

Political (189) Department.

ORDINARY MS. but printed subsequently

G.O., No. 213

DATED 21-3-98

[Despatch Abstract.]

Passing orders on the subject
of the distribution of the pension of the
late Masulipatam Stipendiary Nazam
Ali among his children.

I
21/3/98

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
1152/11							

Government (1898) of Madras. POLITICAL.

MISCELLANEOUS.

Recd. } 1898. Enclosures
Regd. } Spare copies

G.O., No. 213, 21st March 1898.

MARCH.

Passing orders on the subject of the distribution of the pension of the late Masulipatam stipendiary Husain 'Ali among his children.

GOVERNMENT OF MADRAS.

POLITICAL DEPARTMENT.

Read—the following paper:—

From R. MORRIS, Esq., Acting Collector, Kistna, to the Chief Secretary to Government, dated Masulipatam, 3rd February 1898.

With reference to paragraph 8 of G.O., No. 388, Political, dated 5th August 1890, I have the honour to report that Husain 'Ali, a Masulipatam stipendiary No. 29 in appendix A attached to G.O., No. 388, dated 5th August 1890, drawing a pension of Rs. 30-2-8, died on 4th February 1897 leaving a major son, Muhammad 'Ali, who also draws a stipend of Rs. 20 per month, and four married daughters as noted in the *margin. The pension of the deceased is continuable for one more

generation according to the remark against his name in the appendix.

2. In accordance with the principles laid down in paragraph 5 of G.O., No. 208, Political, dated 30th April 1889, the stipend of the deceased has to be distributed among his five children, in such a proportion that the son would get twice as much as each daughter. I recommend that the pension may be distributed accordingly.

3. Muhammad 'Ali in his petition, dated April 1897, however states that his father gave a lump sum to each of his daughters at the time of their marriage in satisfaction of their claim to any portion of the pension after his death and requests therefore that the whole of his father's pension should be continued to himself. Enquiries were made through the Resident at Hyderabad who reports that the daughters confirm this statement and wish to forego their claim in their brother's favour. I do not think the family arrangement can be recognized in the face of the Government Order of April 1889 above quoted, and in the absence of information as to the commutation value of the pensions to show that a grant to the son would not in the end be more expensive than grants to each of the four children. At the same time I bring the matter to the notice of Government.

ORDER—Mis. No. 213, Political, dated 21st March 1898.

Two-thirds of the pension of the late Masulipatam stipendiary Husain 'Ali will be continued to his family. The Government is not prepared to recognize a transferable right of inheritance in Government pensions and the stipend will be distributed between the son and daughters. The Collector of Kistna will be requested to procure health and age certificates as regards the sharers, and to submit, through the Accountant-General, a statement showing bonuses and the arrears of pension payable.

2. The Collector will be furnished with copies of G.Os., Nos. 350 and 835, Political, dated 5th May and 3rd November 1887, which contain the tables for calculating bonuses on the commutation of political pensions.

(True Extract.)

A. T. ARUNDEL,
Chief Secretary.

To the Collector of Kistna.
" Accountant-General.

For A. R. Eccleston.

NOTES CONNECTED WITH G.O., NO. 213, POLITICAL, DATED
21st MARCH 1898.

REPORT OF THE DEATH OF HUSAIN 'ALI, A MASULIPATAM STIPENDIARY.

C. A.

Letter from the Collector of Kistna, dated
3rd February 1898.

The Acting Collector, Kistna, reports with reference to G.O., No. 388, Political, dated 5th August 1890, that Husain 'Ali, Masulipatam stipendiary, No. 29 in Appendix A to G.O., No. 388 above quoted, drawing a pension of Rs. 30-2-8 *per mensem*, died on 4th February 1897, leaving a major son Muhammad 'Ali, who also draws a stipend of Rs. 20 *per mensem* (*vide* No. 29A on page 7 of the above quoted G.O.) and four married daughters.

2. According to paragraph 6 of G.O., No. 388, Political, dated 5th August 1890, and paragraph 5 of G.O., No. 208, Political, dated 30th April 1889, the stipend if continued in full or in part should be divided among the son and daughters in such a manner that the son may receive twice as much as each daughter, the stipend of Husain 'Ali being continuable for one more generation according to the remark against his name in the appendix above quoted. The Collector while recommending the distribution of the pension among the five children does not state what portion he recommends should be continued. The usual practice in cases like the one under consideration has been to continue $\frac{2}{3}$ ds of the pension, as will be seen from the following precedents:

(1) *Kazim Ali Mirza*, major pensioner, No. 3 in Appendix A to G.O., No. 388, Political, dated 5th August 1890, was drawing a stipend of Rs. 15 *per mensem* and on his death the Collector recommended the continuation of his pension in full, but only $\frac{2}{3}$ ds was sanctioned by G.O., No. 221, Political, dated 2nd April 1892.

(2) *Abbas Mirza*, major pensioner, No. 4 in the same appendix, was in receipt of Rs. 15 *per mensem* at the time of his death of which only $\frac{2}{3}$ ds was continued to his heirs by G.O., No. 708, Political, dated 17th October 1893.

This paper shows clearly that $\frac{2}{3}$ ds is the recognised proportion.

(Initd.) C. M. S.

3. Muhammad 'Ali, the son, in a petition to the Collector, dated April 1897, states that his father gave a lump sum to each of his daughters at the time of their

Political (1898) Department.

CURRENT No. 256

Ref. Put up Commutation file

*Commutation file sent?
18/2/98*



From *The Collector,
Kistna.*

Order

Ref on C No. $\frac{2279}{aa}$ of 17

Dated 3rd February 1898

Received

Registered

Enclosures

Spare copies

SUBJECT.

*Reporting the death of Hussein
Ali a masalipatam stipendiary
and recommending his pension
to his children.*

BACK PAPERS.

G.O.	No.	Department.	Date.
388:	5.8.80		
208:	30.4.89		
75:	2.2.87		
1775 Rev:	2.8.87		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. _____ of 189

OFFICE
OF THE

COLLECTOR & MAGISTRATE,

MASULIPATAM,

KISTNA DISTRICT.

3rd February 1898.

FROM,

R. Morris Esquire,
Acting Collector, Kistna District.

TO,

Chief Government Political
THE SECRETARY TO THE COMMISSIONERS OF
Department LAND REVENUE,
MADRAS.

SIR,

With reference to para 8 of G.O. No 388 Pol.
dated 5th August 1890, I have the honor to report
that Husain Ali, a masulipatam stipendiary
no 29 in appendix A attached to G.O. no 388
dated 5th August 1890, drawing a pension of Rs 30.2.8
died on 4th February 1897 leaving a major son,
Muhammad ali, who also draws a stipend of
Rs 20 per month, and four married daughters
as noted in the margin. The pension of the
deceased is continuable for one more generation
according to the remark against his name in
the appendix.

80 388 Pol. 5.8.90
* Muhammad ali Son.
Nawab Begam }
Fatima Begam }
Sahib Begam }
Amimunnissa Begam }
Daughters

2. In accordance with the principles laid down
in para 5 of G.O. No 208 Pol. Dated 30th April 1889
the stipend of the deceased has to be distributed
among his five children, in such a proportion
that the son would get twice as much as each
daughter. I recommend that the pension may
be distributed accordingly.

Doc No: 2138 21/3/98

3. Muhammad ali in his petition dated April 1897 however states that his father gave a lump sum to each of his daughters at the time of their marriage in satisfaction of their claim to any portion of the pension after his death and requests therefore that the whole of his father's pension should be continued to himself. Enquiries were made through the Resident at Hyderabad who reports that the daughters confirm this statement and wish to forego their claim in their brother's ^{arrangement} favour. I do not think the family can be recognized in the face of the G.O. of April 1889 ^E above quoted, and in the absence of ^{information} ~~arrangement~~ as to the commutation value of the pensions to show that a grant to him would not in the end be more expensive than grants to each of the four children. At the same time I bring the matter to the notice of Government.

I have the honor to be,
Sir,

Your most Obedient Servant
K. Srinivasan
for Collector.

Page 256.

Ref

Three Manuscripts
pensions are not continued in
full. Put up cases for continuation
for the pensions in Appendix A to
N G.O. No 388 Pt. 2, 5. August 1897
where the stipend is mentioned
Continued for one more generation

Cont

1897/98

Of the names against whom "Cont."
for one more generation has been marked
the following are cases in which the
stipends were continued.

- after N page 3
- (1) Maxim Ali Mirza. Major pensions
W. 3. He was drawing a stipend of
Rs 15 p.m. on his death the Collector
recommended the Cont. to his heir
of the full amount of the stipend
but the Govt. sanctioned the Cont.
only of $\frac{2}{3}$ of the stipend viz Rs 10
vide G.O. 221 dt. 2. April 1897
 - (2) Abbas Mirza. Major pensions
W. 4. He was drawing a stipend
of Rs 15 p.m. $\frac{2}{3}$ of his stipend
was continued to his heirs - viz
G.O. W. 708 dt. 17. 10. 93.

His
not here
1897/98

His
not here
1897/98

after N page 3. In the case of Fidi Hussain
Major pensioner W. 11 the pension
was resumed as he left no
legal

His
not here
1897/98

legal heirs who could claim
his personal stipend.

Moreover no other cases of
the pensions that were continued can
be traceable from the records.

H

213/98

[G.
25]

1,000 22-11-97

HIS EXCELLENCY THE GOVERNOR.

THE HON'BLE SIR HENRY BLISS, K.O.I.E.

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

Political DEPARTMENT.

C. No. 256

SUBJECT.

Report of the death of
Husain Ali a
Manslipatan Stipendiary.

FOR ORDERS.

The Ag. Collector, Kistna,
reports with reference to
N. G.O. No 388, Poll., dated
5th August 1890, that
Husain Ali, Manslipat-
an Stipendiary, No 29
J. in Appendix A to the
G.O. No 388 above quoted,
drawing a pension of
Rs 30. 2. 8 per mensem
died on 4th February 1897,
leaving a Major Son
Muhammad Ali, who
also draws a stipend of
Rs 20 per mensem [vide
No 29 or
page 7 of the above
P. quoted G.O.] and 4 four
married daughters.

para 6 of G.O. No 388 Poll.
of 5th August 1890 and R

2. According to para 5

of G.O. No. 208, Poll, dated 30th April 1889, the stipend if continued in ^{full} whole or in part should be divided among the son and daughters in such a manner that the son may receive twice as much as each daughter, ~~and~~ the stipend of Hussain Ali is continuable for one generation according to the remark against his name in the appendix above quoted. The Collector while recommending the distribution of the pension among the 5 children does not state what portion he recommends should be continued. The usual practice in cases like the one under consideration has been to continue $\frac{2}{3}$ of the pension, as will be seen from the following

precedents. ^{Very}
(1) Kazim Ali Mirza
Major pensioner No. 3 in Appendix A to G.O. 388 P.O. 5.8.90 was drawing a stipend of Rs 15/- per mensem and on his death the Collector recommended the continuation of his pension in full, but only $\frac{2}{3}$ was sanctioned by G.O. No. 221, Poll, dated 2nd April 1892.
(2) Abbas Mirza, Major pensioner ^{in the same appendix} No. 4, was in receipt of Rs 15/- per mensem at the time of his death of which only $\frac{2}{3}$ was continued to his heirs by G.O. No. 708, Poll, dated 17th October 1893.

This paper shows clearly that $\frac{2}{3}$ is the recognised proportion.

3. Muhammad Ali, the son, in a petition to the Collector dated April 1897, states that his father gave a lump sum to each of his

daughters at the time of their marriage in satisfaction of their claim to any portion of the pension after his death. He therefore requests that the whole of his father's pensions may be continued to himself. From enquiries made at Haiderabad through the Resident it has been ascertained that the daughter confirms this statement and wish to forego their claim in their brother's favour, but the Collector does not think that this family arrangement should be recognized in the face of ~~the~~ G.O. No. 208, Pol., as quoted above and in the absence of information as to the commutation value of the pensions of the

It is against good policy to recognize a transferable right of ^{inheritance} ~~property~~ in Govt pensions.

M.A.

This ~~for~~ order merely settles the scale of distribution etc. There is nothing in it which would preclude the entire 2/3rd being granted to the son.

But para 11 warns all pensioners that Govt does not pledge itself to continue allowances to their families. M.A.

$$\frac{2 \times 30-2-8}{3} = \frac{60-5-4}{3} = 20-1-10.$$

$$\begin{aligned} \text{Amount (age 27)} &= 11'509 \\ 6.11.2 \times 12 \times 11'509 &= 80'6 \times 11'509 \\ &= 80'375 \times 11'509 \\ &= 925'035675 \end{aligned}$$

a grant to the son alone may in the end be more expensive than a grant to each of the five children. It is not easy to follow the Collector, but the case stands as follows. If the son is granted the entire 2/3^{ds}, he would get Rs. 20-1-10 per mensem and there would be no compulsory commutation. If all the family were to share in the Rs. 20-1-10, the son would receive 2 shares and each daughter 1 share i.e. the son would receive Rs. 6-11-²/₃ and each daughter Rs. 3-5-⁸/₉. All these sums would fall within the limits of compulsory commutation (Vide para 6 of G.O. No. 208 Pol. d/ 30th April 1889); the daughters being married and provided for, the necessity for considering whether they should be granted pensions instead of bonuses does not arise. It is not possible to calculate the bonus payable to the daughter as the ^{ages} are not available, but that payable to the son would be Rs. ⁹²⁵/₁₂ as he was 20 in 1890 (vide page 7 of G.O. 388 Pol. d/ 5th August 1891). It is unnecessary to carry the calculation any further however, as even if the bonuses payable to the daughter could be calculated, the comparison of a total of bonuses with a monthly pension would not prove anything. It is evident however that the object of the sisters in renouncing these

their shares is to place the brother
in possession of a fairly good pension.
Whatever their object may be, however
the cost of each arrangement might
compare, it is submitted that Govt.
should adhere to the rule to dis-
tribute the pension amongst the family.

It is not as if the son were badly
off, for he is in receipt of a pension
of Rs. 20, a moiety of which will in
his death be continuable to his
widow. The daughters may, if they
like, give their bonuses to him as
a family arrangement and Govt. need
have nothing to do with that; and but
there is no reason why the renunciation
of their bonuses by the daughters
should convert what would otherwise
be a grant of bonuses into one of a single
pension of Rs. 20, doubling that already

drawn by the son. If this view is
considered correct the Collector
might be requested to procure health
and age certificates in the case of
all the children of Musain Ali and to
submit a statement showing bonuses
and the arrears of pension payable,
as usual through the Acctt. Genl. The Collr.
might at the same time be furnished

with the annuity tables in G.O. Nos 357 and 845
dated 5th May & 3rd Novr. 1897, of
which he does not seem to be aware of.

Cms.
9.3.98

If the pension is continued
at all, it must be divided
on the principle of relation-
ship laid down by Govt.
No sale or transfer, either
by anticipation or otherwise
ought to be recognized.
The daughters can of
course do what they
like with their bonuses.

MA

Transferred to the Chief Secy's office of this
Dept.

9.9.98

MA

10.3.98

Masulipatam Pensions

C.No. 256

ORDER No 213 of 21-3-98

Two-thirds of the pension of
the late Masulipatam stipendiary
Musain Ali will be continued to his
family. The Govt. is not prepared to
recognize ^a transferable right of
inheritance in Govt. pensions and
the stipend will be distributed ^{between} amongst
the son and daughters. The Collector
of Kistna will be requested to procure
health and age certificates ^{as regards} family shares,
the case of the children of the late
Musain Ali and to submit, through the
Accountant General, a statement showing
bonuses and the arrears of pension
payable.

2. The Collector will be fur-
nished with copies of G.O's No. 350
and 845 ^{dated} 5th May and 3rd Novr
1897, which contain the tables for
calculating bonuses and the commutation
of political pensions.

/from orders/

To

The Collector of Kistna (G.O.)
(with return of 1908)

Accepted (Cms.)

Decd
22/3/98

Cms.
16/3/98

MA 17.3.98

Cancelled
 NOTES IN CONNECTION WITH G.O., NO. 213, POLITICAL, *or dated*
 21ST MARCH 1898.

C. No. 250.

REPORT OF THE DEATH OF HUSAIN 'ALI, A
 MASULIPATAM STIPENDIARY.

*Letter from the (Hon.) J. K. S. C. A.
 Of 3 February 1898*

The Acting Collector, Kistna, reports with reference to G.O., No. 388, Political, dated 5th August 1890, that Husain 'Ali, Masulipatam stipendiary, No. 29 in Appendix A to G.O., No. 388 above quoted, drawing a pension of Rs. 30-2-8 *per mensem*, died on 4th February 1897, leaving a major son Muhammad 'Ali, who also draws a stipend of Rs. 20 *per mensem* (*vide* No. 29A on page 7 of the above quoted G.O.) and four married daughters.

2. According to paragraph 6 of G.O., No. 388, Political, dated 5th August 1890, and paragraph 5 of G.O., No. 208, Political, dated 30th April 1889, the stipend if continued in full or in part should be divided among the son and daughters in such a manner that the son may receive twice as much as each daughter, the stipend of Husain 'Ali being continuable for one more generation according to the remark against his name in the appendix above quoted. The Collector while recommending the distribution of the pension among the five children does not state what portion he recommends should be continued. The usual practice in cases like the one under consideration has been to continue $\frac{2}{3}$ ds of the pension, as will be seen from the following precedents:

(1) *Kazim Ali Mirza*, major pensioner, No. 3 in Appendix A to G.O., No. 388, Political, dated 5th August 1890, was drawing a stipend of Rs. 15 *per mensem* and on his death the Collector recommended the continuation of his pension in full, but only $\frac{2}{3}$ ds was sanctioned by G.O., No. 221, Political, dated 2nd April 1892.

(2) *Abbas Mirza*, major pensioner, No. 4 in the same appendix, was in receipt of Rs. 15 *per mensem* at the time of his death of which only $\frac{2}{3}$ ds was continued to his heirs by G.O., No. 708, Political, dated 17th October 1893.

3. Muhammad 'Ali, the son, in a petition to the Collector, dated April 1897, states that his father gave a lump sum to each of his daughters at the time of their

This paper shows clearly that $\frac{2}{3}$ ds is the recognised proportion.

(Initd.) C. M. S.

marriage in satisfaction of their claim to any portion of the pension after his death. He therefore requests that the whole of his father's pension may be continued to himself. From enquiries made at Hyderabad through the Resident the Collector has ascertained that the daughters confirm this statement and wish to forego their claim in their brother's favour, but the Collector does not think that this family arrangement should be recognized in the face of G.O., No. 208, Political, quoted above as in the absence of information as to the commutation value of the pensions a grant to the son alone may in the end be more expensive than a grant to each of the five children. (It is not easy to follow the Collector, but the case stands as follows. If the son is granted the entire two-thirds, he would get Rs. 20-1-10 per mensem and there would be no compulsory commutation. If all the family were to share in the Rs. 20-1-10, the son would receive two shares and each daughter one share, i.e., the son would receive Rupees 6-11-2 and each daughter Rs. 3-5-8. All these sums would fall within the limits of compulsory commutation (vide paragraph 6 of G.O., No. 208, Political, dated 30th April 1889); the daughters being married and provided for, the necessity for considering whether they should be granted pensions instead of bonuses does not arise. It is not possible to calculate the bonus payable to the daughters as their ages are not available, but that payable to the son would be Rs. 925 as he was 20 in 1890 (vide page 7 of G.O., No. 388, Political, dated 5th August 1891). It is unnecessary to carry the calculation any further however, as even if the bonuses payable to the daughters could be calculated, the comparison of a total of bonuses with a monthly pension would not prove anything. It is evident however that the object of the sisters in renouncing their shares is to place the brother in possession of a fairly good pension. Whatever their object may be and however the cost of each arrangement might compare, it is submitted that Government should adhere to the rule to distribute the pension amongst the family. It is not as if the son were badly off, for he is in receipt of a pension of Rs. 20, a moiety of which will on his death be continuable to his widow. The daughters may, if they like, give their bonuses to him as a family arrangement and Government need have nothing to do with that; but there is no reason why the renunciation of their

It is against good policy to recognize a transferable right of inheritance in Government pensions.

(Intld.) A. T. A.

This order merely settles the scale of distribution, &c. But paragraph 11 warns all pensioners that Government does not pledge itself to continue allowances to their families. (Intld.) A. T. A. There is nothing in it which would preclude the entire 2/3rds being granted to the son. (Intld.) C. M. S.

$$\frac{2 \times 30-2-8}{3} = \frac{60-5-4}{3} = 20-1-10.$$

Annuity (age 27) = 11,509.
 $6-11-2 \times 12 \times 11,509 = 80-6-0 \times 11,509$
 $= 80,375 \times 11,509 = 925,035,875.$

If the pension is continued at all it must be divided on the principle of relationship laid down by Government. No sale or transfer either by anticipation or otherwise ought to be recognized. The daughters can of course do what they like with their bonuses.

(Intld.) A. T. A.

I accept the Chief Secretary's view of this case.

14-3-98.

(Intld.) A. E. H.

bonuses by the daughters should convert what would otherwise be a grant of bonuses into one of a single pension of Rs. 20, doubling that already drawn by the son. If this view is considered correct the Collector might be requested to procure health and age certificates in the case of all the children of Husain 'Ali and to submit a statement showing bonuses and the arrears of pension payable, as usual, through the Accountant-General. The Collector might at the same time be furnished with the annuity tables in G.Os., Nos. 350 and 835, dated 5th May and 3rd November 1887, of which he does not seem to be aware.

(Intld.) A. T. A.

(Intld.) A. T. A.

9-3-98.

(Intld.) C. M. S.

H2.
 (210) A T A, 10.3.98

large type

24/4/98

When given for copying 21/4/88
When copied 21
When examined 22/3 1898.
When signed _____

READ AGAIN G.O., No. _____, DATED
189 _____

CURRENT No. _____

ENCLOSURES TO G. No. _____

ORDER OF GOVERNMENT. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

PAGE 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.

25/4/88