859

INDEXED.

B

When given for copying. 18/12

[Despatch Abstract.]

Requesting the Political Agent to state whether his letter of the 25th Nov of his Endt of the 5th Dec are a part of the reply to Gt. No. 626 Pol. dt 17-9-95 if so why they have not been submitted in print

Political (1895) Department.

(1)

ORDINARY MS.

G.O., No. 859

DATED 16th Dec. 1895

[Despatch Abstract.]

SUB-JAGHIRDARS OF HANGANAPALLE.

Requesting the Political Agent to state whether his letter of the 25th November and his endorsement of the 5th December are a part of the reply to G.O., No 626, Political, dated 17th September 1895, and if so why they have not been submitted in print.

No.	Department.	Date.

FURTHER

No.	Department.	Date.

பாதுகாப்பு பிரிவு-1

செப்பனிடுபவர் பெயர்: V.நாகேஸ்

செப்பனிடுவதற்காக எடுத்தக்-06/10/08

கொள்ளப்பட்ட நாள் 10/10/08

சரிபார்க்கும்	சரிபார்க்கும்	உதவியாளர்
முதல் முறியாள	2ம் முறியாள	கையொப்பம்
கையொப்பம்	கையொப்பம்	

CURRENT NO. 1644

No. 1521.

Kurnool Collector's Office.

ENCLOSURES. D/ 859

KURNOOL, DATED 26-11- 1895.

From

C. M. Mullaly Esquire
I.C.S.
COLLECTOR OF KURNOOL.

To

Chief
THE SECRETARY TO Government
Political Deptt.
Madras.

Sir,

In reply to G.O dated 8th Instant
No 751 Political, I have the honor
to state that I have included the
Subject therein referred to in my reply
to G.O. dated 17th September 1895, No 626
Political which is about to be sent
to the Superintendent of Government
Press, Madras.

I have the honor to
Sir
your most obedient Servant

Political Agent.

Mahomed Naimulla knowing and
having reason to believe that the said
pensions had already been paid and
that he has thereby committed an
offence punishable under sections 420
and 511 Indian Penal Code to wit
the offence of attempting to cheat.

Sworn to by the said Hopton Scott Stewart at Madras this 30th day of October 1895

/Sd/ H. S. Stewart Colonel
I. S. C.
Pay Carnatic Stipends.

Before me
/Sd/ C. R. Jones.
Chief Presidency Magistrate

Order

Summons to issue.

/Sd/ C. R. Jones.
Chief Presy. Magistrate

Presidency Magistrates Court
Egmore this 9th day of January 1895

True Copy
(Illegible)
Chief Clerk

810 : 2-12-95
751 : 8-11-95 & papers.

859
3

1895.

Correspondence Department.

FROM C. M. Mullaly Esquire
COLLECTOR & Political Agent
of KURNOOL.

TO
THE SECRETARY TO Chief Government
Madras.

DATED 26th
RECEIVED 28th } November 1895.

ENCLOSURES.

C. CHIEF SECRETARY'S DEPT.
28 NOV 1895
GOVERNMENT OF MAD.

Stating that the subject
referred to in G. O No 751
8-11-95
has been included in reply
to G. O 626
17-9-95.

Rec'd 16/81 95 810 2-12-95

2 Covers

K. C. O.—Rg. No. 163—10-8-94—Copies 1000.

4/859

Enclosure to C. No 154 A
25.11.95
on the Political Agent
Kurram to Chief Secre-
tary to Government
Political Department

—

Petition of Jahawar
Singh with 14 enclosures

No 83
27.10.95

Banganapally
27.10.95

1781

From

The Nawab of
Banganapally

5/859

To

The Political Agent
Banganapally

After Compliments

Sir

In reply to your letter No 64 dated 14th September 1895 forwarding for my remarks two petitions with enclosures presented by one Jahanara Jung of Hyderabad, I have the honor to state that from the 1st petition and its enclosures it appears that the petitioner wishes to have the jagirs which are now in the enjoyment of and granted to himself and his wife Rugiah Begum for their lives, transferred to his children

Not

not by the late Nuqiah Begum but by her Khawas in contravention to the terms of the grant.

2. Petitioners' attempts for the transfer of these jaghirs are not admissible. Seven enclosures Exhibit A to G produced by the petitioner and treated by him as Summds cannot convince me of his alleged right. These documents are null and void and cannot be accepted as the persons by whom they were executed had no authority to alienate the property in question to others. My reasons have been fully set forth in the remarks made by me on each para of these petitions.

3. The 2nd petition is drawn up in support of the 1st petition. In this the petitioner has woven up a tissue of unbelievable and unfounded matters under the shadow of which he is trying to bring bad

bad name to me in order to secure the object of his selfish desire. This petitioner also deals with matters relating to Salt arrack, unclaimed loans to which have already been disposed of in 1888. I would have contented myself by saying that they have already been disposed of, but as you desire me to make full remarks on each item I do so now.

4. I thought of writing strongly on some of the matters referred to in this petition, but I consider it unnecessary to do so, as it contains no specific charge but only vague and general complaints without the slightest foundation. I am sure that such baseless allegations will be of no avail.

5. Statements that have at least some foundation can be explained, but otherwise it is not even worthwhile con-

sidering

considering them at all." It will suffice to say that the allegations are nothing but false".

6. It has always been my earnest desire and I have always been endeavouring to do my best for the welfare of my subjects. Had it not been so matters would not have gone on smoothly hitherto. Thank God, I was placed on the Masnad at 25 or 26 years age and ever since, there has not been a single complaint against me except the present petition. I beg to point out that this very petitioner was the chief instigator in Fatta Hussaince Begum's case which has been decided recently (vide G.O. No 394, dated 21.6.95, Political). I hope therefore that these petitions also will be disposed of in such a manner as you and Government may think best.

bad

1485

7. I am sorry for the insulting expressions made use of by the petitioner in para 12 of his 2nd petition; I leave it to Government to take such notice of the petitioner's conduct as they may deem necessary on your representation.

Both the petitions with their enclosures are herewith returned with my remarks.

(Signed) Syed Fathe Alikhan C.S.I.
Political Agent.

(True Translation)

Copied by D 22-11. 4

Petitioner's Allegation

First petition

Para I

Nawab Munsurud-dowlah Bahadoor, bequeathed to my grandmother Amtulla Begum by a Sunnud, 3 Villages, a dwelling house and gardens &c, so that they may continue to her male and female descendants.

(Enclosure Exhibit marked A)

× 12th March 1821

Z. 5th April 1825

Nawab's Remarks

Saunad, Exhibit A referred to in this para was granted by the Nawab Mansurud-dowlah to Amtulla Begum on the first of Rajab 1236 Hijiri. The Saunad has been subsequently cancelled by the Will of the said Mansurud-dowlah issued in Hijiri 1240 under which the general distributions of maintenance allowances to all the members of the family were settled after a due consideration of all previous documents, and this Will is considered to be final and serves as a guide for the past, present and future. Under this final Will Amtulla Begum was allowed a yearly

Conviction

Consisting of 3 villages for her life only, but not transferable to her dependants; She having no male issue had no power to transfer it to others. If Amtulla Bejum had been allowed to transfer her Jaghir to her male and female descendants as alleged in this para, why was it that the grant was made for her life only? notwithstanding that she had a daughter then. The action of Mansumd-dowlah (the original grantee) in allowing this grant to Amtulla Begum for her life only was just, as she had no male issue and also as the husband of Amtulla Begum's daughter

Para 2

That my grandmother had an undisturbed enjoyment of the said three villages, but she had requested in my favour by a Sunnud, marked B of the said villages &c, that I have been and am still in the possession of the said property and that Mr. Mincken the then Collector on the strength of the two documents, gave decision of the house in my favour.

16

daughter was one of the Nobles in the Nizam's Territory in which he had large Jaghirs to which his son the present petitioner succeeded. Petitioner is not connected directly with Bangan apally family and possesses no right for maintenance from this State.

In accordance with the conditions laid down in the will of Mansumd-dowlah (the original grantee) petitioners maternal grandmother Amtulla Begum was in undisturbed possession of the said Jaghir of the three villages till her death; but the petitioner's allegation in this para that the said Begum had transferred it by

him the Jaghir in question under
the Sanad (Exhibit B). Viewed to
in this para is altogether in-
- admissible; because Antulla
Begum was prevented from
transferring her Jaghir to
any body in as much as
the grant was made
solely to her life only. —
Antulla Begum enjoyed
the Jaghir till her death;
after which her right in the
Jaghir ceased and none of
her dependants had any
claim to it. Under the
above circumstances, the
Sanad quoted in this para
by the petitioner is null and
void. This petitioner was
one of the Companions of the
last Nawab Ghulam Ali Khan.

He

10/859

17 Oct

He (petitioner) having left Hyderaba-
- bad settled himself at Banganap-
- pally; Considering his (petitioner's)
expenses the last Nawab out of
his friendly regard for him allowed
him the enjoyment of the said
three villages. After the death
of the last Nawab I also
allowed him the enjoyment
of the said Jaghir for his
life. Petitioner's children
born by his Kawas have a
just right in the Jaghirs
possessed by him in the
Nizam's Territory through
his father; but they have
no right whatever in the
Banganapally State. —
Petitioner's allegation that
on the strength of the said
documents Mr. Minchen
gave a decision of the house

by

Para 3

Nawab Hussain Alikhan had no male issue but two daughters named Imdad Hussainee Begum and Rugiah Begum. The former was given in marriage to the late Nawab and he later was brought up and married to the petitioners.

Para 4.

According to Muhammadan Law we were legally entitled to many more Jaghirs out of the State, but the late Nawab and his wife gave to my wife only three villages vide Sanad marked (C).

After

in his favor is not reliable as no mention is made of any house in either of the Sanads (A and B.).

Yes. Nawab Hussain Alikhan's 1st daughter Imdad Hussainee Begum by Zainab Begum (wife) was given in marriage to the last Nawab Ghulam Alikhan and Rugiah Begum 2nd daughter born by his Kawas was given in marriage to the petitioners Jakwar Jung.

It is the standing rule, that the State is not divided among the members of the family whatever their possessions may be; but they are entitled for maintenance if

After few years the said Nawab and his wife gave me and to my wife the village of Sunkesala and concluded a peace by the reciprocal deeds of relinquishment vide (Exhibit D)

11/8/59

1887

if they are direct dependants and have strong claims and possess no other means. This petitioner's circumstances are quite different. His forefathers were in enjoyment of large Jaghirs in the Nizam's Government to which he has now succeeded. He has no claims for maintenance from the Banganapalley State. Hence his claim cannot be patronised.

There is no question that Rugiah Begum was allowed by the late Nawab the enjoyment of three villages Bedam, Narasapuky, and Karimabad. I have no objection to continue the same to her. She has no power to transfer her jaghir to others; moreover she is

issu

issueless.

Rugiah Begum was not granted any particular Summd for her property by the late Nawab as ordained by the British Government in its Summds. Exhibit C referred to is said to have been granted by Imdad Hussaine Begum as a ruler and Successor to Nawab Hussain Alikhan.

Had Imdad Hussaine Begum granted this Summd as a ruler, it would have been a matter for some consideration. But from the Summds granted by the British Government to my predecessor in 1849, and the decision passed by Government after my succession, it is clear that

19/89

19/

that my predecessor was appointed in the place of Hussain Alikhan and was ruling the State, independently without the interference of Imdad Hussaine Begum. Thus it will be seen that she had no power to interfere in State affairs.

Exhibit D is said to be a deed of relinquishment which is based on Summds Exhibits (B & C). Had the Exhibits B & C remained in force it would have been necessary to consider the validity of Exhibit D. From the above remarks it will be seen that documents Exhibits A, B, C, & D are null and void i.e. Exhibit A is cancelled by the Govt (final of

decis

of Munsurud-dowlah the greater
When the Exhibit A is cancelled
The Exhibit B which was drawn
in the name of Jahawar Jung
by Amtulla Begum in connection
with Exhibit A should also be
considered as cancelled as
Amtulla Begum was in the
enjoyment of the Jaghir
only for her life time.

Exhibit C is also invalid
as it was drawn in the name
of Rugiah Begum by Imdad
Hussainee Begum as a pretended
ruler of the State in the place
of Nawab Hussain Alikhan.
Imdad Hussainee Begum was
not the owner of the property
of Hussain Alikhan as stated
in Exhibit C, nor were the
villages mentioned therein
her own. The invalidity of
Exhibit D is clear as it was
drawn

15/859

Para 5

After the demise of the late
Nawab his wife Imdad
Hussainee Begum had
seized the village of
Sunkesala. The present
Nawab on the ground of
this very deed of relinquish-
ment gave a decision
in my favour vide Exhibit
E. Imdad Hussainee Begum
being dissatisfied preferred a
claim to the said villages. In
reference to this claim the
present Nawab enclosed
document marked D with-
his letter to Collector No. 20
dated 5th October 1875.

20/82

drawn on the strength of Exhibits
A. B & C which have been shown
to be null and void. I have
however no objection to continue
the jaghirs now enjoyed by
Rugiah Begum and Jahawar
Jung for their lives.

Exhibit E is a decision
passed by me with reference
to the transfer of Sunkesala
(from Imdad Hussainee
Begum to Rugiah Begum
wife of Jahawar Jung.)
My decision was passed
on the understanding that
Imdad Hussainee Begum
was in possession of the
village on the occasion of
the dispute, and after
hearing both parties and
finding that Imdad Hussainee
Begum had only interest in it
during her life. My
decision

decision was not based upon the Exhibit D as alleged by the petitioner. It was neither acted upon nor were its terms accepted in my letter No 20 of 1875. The decision was passed on the understanding that it would hold good only during the life time of the dad Ghusain Begum.

Para 6.

With reference to the Exhibit D. I am in possession of my wife's jaghir and as a precautionary measure my wife executed deed of gift in my name - vide Exhibit marked F. My wife has also freed me from the impending obligation of discharging her due of maher (marriage money).

Rugiah Begum's limited right on account of her being issueless has already been explained. The property was given to her for her personal benefit. If she leaves her own children they may be allowed the same concession. If she dies issueless the jaghir thus granted to her can under no circumstances be allowed to be transfered to others under any

14/859

any sort of documents as she possesses no such authority whatever to make such transfers. Hence Exhibit D is inadmissible. During her life time she is welcome to enjoy the jaghir but it cannot be transfered to any body after her demise. Petitioner's allegation that he is in the possession of his wife's jaghir under Exhibit D is not real but imaginary. If the petitioner's wife has freed him from the payment of Maher (marriage money) it is quite immaterial to me and cannot interfere with the reversionary right.

Para 7.

The case in point is thus similar Abbassu Begum who died issueless and executed a deed of gift making over all her jaghirs to her husband and with reference to the said deed of gift the present the

Petitioner tries to compare the case of late Abbassu Begum wife with that of his wife Rugiah Begum in the matter of transfer of jaghirs. The Comparison would have hel

the present Nawab enjoys her 19 villages.

Para 8.

On the gaounds of all the above Summuds I am the sole master of the jaghirs and gardens of my wife. The descendants of my 2nd wife from the said time are rightful and legal heirs of these possessions according to Muhammadan Law and the petition draws attention to the list of Sub-jaghirs of 1869

held good had there been another ruler at the time, but it was not the case. I was ruler at the time when my wife died issueless and when she executed a deed of gift, there was no other ruler to dispute it than myself. In the present case of Rugiat Begum I possess the same right as in the case of my wife in which the execution of a deed of gift was unnecessary.

From the above remarks it will be seen that of all the documents produced by the petitioner there is not one that can be said to be in his favour. Petitioner can never expect to possess any right in the jaghirs of his wife much less can his children by his Kawas (female attendants on the great) hope for

15/849

Para 9

During my interviews with the Collector, the said officer alluded that the present Nawab has written regarding the villages of my wife that she having no issue, that her he is heir. Nawab is trying to deprive us of our legal and inherited rights. Inviting attention to the Nawab's letter No 20 with which he had forwarded the Exhibit D in which he acknowledged my rights to the

for it. 2281

The jaghirs of Rugiah Begum and Sahawar Jung referred to in my revised list should be considered as life grants. I have no objection to continue them till they are alive, but they cannot be allowed to make any transfers between themselves or to others.

On hearing that Sahawar Jung was trying to get documents drawn by his wife Rugiah Begum transferring her jaghirs to him and to submit the same for the attestation of Government I at once informed the Political Agent of the facts in my letter No 35 of 1887 requesting that officer to inform the Government that Rugiah Begum

the villages of my wife-

Began is issueless and that her jaghir should be inherited by me. The Political Agent in his letter No. 405 informed me that he forwarded my letter on the subject for the information of Government.

Up to this last moment I have not deprived any man of his right nor do I wish to do so in future. On the Contrary the petitioner is trying to misappropriate the state property by causing the transfers of jaghirs which were granted as life grants. In my letter No. 20 of 1875, I have not said that Jahanara Jung should Succeed to the property of his wife Ruqiah Begum

Neither the petitioner nor his wife

Para. 10

I have divided the whole of my inherited jaghirs to among my lie sons and daughter to avoid future disputes and request that the Three enclosed Persian documents (H. J. J) may be attested and recognised by Government.

16/83/79

wife Ruqiah Begum to transfer to others the jaghir belonging to Banganapalli State. The reasons why they cannot do so have already been explained and the documents produced by the petitioner in support of his allegations are null and void. The documents (H. J. J) referred to in this para are not worth being

by Government.

In Conclusion I hope that the Political Agent will explain to Government the circumstances under which the documents produced by the petitioner have become null and void.

nd Petition.

Para 1.

It is to be observed that
the system adopted from the
time of the late Nawab
in the first few years of the
present Nawab's time
was that the disputes
among the ryots of Sub jaghir-
dars and those of the Nawab
were referred by the latter to
the former, or to his Naib for
an amicable disposal.
The Sub Jaghirdar or his
Naib having regard to the
circumstances used investigated
the matter and submitted
the decision for the Nawab's
confirmation. Again in the
case of dispute between two
sets of Sub Jaghirdars,
the Nawab never interfered
in

From the beginning Sub-
Jaghirdars had no hand
in administrative matters
but the Ruler of the day was
held responsible. The last
Nawab Ghulam Ali Khan
was proclaimed by the
Sanad of the British
Government in 1849 as
Ruler of the State without
the intervention of others
and he administered the
State accordingly. After
his death, the Government
admitted my claims and
recognising me as Ruler
granted me the Sanad
in 1870, with full powers
over the whole State. No
Sub Jaghirdar can claim
any

in it. By this means the ryots
were secure, injured nor spoiled.
Jaghirs were prosperous.
This was the reason that my
Jaghir's revenue used to
amount to Rs. 29,000 or 30,000.
But as the state of affairs
now being otherwise, it is
becoming a cause of
serious loss both to the ryots
and Jaghirdars. According
-ing to the principle in-
-vestigation rests with a
competent legal adviser
who is not available in the
State. Despite of the usual
manoeuvres, the present Nawab
interferes in the matters
arising in the Sub Jaghirs.
The condition of the Subjects has
been much deteriorated, that a
man in former days worth one
lakh of Rupees has now during

any right in it. I have
always been abiding by the
Sanad of the British
Government and have never
acted contrary to it. It
cannot be said that
I am depriving Sub Jaghir-
dars of their rights. You
know that I possess
full powers under the
Government Sanad
which speaks for itself in
matters relating to ad-
-ministration. While such
is the case the petitioner's
allegation in this para
goes to show that he tries
to interfere in State affairs
and from this it can be
judged what weight can
be attached to his other

sunk to abject poverty on account of perpetual worry and interference of the Nawab, the ryot is unable to cultivate and expand his land. In a similar manner any revenue which formerly amounted to Rs 30000, has now fallen hardly to about Rs 20,000.

para 2

The following procedure was current during the time of the late Nawab that if a

are groundless. Petitioner says that his revenue has fallen down. This is not true. The revenue of Sub jaghirs was less in former years. Four years back there was some change (increase) in the revenue throughout the whole State inclusive of Sub jaghirs. Fluctuation is common every where. The working System and the competency of my State Establishment can be easily judged from the correspondence between the State and the Political Agent.

In this para the petitioner tries to state that even murder cases should be enquired

the Sub jaghirdar's area, the matter used to be enquired and a Mahazar prepared by the Sub jaghirdar or his Naib and submitted to the Nawab who on enquiry used to submit with Khajee Fathwa for Government orders.

Para 3

The late Nawab Syed Ghulam Ali Khan did never interfere with the Inams of village Servants in Sub jaghirs such as Kurnams, Reddies and Salaries, but the present Nawab contrary to the former usage so interferes with the village Servants that he actually appoints outsiders on receiving gratifications from them by which

on para 1 Supra will answer the question raised. I am sure that neither you nor the Government will support him.

18/9/57

The village servants are appointed for the village Service. This matter relates to the administration of the State. He, as a ruler, has power to dismiss or appoint such servants as occasion arises. Villages are granted to Sub jaghirdars with powers only to collect and enjoy the revenue therefrom. So far as Alienation is concerned they are allow

which the work of the village and the watching of the fields come to a standstill. In consequence of which the property of the ryots will be exposed to theft which may lead to criminal prosecution and end in infliction of fines. If the parties are dissatisfied with fines, they appeal to the Sadr Court; and the ryots are exposed to utter ruin.

The Condition of the Charity Inamdars was better in the time of the late Nawab. If any Charity Inamdar in the Sub Jaghir became heirless he never meddled with him but left to Sub Jaghirdar who after enquiry to utilize the services of Karnams. Subjaghirdar appoint their own Reddis.

Petitioners' allegation that the late Nawab was not interfering in the matter of Service Inams is wrong. For instance, the Inams of all the Kavadikars throughout the State was resumed by the late Nawab and watchpersons were appointed in their stead. This shows that the ruling Chief does possess full powers. Whenever village Servants are found to be incompetent or dismissed for any crime, suitable claimants from their families are selected and appointed. In case of a village Servant resigns his post, his place filled up by his heir and

the present Nawab exercised his sway over such Inams also which is unjust and improper. Yes, it may be proper for the Nawab to interfere in such cases as take place in the Jaghirs granted by him to others, but not interfere with the Jaghirs and Inams of such Jaghirdars who are hereditary heirs to such Jaghirs and Inams.]

26

19/8/79

the absence of such heirs a new man is appointed; but in no case are claims of heirs overlooked as stated by the petitioner. The Subjaghirdars have no power to interfere with the dismissal and appointment of village Servants. On occasion, the Subjaghirdar of Jangaon having entertained such idea dismissed certain Talaries in his village. This wrong procedure of the Subjaghirdar was intimated to the Political Agent in my letter No. 39 of 1876 whereupon the then Political Agent Mr Foster in his letter No. 49/1876 and in confirmation of his predecessor Mr Hope's letter No. 7 of 1875

disapproved the action of the Subyaghirdars. The perusal of these papers will show the position of the Subyaghirdars and how far the petitioner is justified in making his allegation. It is stated that my interference in this matter has increased thefts in the State. I need not say anything on this but would refer you to the Annual Administration reports which give the particulars of offences in my State. Petitioner thinks that no culprits should be fined nor should any party prefer an appeal, as he thinks, that these two can will bring about the evils

2/0
3/87

27/87

view. In reply to this I must say the procedure of fining the accused and of allowing them to prefer appeals if they consider it necessary, is not my own invention, and I am merely following the principle produced by the Courts of British Government. I leave it to you to consider how far these objections are valid and on whom they reflect. In the (Hyderabad) State in which the Subyaghirdars is now living, the system of imposing fines and leaving aggrieved parties to prefer appeals against the decision of the lower Courts is of daily occurrence and it is therefore for the petitioner to speak ill of that State also. No; his sole obj

is nothing but to bring bad name to me and bring ruin alone. Sub-jaghirdars are never allowed to interfere with the Charity Inams. When the Jaghir is granted the Jaghirdar is allowed the possession of lands exclusive of Inams and he cannot interfere with the Inamdars. The lands which are not included in the Jaghir but treated as Inam cannot be resumed by the Sub-jaghirdar. In cases where the Inamdars die issueless, the unclaimed Inams should be added to the State as is being done elsewhere. The Condition under which hereditary Jaghirs are granted are clearly laid down in the Will of Mansur-ud-dowlah; no body can claim

6/8/29

Para 4.

The majority of lands in the Jaghir are barren on which grow tanning bark trees. These trees are purchased from Sub-jaghirdars by dyers to manure their fields. The Nawab warns these by not to deprive the Sub-jaghirdars of their rights.

Para 5.

In certain parts of the Jaghir where salt was being manufactured under the order of Government is attached. Government pays the Nawab annual Compensation of Rs 3,000 which the Nawab appropriates to himself without distributing it among all the Jaghirdars.

285

any right under Mahomedan Law in preference to that of the State. The petitioner is not the hereditary possessor of any Jaghirs in Banganapaly.

No Sub-jaghirdar is prevented from selling tanning bark trees that grow on barren lands.

It is well known what responsibility the Government has fixed on me for the entire suppression of the manufacture of Earth salt. I spend money of the State Treasury for the maintenance of the preventive establishment. Such being

Para 6.

The Nawab has stopped the distillation of arrack in the Subgaghirdars but continues in his own villages. By this the Sub-Jaghirdars lose another source of revenue. Therefore pray that our loses be compensated.

my responsibility, you can judge how I can give a share to the Subgaghirdars.

Frequent complaints were made by the Abkari Contractors of the British Government regarding loss sustained on account of the Smuggling of arrack from the State into British Talugs. Even the Political Agent wrote on the Subject Every endeavour made was in vain and the Smuggling was not stopped. It seemed then evil all the Scattered distilleries throughout the State were abolished and only one was established in the centre of Banganapalle Town from which arrack sold to Shopkeepers in Subgaghirdars are prevented from purch

22/859

ara 7.

The Nawab has opened an hospital in the Cusba Banganapally and to meet its contingencies he exacts by force from Sub Jaghirdars one anna in each rupee on their income; for instance exacts from me 1250 a year. My villages situated at a distance 16 or 17 miles and none

2981

arrack from the central distillery for sale in their villages. The petitioners allegation that the distillation of arrack is not allowed in Such Jaghirs but is allowed in villages directly under the Nawab is utterly false. It is true that there is only one distillery in the whole State.

Yes. There is an Hospital established in Banganapally State. To meet its charges a medical tax was levied on Sub Jaghirdars. The Political Agent was consulted in this matter, vide my letter No. 17/1882 and that officer gave his consent, vide his letter No. 16 of 1882. At first the tax was levied

of my ryots ever get any medical aid from that Hospital and no Native comes round my villages. It is the duty of the Nawab to maintain the Hospital at his own cost but he is wrong in burdening with its charges all Subgaghirdars. In no Native State such charges are exacted from Subgaghirdars or Rajahs and our just Government would ever condescend to burden any of the protective Stakes with these kinds of extortions. It is not known what Stake or Government the Nawab is imitating in the matter of this kind of administration

Para 8.

The present Nawab

at 3 pies per rupee and finding that the cost of the institution was increasing this tax was increased to one anna per rupee. It is explained under the Head of "Medical" in my administration reports.

Hospital is open to the public. Its establishment is intended to give medical help fairly to all classes of men that attend it from whatever quarter they come in.

Road Cess is collected

levied road cess at the rate of one anna per each rupee but no roads are laid nor bridges constructed for the convenience of village traffic. If we and our ryots had met with any convenience on his roads it would have altered very little.

ryots and not from Jaghirdars revenue. Roads in this State have already been constructed in such places where people generally pass to and fro and where there is traffic. The construction of more roads is under contemplation. Feeder road between Bangana-palley and Panium has already been completed and the road between Rampur and Bangana-palley is being kept in good order. In accordance with the suggestion of the Political Agent the maintenance of the road between Orok and Banganapally has been accepted. All the existing

Para 9.

In collecting revenue from the ryots the village authorities grant them receipts which are stamped by the Nawab's Seal, but when the Nawab issues them, every cultivator receives them from through the Kurnam and Reddi; but the said Kurnam and Reddi pay them out of the revenues of the Sub Jaghirdars. The Nawab has no right to do so. Sub Jaghirdars should collect such fees.

roads in the State are being maintained from the cess collected. The kandy tracts of the villages are repaired whenever necessity arises. Petitioner wishes that the road fund collected from each village should be utilized in maintaining the road in that village also. This is not practicable.

To avoid disputes in the matter of collection between the ryots and village officers, it was decided to give one anna stamped receipt on every occasion and this charge is borne by the parties concerned and is not collected for Subjaghirdars as stated by the petitioner.

Para 10.

Under the Head of "Judicial Charges" I pay rupees 2½/85 four hundred and forty nine to the Nawab. Similarly others pay, but in former days the Judicial receipts were proportionately divided between the Nawab and Subjaghirdars but the present Nawab is not paying any share of Judicial receipts.

Para 11.

To describe the fast bearing on the deteriorated condition of the ryots as well as the cause of quitting the country this brief memorial will not suffice.

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It is a fact that Subjaghirdars are receiving their shares from "Judicial receipts". I did not refuse to pay the petitioner's share, but he did not come to terms. I have informed this Naib of this.

Petitioner is a native of Hyderabad: He has not stepped into Banganapally for several years past. I wonder how he came to see the deteriorated condition of the ryots. Petitioner has made an absurd allegation in this para in order to create an idea of

Maladministration

maladministration in the
minds of the Governme[nt]. I
cannot make any remark
on this matter which has n
foundation at all. Gove
-ment is acquainted with
the administration of m
State from the annual
reports. I am sure Govenmen
will not take any notice o
the petitioner's vague state
-ments.

Para 12.

That in consequence of the present Nawab having acted contary to the usual practice both the Sub-Jaghirdars and the ryots are suffering loss which is attributable to:

(1) Nawab's self-interested revolutionary.

(2) Dispersion and Confusion caused

Petitioner simply says that my action is contrary to practice but adduces no evidence. My actions are based on authority given to me by Government Sanad which the petit[ioner] may call "Nawab's Self interested revolut[ionary]. Similarly the petitioner's a[s]sertion that Sub-jaghir[dars]

caused by mental and bodily infirmity of the Nawab. For instance a few years ago Sardad Hussaine Begum had seized my village of Sunkesala which the Nawab having regard to my documents acknowledged my rights and decided in my favour on reference to an appeal against his decision, and he wrote to the Collector vide his letter No. 20 of 1873 forwarding my document[s] herewith establishing my rights but subsequently the Nawab informed the Collector that my wife is issueless and that he is her heir.

and ryots are suffering loss is unfounded. The decision of the Sunkesala village was passed in accordance with the then existing circumstances and the facts have been explained in my remark on para 5 of the 1st petition. In my letter No. 20 referred to by the petitioner, I have neither acknowledged the right of the petitioner nor accepted his right to succeed to Ruqiah Begum's property. I shall be glad to consider the claim of Ruqiah Begum's own children if she leaves any. - I do not know what remarks I can make on some of the insulting expressions used

use of by the petitioner in the
para. You know the right
I have to take notice of his
conduct in this matter. I
leave it to you to submit
Government to take such
notice of the petitioner's
conduct as they think fit
and I hope to receive a
favourable order in the
matter.

Para 13.

That no right
made with any effective
a self desire except chiefly
as a permanent safeguard
to Subbagathi dai's future
right and for the peace
and prosperity of the syst.

To gain his
petitioner has made s
in any allegations to
unfounded and utter
false. For a long time
was trying to obtain
consent to have the gift
granted to him and
his wife (for their lives o
transferred to other mem
of his family. In orde

to create suspicion in the
minds of the Government
and thereby to secure the
object of his long desire,
the petitioner thought that
there is no other way to
meet this end, than to
represent such false,
unfounded, unlawful,
and groundless alle-
gations as those in his
petitions. But I hope
that on your representation
the Government will clearly
understand the false
motives and selfish
desire with which the peti-
tioner has submitted
these petitions.

Petitioner possesses no here-
ditary rights in the State

and

Para 14.

The petitioner implores
Government with a view
to

to bring this paramountcy of our hereditary rights to final settlement and to undertake to investigate every item already stated, by deputing the Collector to test whether the Nawab administers his Talugs subject to the Law of British Government or to any other laws framed by himself and requesting that Government will frame Laws for the guidance of the Nawab so that he may decide in accordance thereto in cases of dispute.

(1) Disputes among Subjaghirdars.

(2) Disputes between Subjaghirdars and the Nawab.

(3) Disputes between Subjaghirdars and ryots.

A Law may be enacted so that the Nawab may leave the disputes to be settled arbitrarily as usual without his interference with the ryots of the Subjaghirdars and earnest therefore establish his right. The right which he enjoys will be continued only for his life. He tries himself to become a heir on the ground of mere deception and misrepresentations as explained already. The administration of the State is conducted according to the English Law. For instance, the Indian Civil and Criminal Laws are now in force throughout the State. You and the Government can easily judge from the request made by the petitioner in this para to frame 3 laws what amount of enmity he has towards me. It is not uncommon with the petitioner

2/1/859

3484

petitioner to say so. His allegations contain nothing but lies. If the matters are to be settled arbitrarily, as suggested by the petitioner, without a ruler, I do not know what necessity there can be for a chief to rule the State and how the State affairs can be properly administered. It is unnecessary to enter upon the question in detail, as you and the Government can easily understand the motive of the petitioner in the matter.

(Signed) Syed Zaki Ali Khan C.S.
Nawab of Banganapalle

(True Translation)

Secretary

J
Political

Copies sent to Govt

Political

28/859

Enclosure to letter No

1540
25.11.95 from the Political
Agent Mekran, to the
Chief Secretary to
Government Political
Department

letter from the Nawab
Bampur abstract
with its enclosure

Political Agent's

Kurnool ~~Collector's~~ Office.

C No. 1541. 29/89

ENCLOSURES. 18 (vide 25th Oct 89)

KURNOOL, DATED 25 November 1895.

CURRENT NO. 1741

From

C. M. Mullaly Esquire, 18

and Political Agent,

COLLECTOR OF KURNOOL.

To

Chief

THE SECRETARY TO Government,

Political Department

Sir,

I have the honor to submit herewith the two petitions with their 14 enclosures, addressed to Government presented by one Ali Hussain Khan (Dakhwar Jung) one of the Sub Jaghirdars of Banganapally, together with letter No. 83 dated 25th October 1895 with its enclosures received from the Nawab.

2. Petitioner is the maternal grandson of Atuttlu Begum, the second wife of Nawab Mansoor-ud-Dowlah the great

3. He enjoys a jaghir in the Banjaracapalli
State consisting of 3 villages, Aplapur,
Kapulpalli and Neelagundla, said
to have been inherited by him from
his grandmother Amtulla Begum.
His wife Rugiah Begum also enjoys
a jaghir consisting of 11 villages
viz, Bellum, Narsipalli, Kamsabad,
and Sundesala, said to have been
granted to her by her sister Imdad
Hussaine Begum, wife of the last Nawab.
4. From the 1st petition, I gather that
petitioners chief object is to have his
own jaghir and that of his wife
Rugiah Begum transferred to his
children by his other wife (Khawas) on
the ground that he and his wife
inherited these jaghirs under the
Mahammadan Law and that the

enclosed Exhibits A to G are in his favour
5. Exhibit A – is a Sunnud conferring the
villages of Aplapur, Kapulpally, and
Neelagundla as Jaghir to Amtoolla
Begum Sahiba, wife of Nawab Mum-
-sud-dowlah Bahadour, and
grandmother of Nawab Jahanvar
Jung Bahadur to continue to her
male and female descendants.
Exhibit B – is a Sunnud conferring the
villages of Aplapur, Kapulpally and Neela-
gundla, as Jaghir by Amtoolla Begum
Sahiba to Nawab Jahanvar Jung Bahadour
to continue to his male and female
descendants, generation after generation.
Exhibit C – is a Sunnud executed by Imdad
Hussaine Begum Sahiba, daughter of the
late Nawab Sayid Hussain Alikhan
Bahadur in favour of her Sister
Rugiah Begum Sahiba wife of Nawa

Jakawar Jung Bahadur Conveying the villages of Bellum, Narsipally, and Karimabad.

Exhibit D- is a release executed by Munsund dowlah Bahadur 3d. Nawab of Banganapally and his wife Imdad Hussainee Begum Sahiba in favour of Rugiah Begum Sahiba and her husband, Nawab Jakawar Jung Bahadour to the effect that the two former as well as their descendants and successors have no right to claim or interfere with the Jaghir belonging to the latter either from them or from their descendants and the descendants of Nawab Jakwar Jung by any other wife.

Exhibit E- is a decision of the Secretary Nawab of Banganapally in a claim preferred by Imdad Hussainee Begum

31/855

for the village of Sunkesala and the Putteraly Lands, which the Nawab decided, have been proved to be the property of Jakawar Jung Bahadour.

Exhibit F- is a Sunnud executed by Rugiah Begum Sahiba in favour of her husband Nawab Jakawar Jung Bahadour conveying the villages of Bellum &c to him.

Exhibit G- is a Sunnud executed by Rugiah Begum Sahiba in favour of her husband Nawab Jakwar Jung Bahadour foregoing her Marriage gift viz. the villages of Aplapur, Kapulpaby and Neelagundla, and conveying the Jaghir inherited by her from her father's estate, to her husband.

6. Petitioner also encloses 3 documents Exhibits H. I & J drawn up by him in Persian, concerning his and his wife

wife Rugiah Begum's Jaghirs to his children by his other wife and argues that these documents maybe attested and recognised by Government.

7. In reference to his 1st petition the Nawab says that petitioner's attempt to have these Jaghirs transferred to his children by Khawas (female attendants in great men) is not admissible as the Jaghirs in question were expressly granted to petitioner and his wife for life, and are not transferable and as the documents produced by the petitioner are null and void, as the persons by whom they were executed had no authority to transfer the Jaghirs to others.

8. Exhibits A to G referred to in para 5 supra and the Nawab's remarks thereon will now be considered in order to determine their bearing on the present claim.

9. Exhibit A is a Sunnud granted by Nawab Mansumud-dowlah to his second wife Amtulla Begum in Stijra 1236. This was subsequently cancelled by her Will dated 5th April 1825 (Stijra 1240) under which the general distribution of maintenance allowances to all the members of the family was finally settled after due consideration of all previous documents. This Will is considered to be final and acted on as a guide for the past, present and future. Under this very Will, petitioner's grandmother Amtulla Begum was granted a Jaghir of 3 villages for her life only, she having no male issue.

* 12th March 1821

After careful consideration I am of opinion that the Nawab's contention

correct. The Will of Munsumd. Doulah clearly lays down that the Jaghir of the 3 villages was only a life-grant to Amtulla Begum and therefore it ought, on her death, to have reverted to the State, but owing to the great friendship of the late Nawab to Jahwar Jang, he continued to enjoy it, though there is no document to this effect. This per-missive enjoyment cannot be regarded as hereditary grant.

10. Exhibit B is a Sunnud by which Amtulla Begum transfers 3 villages to Jahwar Jang.

The Nawab Contends that this Sunnud is invalid, because Amtulla Begum had no power to transfer her jaghir to others as it was only a life grant to her. This Contention appears to be

11. Exhibit C is a Sunnud granted by Mud Hussaini Begum in favour of her sister Rugiah Begum. The Nawab Contends that as this Sunnud was granted by Mud. Hussaini Begum in her capacity of a ruler and successor of her father Hussain Ali Khan, and as she was never recognised by Government as a ruler, she had no power to grant a jaghir.

This contention seems to be sound as far as it goes, but subsequent to the grant of Exhibit C, both Mud. Hussainee Begum and her husband Munsumd. Doulah, the 3d Nawab, jointly executed Exhibit D by which they resigned all right to claim or interfere with the jaghir belonging to Rugiah Begum and Jahwar Jang. As, therefore, Exhibit

by the execution of Exhibit D by the 3rd Nawab, the validity of the grant depends on Exhibit D.

As regards Exhibit D, the Nawab says that as it was based on Exhibits B & C and as these latter are not in force, it is unnecessary to consider the validity of Exhibit D.

This reasoning, however, does not appear conclusive, for Exhibit D was executed by the 3rd Nawab and if he had power to alienate, it was certainly a valid grant. But even the Nawab apparently had no power to permanently alienate. for, in para 7 of the Summud granted by the Madras Government to the Nawab, it is clearly laid down that no perpetual alienations will be allowed.

In any Inam grant the terms and duration of the grant must be distinctly specified and the duration is under no circumstances to be extended beyond the enjoyment of the Jaghir by the grantee. According to this, Exhibit D was not valid beyond the life time of Mansur-ud-Dowlah, the 3rd Nawab.

The present Nawab, however, acquiesced and still acquiesces in the enjoyment of the Jaghir during the lifetime of Rugiah Begum and Jahwar Jung. There is apparently no Summud issued by the present Nawab, but when he was placed on the Musnud, he promised to continue the Jaghirs contained in the list of 1869. The Jaghirs of Rugiah Begum and Jahwar Jung are contained in that list and the Nawab is willing

to continue them during the lifetime of the present holders but objects to their continuance to the children of Jahwar Jung by a Kanwas.

13. Exhibit E is a decision passed by the present Nawab with reference to the transfer of Sunkesala village from Imdad Hussainee Begum to Rugiah Begum and her husband Jahwar Jung.

The history of this case appears to be as follows:-

The village of Sunkesala was granted to Imdad Hussainee Begum by her mother Luiab Begum, wife of Nawab Saiyid Hussain Ali Khan. Imdad Hussainee Begum seems to have transferred it to her sister Rugiah Begum and her husband Jahwar Jung. Subsequently, a dispute arose which led to the passing of the above decision by the Nawab.

3/9/85

is valid only during the lifetime of Imdad Hussainee Begum. This view, I think, is correct it was merely a decision between two contending parties and cannot be taken as affecting the reversionary rights of the State to the Jaghir.

14. As regards Exhibits F & G said to have been executed by Rugiah Begum transferring her Jaghir to her husband, the Nawab says that Rugiah Begum could under no circumstances exercise this power of transferring her jaghir to others, as, being issueless, she was allowed to enjoy it only during her life, and that these Exhibits are therefore inadmissible.

15. For the above reasons, the Nawab declines to permit the transfer of the Jaghirs under reference to the petitioners children by his Kanwas and requests

to that the documents A. 2 & 3 drawn up
the by the petitioner may be rejected. This
Co question was also raised by the Nawab
q in his letter No. $\frac{35}{22.6.87}$ submitted to
13. Government with this office E. No. $\frac{13}{136}$ dated
hi 29th June 1887.

of 16. 2nd Petition - The Summary of this petition
st is as follows:—

c (a) The Nawab interferes with the disputes
between Subgaghirdars and their
a ryots, which results in loss, rumination,
and ultimate poverty to the ryots.

t (b) The Subgaghirdars are deprived
of their right of trying cases of
murder Committed in their Subgaghirs.

(c) The Nawab interferes with the Inams
of village servants in the Service of
Subgaghirdars, in Consequence of
which the property of the ryots is exposed
to theft and thus the ryots will be exposed

to buffaloes.

3/6/887 (d) The Nawab interferes with the Charitable
Inams, by which the Subgaghirdars are
prevented from annexing them to
their Subgaghirs in cases where
there are no heirs as was the case
hitherto.

(e) The Nawab usurps the right of Sub-
Jaghirdars of selling the bark of
trees that grow in the Subgaghir
waste lands.

(f) The Nawab appropriates the whole of
the Compensation paid by Govern-
ment for earth Salt and the
Subgaghirdars are deprived of
their share of it.

(g) The Subgaghirdars are deprived
of the arrack revenue as the Nawab
has stopped distillation of arrack
in the Subgaghir villages.

(h) The Nawab collects

from Sub Jaghirdars, but they receive no medical aid from the Nawab's Hospital.

(i) The Nawab levies road cess from Sub Jaghirdars, and no roads are made in Sub Jaghir villages.

(j) The Nawab has deprived the Sub. Jaghirdars of the right of collecting fees for stamped receipts granted to ryots.

(k) In consequence of the present Nawab having acted contrary to the usual practice, both the Sub Jaghirdars and ryots suffer great loss.

(l) This request is not made with any self desire except chiefly as a permanent safe guard to petitioners future rights and for peace and prosperity of ryots.

(m) After enquiry into each item by deputing the Collector, Laws may be framed for the benefit of the Nawab, his Sub-

17. The Nawab has made his remarks on each of the above points. It is needless to repeat them here.

18. The disputes relating to most of the points in the petition, viz. Inam, Salt, Abkari, Medical Aid, Roadcess, &c. have already been disposed of-vide this office letters nos $\frac{7}{9.1.88}$, $\frac{767}{24.3.88}$ and $\frac{2655}{22.8.88}$ and G.O's thereon nos. $\frac{200}{10.3.88}$, $\frac{494}{20.7.88}$, and $\frac{616}{12.9.88}$, Political respectively.

19. The Nawab says that the petitioners complaints do not relate to any specific point, but are of a vague and general character, and that the petitioner has made these unfounded representations merely to prejudice Government and thereby to gain the object of his selfish-

desire, viz to secure the transfer of his and his wife's Jaghirs.

20. As regards the Laws, the Nawab says that the affairs connected with his State are administered under such Laws as are in force in the British Government viz, the Indian Criminal and Civil Laws. It appears that in murder cases Capital punishments are awarded under the Mahammadan Law, and the questions relating to the division of Hindu property are settled according to Hindu Law.

21. The Nawab considers that the petitioner has made use of insulting expressions in para 12 of his petition and desires me to bring this to the notice of Government. 10 P

22. This 2nd petition appears to be a spiteful production, because the Nawab will not comply with petitioner's wishes. I do not think it requires further comment.

I have the honor to be
Sir
Your most obedient Servant
[illegible]
Political Agent

38/85

Copied by [illegible] 27.11.
Compd [illegible]
27.11.

CURRENT NO. 1721.
1895.

109
12-3-74
144
1-4-74
27
6-2-69
652
10-10-76
213
14-5-72

Correspondence Department.

RECEIVED CHIEF SECRETARY'S GOVERNMENT OF MADRAS
-2 DEC 1895

FROM Mullaly Esq
COLLECTOR & Dy: Agent
KURNOOL.

TO
THE SECRETARY TO Chief Government
Political Dept.

DATED 25 November 1895.
RECEIVED 2/12/95.
Rpd 3/12/95. No. 154 P

ENCLOSURES. 15
Subject.
Submitting his remarks on petitions presented by one Sahaiwar Jung, one of the Sabigaghidars of Banganapally State about the transfer of some Jaghir
papers for papers
15
5/12

K. C. O.—Eg. No. 163—10 894—Copies 1000.

C No. 167/1895 Poll:
Exc: 6 11 P

39/259 Submitted to Government in continuation of my letter C. No. 154 Political, dated 25th November 1895.

2. Petitioners protest against the validity of the Will of Nawab Munsurud-dowla the great and against the powers of the Nawab to resume their Jaghirs after his life time.

3. The Government declined to interfere the matter of Sahi Shuraini Begum Complaint against the Nawab who resumed her Jaghir on the strength of the said Will - vide G. O. No. 394 dated 21st June 1895 Political.

4. Under the Sanad of the British Government, alienations beyond the life of the grantee are invalid as already reported in my letter above

I do not think that the Kazis de-
cision (enclosed by the petitioners)
has any bearing on the present question.
In 1868, a similar case was disposed
of vide this office letter dated 15th
November 1867 No. 92, para 24 and
Government Orders Nos. 6 and 43, dated
5th January and 13th February 1868
Political, respectively.

Kurnool Political Agents office
dated 5th December 1895.

Political Agent

cpd
6.12.

Put this in typ/d
half transfer

CURRENT No. 1766

1895.

Correspondence Department.

4D
8.79

From C. M. Mallay Esq
Collector and Pol. Agent
Kurnool.

To
Chief
The Secretary to Government
Political Dept.
Madras.

RECEIVED 9 DEC. 1895 GOVERNMENT OF MADRAS

Dated 5th December 1895.
Received 9/12 C No. 1671

Enclosures. 4

Subject.

Submitting his remarks on petitions from certain Sub Jaghirdars of Sangamapalli State protesting against the powers of the Nawab in respect of the resumption of Sub Jaghirs.

Political Dept

Encs 1694 + 1721 & 1766

Order. No. 859 dt/16 Dec 95

In the first of the letters read above the Political agent states that the subject referred to in GO. ~~No~~ No 751 PD 8-11-95 has been included in his reply to GO ~~dated~~ 17 Septr: 1895 (No. 626) with the second ~~of these~~ letter he submit with ~~his~~ remarks two petitions presented by Salawar Jung, a Subjaghirdar of Bangarapalle. The petitions referred to in the first of the orders quoted above and those now forwarded are identically the same.

The Political agent will be requested to state if his ~~has not~~ 1694 & Encl No. 1671 PD letter of the 25th Novr 1895 with reference to the reply to GO No. 626 PD 17th Sept 1559 1895 and if so why ~~he has~~ not been submitted in proof of

CS. 13/12/95

Dept 14/12

Pol. Agent, Kurnool