8
300—25-7-96

Political (1897) Department.

ORDINARY MS.

G.O., No. 177

DATED 18-3-97

INDEXED.

[Despatch Abstract.]

Sanctioning the continuance of the whole of the stipend of the late Abd-ul-Hai to Rahmat-un-Nisa Begam for her life-time and its reversion to the brothers and sisters of the deceased or their children after her death.

BACK PAPERS.

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

FURTHER PAPERS.

~~G.O.~~ Cir	No.	Department.	Date.	G.O.	No.	Department.
~~482/97~~		484 / 1-7-97				
Cir 1256/98		709 / 6-10-98				

Political (1897) Department.

CHIEF SECRETARY
21 JAN 1897
GOVERNMENT OF MADRAS

From

The Paymaster,
Carnatic Stipends
Chepák

Order

No. 27 of 1897.

Dated 21st } January 1897.
Received 21
Registered 22.
Enclosures Nil
Spare copies

rder

SUBJECT.

Recommends the continuation of th
full allowance of Abd-ul-Lai Sah
to his widow Rahmat-un-nissa Begu
for her life.

BACK PAPERS

G.O.	No.	Department.	De
35:	14-1-97		
R447:	15-12-96		
	10-12-96		
771:	5-11-96.		
328:	21-5-94		
678:	3-10-93		
470:	4-8-92		
651:	10-12-89		
769:	27.11.88		
190:	19.3.85		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 27 of 1897.

Paymaster Carnatic Stipends
Office, Chepak 21st January 18

CURRENT NO 119

From,
Colonel: H: S: Stewart; I: S: C:;
Paymaster, Carnatic Stipends
Chepák

To,
The Honourable: J: F: Price; C: S: I:,
Chief Secretary to Government,
Fort Saint George

Sir,

With reference to G: O: No. 35, dated 14 January 1897, "Political", I have the honor to state, that as Rahmat-un-nisá Bégam has been considered by Government as a legal widow of the late Abd-ul-hai Sahib and as the allowance of Rs. 155-6-8 drawn by the deceased was of a perpetual nature, he being a member of the Arcot family, I beg to propose the continuation of the above amount in full to Rahmat-un-nisá Bégam for her life, & on her decease ~~when~~ it will be distributed amongst the surviving heirs of the family of the late Attiat-ul-ali Mahmud-un-nisá Bégam (the deceased's mother as was done in the case of the widow of Naj-ulla Khan Bahadur another member of the Arcot family, reported in this office letter No. 515, dated 16th November 1888.

G

G.O. 769 / 27.11.88

E

I have the honor to be
Sir,
Your most obedient servant
H. S. Stewart Colonel
Paymaster Carnatic Stipends

3

Political (1897) Department.

CURRENT No. 190

ms 35 / 14-1-97 P.R.

328 / 21-5-97 ms

Endt No. 315 D/6 February 1897
Referred to the Paymaster Carnatic Stipends for report after consultation with the Prince of Arcot
(Sd) A. R. Knapp
ag: Asst Secy.

rder

Submitted to the Asst. Secy: as it is understood that the file is with him – i.e. C119 and file

w

2/97

Note for C.S.

~~[illegible]~~ I submit that this ay be sent to the Paymaster for report after consultation with the Prince of Arcot.

5/2/97

/97

From Mohamed Mahmood Khan Bahadur

No.

Dated 2nd February 1897
Received 3-2-97.
Registered 4-2-97.
Enclosures
Spare copies

SUBJECT

Soliciting ~~that~~ in the distribution of the pension of Abdul Hai Sahib late son of Mohamed Mahmood Khan Bahadur, the balance, after giving a share of one fourth to Rahmatun nisa Begum the legal widow of Abdul Hai Sahib ~~in the opinion of Govt~~, should be distributed amongst the deceased's surviving brothers & sisters.

BACK PAPERS.

G.O.	No.	Department.	Date.
Cu No 119/97 + papers			

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Azeez Baugh
& Nungambankam 2nd Feby. 97

CURRENT NO. 190

CHIEF SECRETARY
3-FEB 1897
GOVERNMENT OF MADRAS

A.S.

To

The Hon'ble the Chief Secy. to Govt.
Fort St George.

Sir

In continuation of my letter d/ the 18th December 1896 I beg to state that on the 23rd January '97 I received an official letter from the Paymaster Carnatic Stipends intimating to me that Govt. considers Rahmatun nisa Begum as the legal widow of my late son Abdul Hai Sahib.

I cannot but bow to its decision, but I may respectfully point out that as the Govt. differ from the views expressed in my previous communication & consider Rahmatun nisa Begum entitled to participate in the pension of my late son treating it as an estate, I would beg to submit that according to the Muhammedan Law

She is only eligible for a share of one fourth & I respectfully trust that in apportioning the pension Govt. will be guided by this definite & acknowledged rule of inheritance. The balance should be distributed among the deceased's surviving brothers & sisters as was done in the case of my late daughter Amatur Raoof Ameeroon nisa Begum (Vide G.O. No. 328 d/21st May 1894) a precedent which I beg to submit should govern the present case.

I have the honor to be
Sir
Your most obedt. Servant.

Mohamed Mahmood Khan Bahadur

[illegible]
[illegible] 119/97

No: 82797

Political Dept

RECD. 8-2-97

C. 190

8.II.97.

Endt. No. 315 d/6th February 1897.

Referred to the Paymaster, Carnati Stipends, for report, after consultation with the Prince of Arcot.

By order
A. R. Knapp
Ag Asst Secy

C10
6/2/97

TO BE RETURNED WITH REPLY.

Political (1897) Department.

CURRENT No. 258

CHIEF SECRETARY
19 FEB. 1897
GOVERNMENT OF MADRAS

From The Paymaster, Carnatic Stipends, Chepák

No. 67 of 1897.

~~Order~~

Submitted to the Asst Secy with ref to his note of the 6th instant.

Ccw
20/2/97

Dated 19th }
Received 19" } February 1897
Registered 20" }

Enclosures Three (C 190 returned)

Spare copies

SUBJECT.

Reports on the petition of Muhammad Mahmud Khan Bahádur, after Consultation with the Prince of Arcot.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

8

To

Colonel H. S. Stewart,
Paymaster of the Carnatic Stipends.

RECD. 15-2-97

15. II. 97.

Respected Sir,

In acknowledging the receipt of your letter No: 32, dated 23rd January 1897, I beg to state that words are wanting to express my gratitude for justice done by you to my helpless daughter Rahmat-un-Nisa Begam, widow of the late Abdul Hai Sahib in spite of every effort being made by Muhammad Mahmud Khan Bahadur with the conjoint aid of the Prince of Arcot to co and misrepresent the claims of my daughter. My humble and hearty thanks are due to the benign British Government for having declared my daught as the widow of the late Abdul Hai Sahib. I hope that the justice already rendered to my daughter will be continued and that my daughter will get the full pension of her husband for life in the same manner as Karim-un-Nisa Begam, widow of the late Najib-ulla Khan Bahadur (which is the only case of its kind on record in the Arcot Family) did get.

2. I now hear that Muhammad Mahmud Khan Bahadur has submitted his petition to Government stating that according to the Muhammadan Law, my daughter is entitled to only one-fourth of the allowance

drau

drawn by her late husband for which I beg to submit, there is no objection should there be on record any such precedent in the Arcot family to the above effect.

3. In the Case of Karim-un-Nisa Begam legal widow of the late Najib-ull Khan Bahadur, Prince Intezam-ul-Mulk Bahadur, the then Prince of Arcot, who was old, experienced, politic and uninterested on either sides, recommended the grant of full allowance to her. This recommendation was supported [illegible] by the then Paymaster and the Government [illegible] sanctioned it. The present Prince [illegible] of Arcot is young and on [illegible] terms with Muhammad Mahmud Khan Bahadur and consequently the opinion he has already given that my daughter has no claims for pension cannot be considered as impartial in the eyes of justice.

4. Muhammad Mahmud Khan Bahadur submitted to Government a "Fatwa" from the Cazi of Madras to the effect that Political pension does not come under the Category of an Estate according to Muhammaden law or custom, and I am at a loss to find how he will justify his action in saying now that the Muhammaden Law in regard to the claims of a widow in an Estate should be applied to a Political pension also.

5. The pension that may be granted to my daughter will on her death revert to the brothers and sisters of her deceased husband while any share that my daughter w of the Estate of the deceased, will b in perpetuity by her and her bodily he will thus be clear that pension is quite different from an Estate and that Muhammaden Law by which the latter is governed cannot be applied to the former. I have every reason to hope that the impartial Government will, in justice, grant my daughter the full allowance she is entitled to in accordance with the only precedent, for, if the recommendation of each Prince of Arcot for the time being should be upheld by Government, there will be diversity of procedure by which the fate of similar widows of the Arcot family will be quite unsettled being entirely at the mercy of the Prince of Arcot for the time being.

6. In conclusion I beg respectfully that you will be mercifully pleased to forward this my humble petition on behalf of my helpless daughter to Government with your kind remarks on the same, so that the case before Government be as clear as possible ere final orders are passed on the subject.

I beg to remain,
Respected Sir,
Your most obedient servant

عبد الرزاق

Madras,
15" February 1897

(Sd:) Muhammad Abdur Raz

drawn by: (1897)

to

No. 101 of 1897.

From

Md: Abdur-razzaq Sahib

Dated } 15th Febry/97
Recd: }

Requesting to forward this petition to Govt: with his kind remarks regarding the continuation of full stipend of the late Abdul Hai Sahib to the petitioner's daughter Rahmat-un-nisa Begam.

1897
Political Dept.
Procdgs. No. 2
To

RECD. 18 2-97

12

THE PRINCE OF ARCOT

18. II. 97

Ameer Mahal
16th February 1897

My dear Sir,

With reference to your D. O. leg dated 8 Instant I beg to inform you that the statement made by Muhammad Mahmood Khan Bahadur in his letter (herewith returned) to the effect that a wife according to Muhammadan law is entitled to receive 1/4 share from the property of her husband when the latter dies without issue, is Correct.

There is no instance in the Arcot family of a widow who has received 1/4 share from the pension of her deceased issueless husband. But the widow of Umdat-ud Daulah Bahadur received 800 Rupees from the pension of her husband according to his will and testament and in Consideration of the fact that they lived together as man and wife after marriage and the widow of Muhammad Najub ullah Khan Bahadur also received full pension of her husband on the same Consideration

I remain
My dear Sir,
Yours most sincerely

عظیم جاہ محمد منور

Azeem Jah Muhammad
Munawar Khan Bahadur
Prince of Arcot.

To
Colonel H. S. Stewart
Paymaster Carnatic Stipends
Chepak.

(1897)

No. 106 of 1897

From,

The Prince of
Arcot.

Dated 16th }
Recd. 18th } Feby./97

Stating that there is no
instance in the Arcot
family a widow has
received 1/4 share from the
pension of her deceased
issueless husband.

1897
Political Dept.
Enclos. No. 3
To
O. No. 256

CURRENT No.

No. 67 of 1897. Paymaster, Carnatic Stipends
Office, Chepák 19th February 18

14

From, Colonel: H: S: Stewart; I: S: C:;
Paymaster, Carnatic Stipends
Chepák.

To The Honorable: J: F: Price; C: S: I:;
Chief Secretary to Government
Fort Saint George

Sir,

With reference to your endorsement
No. 315 dated 6th Instant, on *petition Current No. 190
from Muhammad Mahmúd Khán Bahádur, I hav
the honor to state that I referred the matter to the
Prince of Arcot for his remarks and asked him
if there was any precedent in the Arcot Family i
which one-fourth of the allowance enjoyed by
a male member (dying issueless) was continued to
his widow. To this reference I received the en
-closed reply from the Prince of Arcot, stating
that there is no instance of a widow being grante
one-fourth of the stipend enjoyed by her husban
and informing that the contention of Muhamma
Mahmúd Khán Bahádur that under the Mu
-hammadan Law a widow is entitled to one-fou
share in the estate of her deceased husband
is correct. The Prince of Arcot refers to (in his
said letter) 2 instances in the Arcot Famil
of widows being granted 8/9ths and full allow
respectively. Be it here noted that the fraction
portion of 8/9ths was granted in a case where a
child also existed.

*Herewith returned.

2

2. I beg respectfully to submit that in he absence of any instance on record of a widow eing granted in the Arcot Family only one-fourth of the Stipend enjoyed by her deceased husband, and he only individual in the above family who died issueless being Najib-ulla Khán Bahádur whose widow was granted his full allowances; Rahmat-un-nisá Bégam the widow of the late Muhammad Abd-ul-hai Sáhib seems to me to have strong claims for the continuation of his full pension as recommended in my letter No. 27 dated 21st January 1897.

3. Muhammad Mahmúd Khán Bahádur argues in his petition under report that the Stipend enjoyed by his late son be treated as an "estate," and to grant out of it one-fourth to his said son's widow. There is not an instance on record of Political Pensions being treated as such; and besides, the distribution of pensions are not made by Government in accordance with any Law, though Law Officers are consulted in some disputed cases, to find out the status of the party or parties concerned, as was done in the case under disposal.

4. The precedent cited by Muhammad Mahmúd Khán Bahádur of his daughter Amír-un-nisá Bégam, is hardly analogous with the case now under disposal as the survivor in the former was a male and in the latter a female. There are many cases of widowers in the Arcot Family who were awarded only a fractional part of their deceased wives' stipends; but as before

mentioned none of females who were apportioned only a part, and on the contrary the only one case on record is that of Karím⊗-un-nisá Bégam who got full pension.

⊗ idow of Najib-ulla Khán Bahadur.

5. I beg to state that I received on the 15th instant a petition from Muhammad Abd-ur-razzáq Sáhib (the father of Rahmat-un-nisá Bégam) begging to forward the same to Government, which I have the honor to enclose for the consideration of Government in the final disposal of this case.

I have the honor to be
Sir,
Your most obedient Servant.

A. T. Stewart. Colonel:
Paymaster, Carnatic Stipend
Chepák

Pdl: 299

c 8/3/97

Ask the Paymaster with reference to the part of the notes marked X what he does mean

23/2/97

N

Memorandum No. 488

25·2·97

17

In his letter No 27 of 1897 d/ 21 Jan. the P.C.S has proposed that after the death of Rahmat-un-nissa Begam the pension of the late Abd-ul-ha[illegible] which should be distributed among the "surviving heirs of the family of the late Atteat-ul-ali Mahomed-un-nissa Begam" the Paymaster is requested to state clearly whether he includes among these "heirs" (1) the husband of Atteat-ul-ali Mahomed-un-nissa Begam & (2) grandchildren of Atteat-ul-ali Mahomed-un-nissa Begam whose father or mother (as the case may be) is dead or whether only the reversionary right should vest only in such of the brothers & sisters of the deceased Abd-ul-ha[illegible] as may be alive at Rahmat-un-nissa Begam's death.

Mahomed Ahmed Khan Bahadur

AK
24/2/97

W3
24/2/97

To
The Paymaster Carnatic Stipends Desp/2d 25/2/97

Political (1897) Department.

CURRENT No. 299

CHIEF SECRETARY
1.-MAR. 1897
GOVERNMENT OF MADRAS

From The Paymaster,
Carnatic Stipends
Chepak

Order

No. 76 of 1897.

Dated 1st "
Received 1 "
Registered 2nd "
} March 1897.

Enclosures Nil.

Spare copies

SUBJECT.

Reports on "Political" Memorandum No. 488 d/ 25th February 1897, & states that under the reasons mentioned within Mahmud Khan Bahadur is not to be included as an heir in the expression "surviving heirs of the family of the late Attiat-ul-ali Muhammad-un-nisá Bégum".

R.O. for papers

A.S.
2/3

Put up
2/3/97

BACK PAPERS.

G.O.	No.	Department.	Date.
35:	14.1.97		
R 447:	15.12.96		
R 438:	10.12.96		
771:	5.11.96		
328:	21.5.94		
678:	3.10.93.		
651:	10.12.89		

769: 27.11.88
212: 7.4.76 + 43: 2.2.74

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 76 of 1897.

Paymaster Carnatic Stipends
Office, Chepák 1st March 1897.

CURRENT No. 299

From,
Colonel H. S. Stewart, I. S. C.,
Paymaster Carnatic Stipends,
Chepák

To
The Honourable J. F. Price, C. S. I.,
Chief Secretary to Government
Fort Saint George.

Sir,

With reference to your Memorandum No. 488, dated 25th February 1897, "Political," I have the honor to state that by the expression "Surviving heirs of the family of the late Attiat-ul-ali Muhammad-un-nisa Begam", it was meant that the allowance was to be distributed among the children or grandchildren (as the case may be) who may be living at the time of Rahmat-un-nisa Begam's death excluding Muhammad Mahmud Khán Bahadur, as the latter now enjoys the maximum amount he can claim as a son-in-law of His late Highness the First Prince of Arcot, viz. Rs. 100, similar to the other 2* Sons-in-law of the late First Prince who draw for their lives Rs. 100 each, under G. Os. Nos. 43× & 212θ dated 2d February 1874 and 7th April 1876 "Political," and moreover Muhammad Mahmud Khán Bahádur did not participate in the allowance of his late daughter, who died childless, and whose stipend was distributed amongst her brothers, sisters and husband, vide G.O. No. 328, dated 21st May 1894 "Political".

1. Khurshid Ahmad Sáhib.
2. Rafat-ul-mulk.

× A²
θ B²

J²

I have the honor to be
Sir,
Your most obedient servant,
H. S. Stewart Colonel.
Paymaster Carnatic Stipends
Chepák

Sup:

[G./74]
4,000—13-8-95.

NOTE FOR THE CHIEF SECRETARY.

The file is resubmitted with Mr. [illegible] further explanation. Cir. no 299. The note has been modified accordingly.

A.K.
4/3/97.

[illegible] 25

500—23-11-96.

20 Political Dept.

Payment of stipend to Rahmat-un-nisa Begam.

SUBJECT.

H. E. THE GOVERNOR.

THE HON'BLE MR. BLISS, C.I.E.

THE HON'BLE MR. GROSE, C.I.E.

20

FOR ORDERS.

The Paymaster, Carnatic Stipends reported in his letter No.496 of 1896 dated 30th November 1896 (flagged M²) the death of one Abdul-Hai Sahib, a member of the Arcot family who had been drawing a perpetual pension of Rs.155-6- (plus a house rent allowance which now lapses). The Paymaster reported that one Muhammad Mahmud Khan Bahadur, the ⊗ father of the deceased, had applied that this stipend should be divided among two brothers and four sisters of the deceased, Abdul-Hai, who had died un-married and without issue.

The Paymaster also reported that the deceased had in 1891 contracted a Nicka marriage with one Rahmat-un-nisa Begam. The parties had however never cohabited though, had the deceased survived a little longer, the Shadi rites would have been performed. The Paymaster under these circumstances requested orders as to whether Rahmat-un-nisa Begam should be considered as widow of the deceased and therefore entitled

Note

⊗ The mother of the deceased Attiat-ul-Ali Muhammad-un-nisa Begam had been an Arcot pensioner. It was through her and not through his father, that deceased claimed his pension.

C 9/3 197

to a portion of his pension, or whether it should be divided among the brothers and sisters of Abdul-Hai.

Muhammad Abdur Raza Sahib, father of Rahmat-un-nisa Begam, and Muhammad Mahmud Khan Bahadur both put in petitions urging the claims of their children. The opinion of the Advocate-General was taken, and it was decided by Government that Rahmat-un-nisa Begam should be considered the widow of the deceased.

A & B

G

This order of Government having been communicated to the Paymaster, Colonel Stewart in his letter dated 21st January 1897 (Current No.119) reported that, in accordance with that decision, the whole of the deceased's pension should be continued to Rahmat-un-nisa Begam for her life, while after her death it should be distributed among the surviving heirs of Abd-ul-Hai's mother. Colonel Stewart (~~probably~~) means to say that on the death of Rahmat-un-nisa Begam the stipend should be divided among the surviving brothers and sisters of Abdul-Hai or their ~~heirs~~ children. the family of ~~The expression which he uses "heirs of Attiat-ul-Ali Muhammad-un-nisa Begam" would apparently include her husband Muhammad Mahmud Khan Bahadur. This man does not make any claim on his own account now and Col. Stewart has not mentioned him before as an heir, there is therefore it is submitted, no reason why he should have any eventual claim. While this question~~

D

Note:— The Paymaster has now explained that this is what he did mean: please see Cur. no 299.
4/3/97

While this question was under consideration Muhammad Mahmud Khan Bahadur put in a fresh petition to Government (Current No.190) stating that Rahmat-un-nisa Begam as widow should get only ¼ of the pension of her deceased husband, the balance being distributed among the brothers and sisters of Abdul-Hai. He bases this request on the fact that this is the proper partition of a man's estate, as laid down by Muhammadan Law. He refers as a precedent to the distribution made on the death of Ammat-ur-rauf Amir-un-nisa Begam in 1894, when her husband shared with her brothers and sisters, the pension which the deceased woman had drawn; the widower's share being Rs.22-12 out of Rs.72-12. The Paymaster to whom this petition was referred now points out (1) that there is no ground for treating a political pension as "estate" at all and (2) that the precedent quoted by the petitioner does not apply. On the first point it is only necessary to refer to para 5 of Muhammad Mahmud Khan Bahadur's former petition at A. In it he distinctly states that pension is not "estate," and is not therefore heritable under Muhammadan Law. As for the second point it is submitted that the Paymaster Carnatic Stipends is right, and that nothing can be argued as to the continuance of Stipend

L

to

to a widow from the manner in which widowers have been treated.

The Prince of Arcot who has been consulted by the Paymaster says that there is no precedent in the Arcot family for paying only ¼ of a stipend to the widow of the pensioner. He refers to two cases where 8/9 of the stipend was continued to widows who had children and also to the case of the widow of Najib-ulla Khan Bahadur ——— who got the full pension of her deceased husband.

It was on her case that the Paymaster Carnatic Stipends based his proposal to pay the whole pension of Abdul Hai to Rahmat-un-nisa Begam. The precedent is appropriate; the widow in that case also was childless. ——— (vide para 2 of the letter flagged H) That devolution though not actually ordered by Government was approved by it in its order No.769 d/27-11-88 ~~here~~ which the Paymaster was informed that the Government did not wish to interfere with the arrangement approved of the Prince of Arcot. The Prince of Arcot has now by quoting this precedent [illegible] given his consent to its application in the present case. It is submitted therefore that the proposal to continue the whole of the stipend of the late Abdul-Hai to his widow Rahmat-un-nisa Begam for her lifetime may be approved, the stipend after her death, to revert to the brothers and sisters of the deceased or their ~~heirs~~ children

------

Jo 8/3/97

AK.
25/2/97

E

E

This proposal is approved

A.S.H.
13.3.97

Political DEPARTMENT.

[G. / 24.]
28-10-96.

Papers to be read in proceedings :—

Again G.O., dated 189 , No.

Again G.O., dated 14th Jany 1897, No. 35 Pol

Current No. 119 of 1897, dated 21/1, from The P.C.S.

" " 190 " 1897, " 2/2, " Muhammad Mahmud Khan Bahad

" " 258 " 1897, " 19/2, " The P.C.S.

" " 299 " 1897 " 1/3 " " "

C.S.

ORDER. No. 177 d/ 18-3-97.

Mis

The Paymaster's proposal in his letter No 27 d/ 21st Jany 1897 is approved xxx

xxx The whole of the stipend of the late Abd-ul-Hai will be continued to Rahmat-un-nisa Begum for her life time. After her death it will revert to the brothers & sisters of the deceased or their children

Muhammad Mahmud Khan Bahadur should be informed accordingly.

(from order)

Jo
17/3/97

+D

P.C.S. g=all
A.G. 119 / 299 } - A. others - g.

Desp'd
12/3/97

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16/3/97

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GAIN G.O., No. DATED
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ES 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

4-6-06 ✓
31.7.06 ✓
21-7-08 ✓
4-11-10 ✓
8-5-12 ✓
28-6-13 ✓
20-11-22 B VI ✓
15-9.25 V ✓
10/2/27 C ✓
1-12.27 V ✓
12.5.28 V ✓
28/11/30 CB I ✓
25-8-31 I ✓
13/9/37 I ✓
16/6/38 I ✓
6.1.43 I ✓