

Political (1896) Department.

ORDINARY MS.

G.O., No. 49

Dated 21st Jan: 1896.

[Despatch Abstract.]

PETITION.

Intimating to Ahida Begam that the Paymaster of Carnatic Stipends has been instructed regarding the distribution of the considerable stipend of the late Amin-ud-din Hussain.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
80	170		9-3-96				
80	328		17-5-96				

[G
9]
2000-12-4-95.

15: 14. 1. 96
364: 31. 5. 94

Current No. 61

Pol. DEPARTMENT.

From

Abida Begam

C.S.
mrs

No. 49 d/21 Jan 96

The P.C.S. to whom pet.

Should apply, has already recd.

orders in the matter

No.

Dated 14

Received 15

Enclosures 2

January 1896

C.S.
18. 1. 96.

25/1/96

Particulars (a) Dec/23

SUBJECT.

Requesting that the O.C.S. may be directed to expedite his report on the distribution of the stipend of her father, the late Amin-ud-din Hussain who died in Nov 95.

The printed memorial is dtd vide 80 3648 31-5-94 & the petition from Abida Begam is not.

WITH ORDER

To

HIS EXCELLENCY THE RIGHT HONORABLE

BEILBY BARON WENLOCK, G.C.I.E.,

Governor and President in Council,

FORT SAINT GEORGE.

The humble petition of **Muhammad Ameen-ud-din Hussain**, Carnatic Stipendiary, No. 300, son of Husain Muhammad Khan Bahadur Dilavar Jang, and the paternal grandson of Nawab Muhammad Ali Khan Bahadur, Wallajah, Nawab of the Carnatic.

MOST RESPECTFULLY SHEWETH,

That the petitioner's deceased father was the son of Nawab Muhammad Ali Khan Bahadur, Wallajah, who was in receipt of a monthly pension of Rs. 832-5-4 from the Local Government, *i.e.*, enjoyed an annuity of Rs. 10,000. After the demise of petitioner's father, the Madras Government made a slight deduction of Rs. 3-5-4 from his stipend and distributed the remainder on the 16th January 1854 amongst his heirs.

2. That the petitioner begs to submit that he has grown more than 80 years old, and has a large family dependent on him and enjoys a monthly stipend of Rs. 300 at the hands of Government, and is a very close relative of the Nawab Wallajah who was a *loyal friend* of the British Government, and requests respectfully that Government may be pleased to make a slight deduction in his stipend and distribute the remainder amongst his large family as it has done in the case of his father on the ground of his being the son of Nawab Wallajah, and also in the case of his brother, the late Muhammad Taqi Ali Sahib, on the 3rd May 1876, who also had a large family to support.

3. The petitioner further begs to direct the attention of Government towards one serious and compassionate matter, *viz.*, that the petitioner has two grades of children, one from the Shadi wife (Shadi wife is one whose marriage is performed according to Hindu rites and customs with a Nikah in the conclusion) and the other from the Nikah wife (Nikah wife is one whose marriage is performed solely according to the Muhammadan law and Arab principles, without any bustle of Hindu rites and customs).

4. According to the laws of Muhammad (may His Soul rest in peace) there is not the slightest difference between the children begotten by a Shadi wife or a Nikah wife, and in Muhammadan law all the children are entitled to equal shares; the same ruling is also observed in the Law Courts throughout India.

5. The petitioner amassed a large fortune consisting of cash amounting nearly to 2 lacs of rupees and lands, gardens and houses for the behoof of his

children, and it produced a monthly income of about Rs. 800, and handed it over to the Shadi children with the sole intention that they would pay due regard to the welfare of his Nikah children and would maintain them from the income, but the Shadi children acted in strict opposition to his intentions and never cared about his Nikah children, but on the other hand wasted money away and turned out their open enemies.

6. The petitioner has now no property either moveable or immoveable, but is involved in heavy debts, on account of his large family; his monthly stipend of Rs. 300 is his only moveable and immoveable property, and therefore requests that Government would be pleased to place his Nikah children on a par with his Shadi children in respect of their respective stipends.

7. The petitioner further begs to request that if His Excellency does not wish to make a general rule as to distinction between Shadi and Nikah children, His Excellency may make it an exception as regards his own children, and that after his death, they may obtain equal shares without any distinction whatever, since his Nikah children have neither means of subsistence other than what will be continued to them out of his stipend, nor does he leave any property behind him.

8. A copy of the Fatwa of the Ulamas of Madras regarding Shadi and Nikah children is herewith enclosed for His Excellency's information and perusal. It is clearly inferred from the above Fatwa that there is no difference between Shadi and Nikah children, and that they possess equal rights according to the laws of Muhammad.

9. In former times when Carnatic pensioners were enjoying thousands of rupees, Lord Clive's scale did not work harshly, whereas, now, the Carnatic pensioners enjoy only very small pensions, and if as formerly such a difference between Shadi and Nikah children is to work on and the Nikah children are allowed only a fifth share of the Shadi children, then the Nikah children would have to labour under severe hardships and miseries. For example, if a Shadi child is entitled to a monthly stipend of Rs. 10, then a Nikah child would receive only a fifth, i.e., Rs. 2, which would in no way suffice to maintain himself and his family.

10. The petitioner's children have a large family to support, and he therefore humbly prays for the mitigation of the sufferings of his children an equal distribution of his stipend amongst his children without any distinction whatever. Your petitioner trusts that having regard for his status in the Carnatic Family and to the fact that he is the sole surviving lineal descendant of Nawab Wallajah in the male line, His Excellency the Governor in Council may be pleased to take this memorial into favourable consideration and pass orders which will be a solace in this the evening of his life.

The list of petitioner's heirs is herewith annexed for Your Excellency's perusal:—

By Shadi.

(1) Muhammad Quadir Husain (*Lunatic*); (2) Ahmed Husain (*disinherited*); (3) Husain Ali (*deceased*), (*disinherited*); (4) Gulam Mustapha Ali; (5) Karimun-nisa-Begum.

By Nikah.

(1) Talib Muhiuddin (*eldest son*); (2) Ghulam Jilanee (*deceased*); (3) Amir Ali; (4) Ghulam Muhiuddin; (5) Mazhar Husain; (6) Ghulam Quadir; (7) Abdur

Rahman alias (Enayatulla); (8) (Quadir Muhiuddin and (9) Ghulam Dustaghir have discarded 40 years ago, and it is not known whether they are alive or dead); (10) Ghousee Begum; (11) Abida Begum; (12) Husaini Begum (*deceased*); (13) Rahat-un-nisa Begum (*deceased*); (14) Quadria Begum; (15) Malik-un-nisa Begum.

Wife

Fatima Bi.

Rabeeb son

Ghulam Muhammad.

Adopted son

Muhammad Abdur Rahman alias Moulvi.

Servant (old)

Tondrayan.

For which act of kindness and benevolence, the petitioner shall, as in duty bound, ever pray.

MADRAS, }

17th May 1894. }

FATWA.

Question.

A Muhammadan married a Muhammadan lady, *i.e.*, performed the Nikah with all the Hindu rites and ceremonies now in practice in India and afterwards married three other Muhammadan ladies (which he is lawful to do according to the Muhammadan law) without the performance of any Hindu rites and ceremonies, and all these has issues, but afterwards that person dies, then in that case do all his children begotten from each of his wives, hold equal rights of inheritance, or is there any difference as to their respective rights?

Answer.

Since the burden of proof of the right of inheritance lies on the solemnity of Nikah, and according to the terms of Nikah, all these ladies are equal and thus their children too are entitled to equal shares in their father's inheritance. The Hindu rites performed along with the Nikah have no place in the Muhammadan law, and their performance is strictly forbidden by it.

(Signed) SYED AHMED MOHI-UD-DIN.

(Signed & Sealed) OOBAD-UL-LAH, (*Chief Cauzee of Muhammadans
Soonni Sect*).

(Sealed) KHUDRUTH HALEEM ANNASIRI.

(Signed) MAHMOOD *bin* SIBGATHOOLLAH.

(Signed) MUHAMMAD GHOUSE.

(Signed) SYED SHAH MUHAMMAD.

(Sealed) HAFIZ MUHAMMAD LUTHFULLAH, (*SHAMS-UL-
ULLAMAH*).

(Signed) MIR HAIDER ALI.

(Signed) SYED AZMUTH PIRAN KHADRI.

(Signed) ABDUL WAHAB.

(Signed) SAIYID MUHAMMAD.

(Signed) MUHAMMAD ABDUL MAJEED.

(Signed) GHULAM MOHI-UD-DIN.

(Signed) & (Sealed) RUKN-UD-DIN SAIYID MUHAMMAD KHADRI,
(*SHAMS-UL-ULLAMAH*).

(Signed) ABDUL RAHEEM.

(Signed) MUHAMMAD MOORTOOZA.

(Signed) MUHAMMAD MOHI-UD-DIN HUSSAIN.

(Signed) GHULAM RASOOL.

N.B.—In Military Regulations Shadi and Nicka widows and offspring of Commissioned officers, Non-Commissioned officers, soldiers, &c., are equally treated without any distinction whatever with regard to the grant of Family Pensions. Under any circumstance Nicka is considered a legal marriage.

D^o

His Excellency The Right Honourable
 Peilley Baron Wenlock G.C. J. E.
 Governor & President in Council.

Fort St. George.

 CHIEF SECRETARY
 15 JAN 1896

The humble petition of Akida Begum,
 Daughter of late Mohamed Aminooddeen
 Hussain Khan Sahib Carnatic Stipendiary
 No 300, son of Hussain Mohamed Khan
 Bahadur Kilawar Jung, and The
 paternal grandson of Nawab Mohamed
 Ally Khan Bahadur, Hallajah, Nawab
 of The Carnatic.

Most Respectfully Sheweth..

That the petitioner's father Mohamed Aminooddeen
 Hussain Khan Sahib, Carnatic Stipendiary No 300, died
 on the 8th November 195, and before his demise forwarded
 to the Government, his last petition dated 17th May 195,
 along with The Futwah attached thereto, giving his heirs
 copies of the same petition, for information & guidance.
 That the copy given to the petitioner by her late father
 is herein enclosed for your Excellency's perusal;

That Petitioner's father, being aware of the
 condition of his children, begged in the petition "that
 the Government might be pleased to make a slight
 deduction in his stipend and distribute the remainder"
 not in strict.

1896
Pol. Dept.
Enclos. No. 2
To
G. No. 61

Rel. we have had none before?

not in strict accordance with Lord Clive's Minute, but that they would make "an exception as regard his own children, and that after his death, they might obtain equal shares without any distinction whatever between his children by shadi-wife and those by ricka-wife

III Your Excellency's humble Petitioner trusts that Your Excellency will be graciously pleased to ask the Pay Master of Carnatic Stipends to forward his report to Government as early as possible should his report be not as yet forwarded in accordance with the wishes of your Excellency's Petitioner's late father as suggested in the Petition.

IV As more than 2 months have been elapsed since the death of the Petitioner's father, no orders have yet been issued by the Pay Master & consequently the Petitioner and other heirs ^{are} in great hardship for the delay.

For which act of kindness and leniency the humble Petitioner shall, as in duty bound, ever pray.

14th January 1896
Madras.

(Signed) Alida Begum.

CURRENT NO

When given for copying _____
When copied _____
When examined _____
When signed _____ } 189 .

READ AGAIN G.O., No.
189 ,

DATED

CURRENT No.

ENCLOSURES TO C. No

ORDER OF GOVERNMENT. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

*Has
Had this before?
Cl
15/11*

15-7-03

18-8-05 ✓

18-5-07 ✓

18-1-10 ✓

21-3-11 ✓

11-11-16 ✓

p.