M.R.O. 1—77,000—8-8-37.

(1) Number of pages 36

(2) Date of repair 5 3 - 66

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

POLITICAL DEPARTMENT.

G.O. No. M 91 Press / Mis.

Dated 16-7- 1898.

Not to be folded or roughly handled

BACK PAPERS.

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

FURTHER PAPERS.

~~G.O.~~ a.o.	No.	Department.	Date.	G.O.	No.	Department.	Date.
1110/98	624	Poll.	2-9-98				
1380/98	766	Poll.	1-11-98				

Government (1898) of Madras.

POLITICAL.

Recd. } 1898. Enclosures

Regd. } Spare copies

G.O., No. 491, 16th July 1898.

JULY.

Mysore Stipendiaries.

Passing orders regarding the distribution of the pension of the late Mirza Budan Beg, a Mysore pensioner, among his sons and daughters and directing the Collector of North Arcot to submit proposals for the commutation of the pensions granted to the sons.

GOVERNMENT OF MADRAS.

POLITICAL DEPARTMENT.

Read—again the following papers:—

G.O., No. 18, Political, dated 21st January 1890.

Abstract.—Issuing certain instructions to the officers concerned regarding the grant of Mysore and other political pensions paid at Vellore.

G.O., R. No. 126, Political, dated 2nd May 1898.

Read—the following letter from J. K. BATTEN, Esq., Acting Collector of North Arcot, to the Chief Secretary to Government, dated Chittoor, 27th April 1898, Reference No. 1388:—

With reference to paragraph 7 of G.O., No. 18, dated the 21st January 1890, I have the honour to report the death on the 18th March 1898 of Mirza Budan Beg, Mysore stipendiary No. 834, bearing serial No. 2 in appendix B of the above Government Order.

2. The several petitions received regarding the claims to this pension have been referred to the Tahsildar of Vellore for enquiry and report. As soon as his report is received, I shall submit a complete list of the family with my recommendations.

Order—R. No. 126, Political, dated 2nd May 1898.

Recorded, pending receipt of further report.

(True Extract.)

(Signed) A. T. ARUNDEL,
Chief Secretary.

To the Collector of North Arcot.

Read—also the following paper:—

From J. K. BATTEN, Esq., Acting Collector of North Arcot, to the Chief Secretary to Government, dated Chittoor, 17th May 1898, No. 1304—Dis. Acc.

In continuation of my letter, dated the 27th April 1898, Reference on Cur. No. 1388, I have the honour to forward herewith a geneological table showing the several members of the family left by the deceased Mirza Budan Beg, Mysore stipendiary No. 834, and to report as follows.

2. The deceased was in the enjoyment of a monthly pension of Rs. 35 and an annual clothing allowance of Rs. 102, under G.O., No. 3[illegible]8, dated the 9th June 187[illegible] Political Department. The above allowances were granted to him on account of his relationship to the late Prince Gulam Muhammad, K.C.S.I. The deceased has left two sons, Mirza Nazir Ali Beg and Mirza Vassil Ali Beg, and three daughters, Amina Begam, Bakhshi Begam and Furzana Begam. A few months before his death he executed a will bequeathing all his property and his pension to his two sons and one of the daughters Furzana Begam, disinheriting the other two daughters, Amina Begam and Bakhshi Begam, for the reasons that the former had already participated in the pension of her mother-in-law Padshah Begam (deceased's sister) and that the latter had married one Abbas Alikhan, who is getting a monthly pension of Rs. 10 and was thus entitled to get her husband's pension in case she should survive him. In pursuance of the will the two sons and the daughter Furzana Begam have put in petitions to me praying for the continuance of their father's pension solely in their names. Bakhshi Begam on the other hand in her petition presented to me contests their claims on the grounds that the will is not applicable to pensioners, that she has also a right to participate in the pension enjoyed by her father, that she was excluded from the aforesaid will probably for the reason that she would get her husband's pension in case of her survival, and that she has a large family to support and the scanty pension of her husband is barely adequate to meet their wants. The will purporting to bequeath the whole of the deceased's property to three out of five heirs is inoperative under the Muhammadan Law for want of the consent of all the heirs.

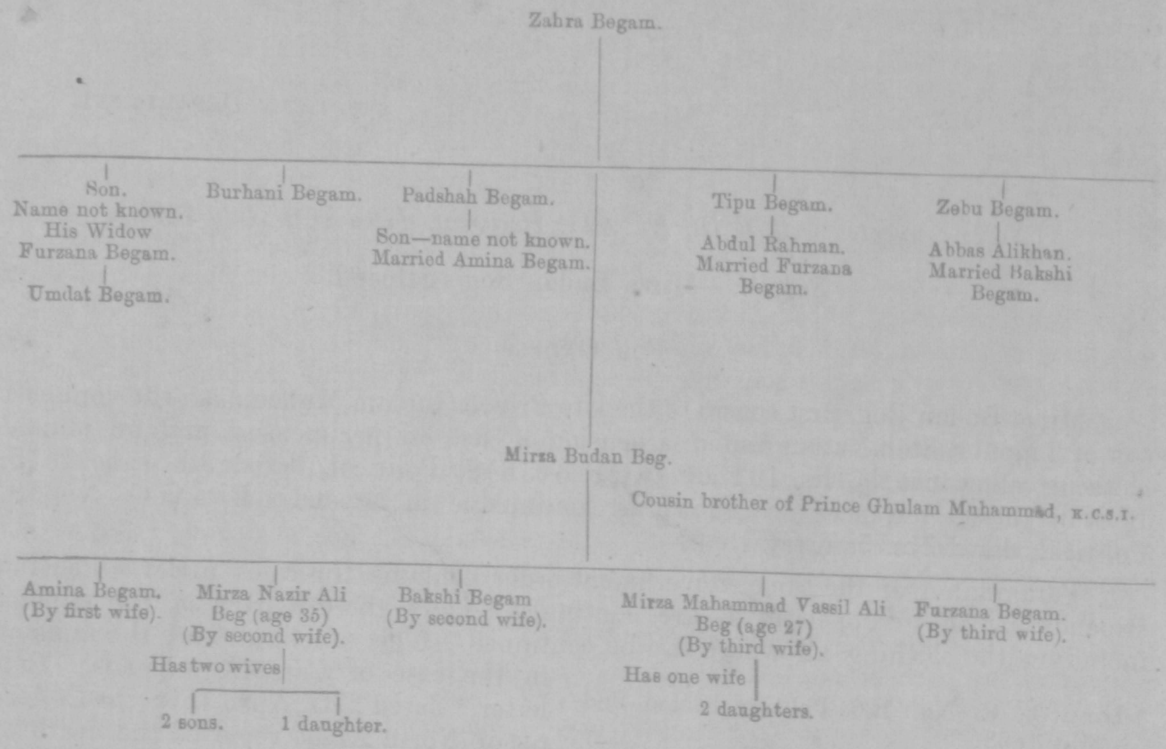
3. The allowance enjoyed by the deceased is one continuable to his family (*vide* appendix B to G.O., No. 18, Political, dated 21st January 1890).

4. From the enquiries instituted by the Tahsildar of Vellore it is found that one of the daughters Amina Begam had a pension of Rs. 5 per mensem through her mother-in-law Padshah Begam, and commuted it; that the second daughter Bakhshi Begam has a husband, Abbas Alikhan, who is getting a monthly pension of Rs. 10, which descended to him from his mother, Zebu Begam (deceased's sister); and that the third daughter Furzana Begam has a husband, who is also in receipt of a monthly pension of Rs. 7–8–0 which descended from his mother Tipu Begam (another sister of the deceased). Abdul Rahiman on behalf of his wife Furzana Begam requests that she may also be allowed to participate in the pension of her father as the pension which he is now enjoying cannot descend to her, while one Abdul Razak Sahib on behalf of Bakhshi Begam states that when the pensioner was alive he was paying her a monthly allowance of Rs. 3 out of his pension and an annual allowance of Rs. 15 out of his clothing allowance, that although her husband's pension is continued in her name in case he predeceases her she can also retain her father's as it is not objectionable to hold two pensions, and that she has consequently a right to succeed to a share of her father's pension.

5. In their statements before the Tahsildar of Vellore, the two sons of the deceased, Mirza Nazir Ali Beg and Mirza Vassil Ali Beg, pray that, as their sisters are provided for as detailed in paragraph 4 *supra*, their father's pension may be continued solely in the sons' names as they have to support a large family and the allowance is insufficient even to support their own family. They, however, promise that they will duly provide for the maintenance of their sister Furzana Begam in accordance with their father's desire.

6. Amina Begam, having held a pension which she has commuted it is doubtful if she can claim maintenance allowance or pension out of her father's estate. Bakhshi Begam has an inheritable pension of Rs. 10 a month and I doubt if she has a claim to this pension too. Furzana Begam has no continual pension but has been named by the deceased as one of his heirs. The pension of Rs. 35 may therefore be distributed according to the Muhammadan Law, thus: To each of the two sons Rs. 14 and to Furzana Begam Rs. 7. The clothing allowance of Rs. 102 per annum may be distributed among all the heirs according to the Muhammadan Law, viz., to each of the sons of the deceased two shares and to each of the daughters one share, *i.e.*, to each son Rs. 29–2–3 and to each daughter Rs. 14–9–2 per annum.

ENCLOSURE.


Zahra Begam.
Son. Name not known. His Widow Furzana Begam.
Umdat Begam.
Burhani Begam.
Padshah Begam.
Son—name not known. Married Amina Begam.
Tipu Begam.
Abdul Rahman. Married Furzana Begam.
Zebu Begam.
Abbas Alikhan. Married Bakshi Begam.
Mirza Budan Beg.
Cousin brother of Prince Ghulam Muhammad, K.C.S.I.
Amina Begam. (By first wife).
Mirza Nazir Ali Beg (age 35) (By second wife).
Has two wives
2 sons.
1 daughter.
Bakshi Begam (By second wife).
Mirza Mahammad Vassil Ali Beg (age 27) (By third wife).
Has one wife
2 daughters.
Furzana Begam. (By third wife).

ORDER—No. 491, Political, dated 16th July 1898.

After a careful consideration of the circumstances set out in the letter from the Collector of North Arcot read above, the Government resolves to distribute three-fourths (Rs. 32–10–0) of the stipend and clothing allowance (Rs. 43–8–0) drawn by the late Mirza Budan Beg (this being the maximum amount continuable under paragraph 4 of G.O., No. 18, Political, dated 21st January 1890) as under :—

	RS.	A.	P.
Mirza Nazir Ali Beg, son, two shares	10	14	0
Mirza Vassil Ali Beg „ „	10	14	0
Amina Begam, daughter, one share	5	7	0
Furzana Begam „ „	5	7	0

2. All the stipends now granted fall within the limits of compulsory commutation laid down in paragraph 1 (*b*) of G.O., No. 359, Political, dated 22nd May 1885, but the stipends of the two daughters will be continued to them as monthly pensions with reference to G.O., No. 422, Political, dated 29th June 1895.

3. The Collector will submit*, through the Accountant-General, proposals for the commutation of the pensions granted to Mirza Nazir Ali Beg and Mirza Muhammad Vassil Ali, furnishing the age and health certificates required by G.O., No. 452, Political, dated 23rd July 1891. His attention is drawn to the instructions in G.O., No. 697, Political, dated 23rd November 1891, as regards the calculation of arrears of pension.

* G.O, No. 850, Political, dated 27th November 1894.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Collector of North Arcot.
„ Accountant-General.

Exd. P. Seetharam.

POLITICAL DEPARTMENT.

(*Notes connected with G.O., No. 491, Political, dated 16th July 1898.*)

Subject.—Mirza Budan Beg's Stipend.

FOR ORDERS.

Mirza Budan Beg, first cousin of the late Prince Ghulam Muhammad, the youngest son of Tippu Sultan, was granted a pension of Rs. 35 per mensem and an annual clothing allowance of Rs. 102 by G.O., No. 348, Political, dated 9th June 1875. Both of these allowances are shown as continuable in appendix B to G.O., No. 18, Political, dated 21st January 1890.

Paragraph 4 of the same Government order contains the rules under which the stipends shown in appendix B are continued. Only three-fourths of the stipend including the clothing allowance can be continued. The other rules are the same as in the case of Carnatic stipends. In a letter,* dated 27th April 1898, the Collector of North Arcot reported the death of Mirza Budan Beg, Serial No. 2 in the appendix referred to above, and promised to furnish a full report after making further enquiries.

* In G.O., R. No. 126, Political, dated 2nd May 1898.

2. The current read above is the report of the Collector who, in accordance with paragraph 7 of G.O., No. 18, Political, dated 21st January 1890, forwards a genealogical table of the family of the deceased. The Collector reports that the family of Budan Beg consists of the following five members :—

(1) Amina Begam, a daughter.
(2) Mirza Nazir Ali Beg, a son.
(3) Bakshi Begam, a daughter.
(4) Mirza Muhammad Vassil Ali, a son.
(5) Furzana Begam, a daughter.

The Collector further reports that the deceased stipendiary *has left a will disinheriting Nos.* (1) *and* (3) on the grounds that No. (1), Amina Begam, had already participated in the pension of her mother-in-law Padshah Begam, sister of the deceased, and that No. (2), Bakshi Begam, had married one Abbas Ali Khan, who is in receipt of a monthly pension of Rs. 10. The will, which the Collector pronounces inoperative under Muhammadan Law, as it was not executed with the consent of the whole family, is reported to be contested by Bakshi Begam (No. 3), on the ground that it is inapplicable to stipends.

No 1 in appendix B to G.O., No. 18, Political, dated 21st January 1890, who gets pension Rs. 10 *plus* clothing allowance Rs. 4–4–0 = Rs. 14–4–0—*vide* page 26, No. 635 of the quinquennial list; G.O., No. 348, Political, dated 9th June 1875.

(Intld.) C.M.S.

3. Amina Begam No. (1)—who is No. 1 in appendix A to G.O., No. 18, Political, dated 21st January 1890—was in receipt of Rs. 5 per mensem with clothing allowance of Rs. 25 under Government of India, Foreign Department, letter No. 317 F., dated 28th May 1875 (in G.O., No. 348, Political, dated 9th June 1875), which she subsequently commuted, but there is nothing to show that she was ever in receipt of a pension from Padshah Begam (sister of the deceased Mirza Budan Beg). The latter was granted a pension of Rs. 15 per mensem and a clothing allowance of Rs. 65 per annum in 1875 (Government of India letter in G.O., No. 348, Political, dated 9th June 1875), which she ceased to draw on her death in 1893. Padshah Begam was classed in appendix (No. 3) A to G.O., No. 18, Political, dated 21st January 1890, among those whose pensions should lapse absolutely at the death of holder and her stipend was not continued.

G.O., No. 355, Political, dated 12th July 1890.

G.O., No 236, Political, dated 22nd April 1893.

The Collector thinks that as Amina Begam has once been granted a stipend and Bakshi Begam is married to Abbas Ali Khan, who is, as already stated, in receipt of a stipend, these two daughters have a doubtful claim. He therefore recommends the distribution of the *whole* of the stipend between the sons and the remaining daughter, Nos. (2), (4) and (5), thus giving effect to the will left by the deceased. He, however, recommends that the *whole* of the clothing allowance may be distributed among the *five* children.

G.O., No. 348, Political, dated 9th June 1875.

4. The Collector is, it is submitted, wrong in recommending a continuation of the *whole* of the pension and in recommending that the stipend proper and the clothing allowances should be separated. It is submitted that the maximum sum that can be continued under the rules is *three-fourths* of the stipend and of the clothing allowance taken together.

Paragraph 4 of G.O., No. 18, Political, dated 21st January 1890.

5. As regards the distribution of the stipend, the case should, it is submitted, be settled on its own merits as will be seen from the following precedents. Of the five stipendiaries classed together in * Appendix B to G.O., No. 18, Political, dated 21st January 1890, two do not appear in the list of Mysore stipendiaries for 1898, viz., *Padshah Begam* [shown in G.O., No. 18, Political, dated 21st January 1890, Appendix B., in receipt of Rupees 52-8-0] who died on the 18th July 1896—*vide* Collector's letter, dated 23rd September 1896, in G.O., R. No. 340, Political, dated 29th September 1896—and Muhammad Ali, in receipt of Rs. 43-12-0 per mensem who died on the 25th September 1890—*vide* Collector's letter, dated 6th November 1890, in G.O., No. 639, Political, dated 17th December 1890. The method adopted in continuing each of these stipends will be briefly detailed so far as it affords a precedent for dealing with the present case. Attention is, however, first solicited to the notes in the original of G.O., No. 18, Political, dated 21st January 1890, which show the manner in which it was intended that the pensions classed together in Appendix B should be continued. It will be seen that the amount to be continued in the cases of Mirza Budan Beg and Muhammad Ali was intended for *their respective families.* In the case of Padshah Begam, though the stipend she held was only a life grant, it was decided to continue it to her family and hence her name was included in Appendix B.

* To which class Budan Beg belongs.
(Intld.) C.M.S.

In G.O., No. 288, Political, dated 27th April 1898.

G.O., No. 316, Political, dated 8th April 1885.

6. The Collector, in reporting the death of Muhammad Ali, furnished a list (1) of the members of the immediate family left by him; (2) the members of the larger family of which Muhammad Ali became the head when he received the pension on the death of his elder brother Abul Hasan Logadi. The Collector stated that certain members of Muhammad Ali's own family and certain others of the larger family had put in petitions asking to be recognized as the head of the family, and that a further report would follow. In a letter dated 6th April 1891 (in G.O., No. 253, Political, dated 5th May 1891), the Collector reported on the claims of the immediate members of Muhammad Ali's family as well as those collaterals who belonged to the family of which Muhammad Ali was the head. The Collector recommended that Ahmed Ali Mahazar, the son of Muhammad Ali, should be granted three fourths of the pension for the support of the whole family as he was the grandson of Hamad Said, the original grantee, and as Muhammad Abdul Latif, the elder brother of Ahmed Ali Mahazar, had waived his right in favour of the latter. The claims of Mohi-ud-din Begam, the grand-daughter, and Muhammad Sabagtullah, the great-grandson of Hamad Said, were passed over by the Collector as they were not so nearly related to the original grantee. The Government had therefore the option of continuing a portion of the stipend to any one of the rival claimants to be used for the support of the family or of splitting up the pension between five or six of the nearest relatives of the deceased Muhammad Ali. It decided * on the latter course and the Collector in a letter dated 26th June 1891 (in G.O., No. 460, Political, dated 24th July 1891) submitted proposals accordingly. Attention is solicited to the notes in G.O., No. 460, Political, dated 24th July 1891, in which the claims of nine of the chief claimants reported by the Collector are discussed. Nos. 3 and 7 in the list in paragraph 3 of the notes, the former a daughter-in-law and the latter a nephew of the original grantee, were excluded from participation on the ground that No. 7 was employed in the Nizam's service on Rs. 60 *per mensem* and also because neither had petitioned for pensions. Nos. 1, 4 and 5 were not excluded as though they were in receipt of other support, they had dependants. The Collector was asked to furnish information with a view to capitalising the stipends which it was proposed to give to the remaining seven claimants and on this being done payment of bonuses was sanctioned to them with arrears of stipends from the date of the death of Muhammad Ali. A petition was afterwards received from No. 7 in the list alluded to above who had been excluded from a participation in the stipend, but Government found no reason to modify the order that had been passed.

G.O., No. 200, Political, dated 10th May 1880.

Paragraph 3 of the Collector's letter in G.O., No. 639, Political, dated 17th December 1890.

* G.O., No. 253, Political, dated 5th May 1891.

O.M., dated 3rd July 1891.

G.O., No. 460, Political, dated 24th July 1891.

G.O., No 149, Political, dated 29th February 1892.

7. The case of Padshah Begam, whose death on 18th July 1896 was reported by the Collector of North Arcot in a letter dated 23rd September 1896, was treated in a different manner. A short account of this stipendiary will be found in paragraph 2 of the first note in G.O., No. 86, Political, dated 4th February 1897. The Collector of North Arcot in his letter, dated 3rd October 1896, in the same Government Order pointed out that the stipend was continuable to the family which he reported to consist of four individuals (two minor daughters, a brother-in-law and a sister-in-law) and he recommended the continuation of the stipend in the name of the brother-in-law on the grounds that (1) he was the nearest male member and head of the family; (2) he had no other means of support; (3) he had a large family including the sister-in-law mentioned above; (4) the pension was intended for the support of the whole family; and (5) the two infant daughters of the deceased were under his sole support. These statements were supported by the testimony of certain Government stipendiaries. The case is discussed at great length in the notes in G.O., No. 86, Political, dated 4th February 1897, and it is only necessary here to solicit attention to the note by His Excellency the Governor, dated 24th January 1897, in which the principle was laid down on which the case was decided, viz., *on its own merits.*

In G.O, R. No 340, Political, dated 29th September 1896.

8. The last two paragraphs of the foregoing note, which deal with cases of deceased stipendiaries of the same class as Budan Beg, whose pensions were on exactly the same footing as his, show, it is submitted, that the rule is to decide the claims to a participation in the share of a continuable stipend on the merits of each case. Questions of Muhammadan law cannot enter into the discussion and, as will be seen from paragraph 4 of G.O., No. 18, Political, dated 18th January 1890, the amount to be continued cannot exceed three-fourths of the pension *plus* clothing allowance.

The rule which should have been followed is that laid down in G.O., No. 18, Political, dated 1st January 1890, paragraph 4, *i.e.*, they should be continued under the rules governing Carnatic stipends.

(Intld.) G.S.
8th July 1898.

In regard to Carnatic stipends it is the practice, so far as I can gather, to exclude a sharer who has not been dependent on the pension for support or who is not supported out of it. If, as in this case, owing to marriage, the sharer's support devolved not on the deceased stipendiary but on the husband, the rule is to

9. Taking the claimants mentioned in paragraph 2 of the foregoing note there appears to be no doubt as regards the validity of the claims of Nos. (2) and (4) *Mirza Nazir Ali Beg* and *Mirza Muhammad Vassil Ali*, the two sons. The first

exclude; but it is no ground of exclusion that the sharer has already come in for a pension if it be not available for the sharer's support at the time of passing the order.

(Intld.) G.S.
8th July 1898.
(Intld.) A.E.H.

daughter No. (1) *Amina Begam* received a pension in 1875 which she commuted in 1890, and on this ground the Collector would exclude her. This recommendation appears to be open to question, as the Collector does not state whether Amina Begam has any other means of support. The fact of her having previously received a pension need not necessarily stand in her light now. It is submitted that she should be given her share.

(„) G.S.
8th July 1898.
(Intld.) A.E.H.

10. No. (3) *Bakshi Begam*, the second daughter, is married to a stipendiary, No. 1 in Appendix B to G.O., No. 18, Political, dated 21st January 1890, whose pension is continuable and her claims to a participation in her father's stipend may, it is submitted, be set aside.

(Intld.) G.S.
8th July 1898.
(Intld.) A.E.H.

11. The last daughter, No. (5) *Furzana Begam* is reported to be married to a stipendiary whose pension dies with him. The particulars given by the Collector are not sufficient to enable this stipend to be traced, but the fact may, it is submitted, be taken as stated by him. Furzana Begam's claim appears to be admissible.

He gets Rs. 7-8-0 a month.

(Intld.) G.S.
8th July 1898.

This is a doubtful case, but as the woman's support dies with her husband, it seems better to allow her the share as these pensions are given to prevent the members of these old families sinking into indigence.

(Intld.) G.S.
(„) A.E.H.

12. As regards the distribution of the stipend amongst those who are held to be rightful sharers, it will be observed from paragraph 4 of G.O., No. 18, Political, dated 21st January 1890, that G.O., No. 778, Political, dated 29th November 1888, governs the case. This would necessitate sons being granted twice as much as daughters and shadi offspring five times as much as nikahi offspring—*vide* paragraph 2 of the order last quoted. In the case of Muhammad Ali's pension dealt with in paragraph 6 *supra*, this mode of division was not, however, adhered to; for it will be seen from the note and the order in G.O., No. 460, Political, dated 24th July 1891, that the amount to be continued in that case was divided into seven shares, six of which were given to daughters, nephews, nieces and a grandson of the deceased at the rate of one share each, whilst two other grandsons got half a share each. An equally arbitrary division was made in the case of Padshah Begam's (paragraph 7 *supra*) stipend in G.O., No. 86, Political, dated 4th February 1897, her brother-in-law receiving Rs. 21-6-0 and her two minor daughters each Rs. 9 out of the sum of Rs. 39-6-0 continued. In the present case the Collector is in favour of giving each son twice as much as each daughter and this, it is submitted, is the best method of division under the circumstances. It merely ignores the distinction between shadi and nikahi offspring, particulars regarding which have not been furnished by the Collector in his present report.

(Intld.) G.S.
8th July 1898.
(Intld.) A.E.H.

They are all probably of one class.

(Intld.) G.S.
8th July 1898.

(Intld.) C.M.S.
6th July 1898.

(Intld.) G.S.
8th July 1898.

I accept the Chief Secretary's proposals as shown in the marginal notes made by him.

(Intld.) A.E.H.
13th July 1898.

[Poll. 7]

Political (1898) Department.

CURRENT No. 732

P
For note
C.M.S.
27.5

27/5/98

From

The Collector of N. Arcot.

Order

No. 1304

Dated 17
Received 25
Registered 26
May 1898.

Enclosures one

Spare copies

SUBJECT.

Reporting on the discon the ground of the pension of late Mirza Budan Beg, Mysore stipend
No. 834

BACK PAPERS.

G.O.	No.	Department.	D
R 126:	2.5.98		
18:	21.1.90		
265	3.6.89		
348:	9.6.75		
203	3.4.75		

FURTHER PAPER

G.O.	No.	Department.	D

G.
25]

C. 9.7.98
R 14.7.98

N.B. Keep [illegible]

Political DEPARTMENT

C. No. 732

SUBJECT.

Mirza Budan Beg's Stipend.

HIS EXCELLENCY THE GOVERNOR.

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

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

WO 491
16/7/98

FOR ORDERS.

Mirza Budan Beg, first cousin of the late Prince Ghulam Muhammad, the youngest son of Tippu Sultan, was granted a pension of Rupees 35 *per mensem* and an annual clothing allowance of Rs 102 by G.O. No. 348, Political, dated 9th June 1875. Both of ~~which~~ these allowances are shown as continuable in appendix B to G.O. No. [illegible] Political, dated 21st [illegible] the ground [illegible] Z D

B

~~Appendix B~~ Para 4 of the same G.O. contains the rules under which the stipends shown in Appendix B are continued. Only three-fourths of the stipend including the clothing

400
102
502

35 8.8
43.8

allowance can be continued. ~~[illegible]~~ The other rules are the same as in the case of Carnatic stipends. In a letter+ dated 27th April 1898 the Collector of North Arcot reported the death of Mirza Budan Beg, Serial No. 2 in the appendix referred to above and promised to furnish a full report after making further enquiries.

+ in G.O. R. No. 126, Poll. Dt 2.5.98.

2. The Current read above is the report of the Collector who in accordance with para 7 of G.O. No. 18 Political dated 21st January 1890 forwards a geneological table of the family of the deceased. The Collector reports that the family of Budan Beg con- [illegible] following 5 members.

A

G

(1). Amina Begam, a daughter
(2) Mirza Nazir Ali Beg, a Son
(3). Bakshi Begam, a daughter
(4). Mirza Muhammad Vassil Ali, a Son
(5). Furzana Begam, a daughter.

The Collector further reports that the deceased stipendiary

3 15 29

~~+ No. 651 - page 26 [illegible] Dt [illegible] Cml~~

has left a will disinheriting Nos. (1) and (3) on the grounds that, No. (1), Amina Begam had already participated in the pension of her mother-in-law Padshah Begam, sister of the deceased ~~[illegible]~~ and that No. (2), Bakshi Begam had married one Abbas Ali Khan who is in receipt of a monthly pension of Rs 10. The will which the collector pronounces inoperative under Muhammadan Law, as it was not executed with the consent of the whole family, is re[illegible]ted to be contes[illegible]y Bakshi Begam, [illegible] on the ground that it is inapplicable to stipends.

B ~~Apparently~~ No. 1 in Appendix B to G.O. No. 18 Pol. Dt 21.1.90. who gets pension Rs 10 + Clothing allowance Rs 4-4-0 = Rs 14-4- vide page 26. No 635 of the quinquennial list (print volume at the bottom of this file), also Cml G.O. No. ~~203~~ 348 Pol. Dt 9.6.75

3. Amina Begam, No. (1), was in receipt of Rs 5 per mensem with clothing allowance of Rs 25 under Govt. of India

Who is No. 1 in Appendix A to G.O. No. 18 Political Dt 21.1.90.

Foreign department letter No. 317-F dated 28th May ~~1895~~ 1875, (in G.O No. 348, Poll. d/ 9.6.75) — D
which she subsequently commuted, but there is — G.O. No 355 Poll. d/ 14.7.90 R
nothing to show that she was ever in receipt of a pension from ~~her~~ ~~mother-in-law~~ Padshah Begam (sister of the deceased Mirza Budsin Beg.) The latter was granted a pension of Rs 15 per mensem and a clothing allowance of Rs 65 per annum in 1875 ~~under~~ the [Govt. of India letter in G.O No. 348, Poll., dated 9.6.1875] — D 2
which she ceased to draw on her ~~death~~ in 1893. ~~This pension~~ Padshah Begam was classed in Appendix× A to G.O. No. 18 Political dated 21st January 1890 among those ~~which~~ whose pensions should lapse absolutely at the death of holder and her stipend was ~~since~~ not continued.

G.O. No. 236, Poll., dated 22nd April 1893 Q

B

× No. 3

G.O. No. 348, Poll. d/ 9.6.75 7 D

The Collector thinks that as Amina Begam has once been granted a stipend and Bakshi Begam is married to Abbas Ali Khan, who is, as already stated, in receipt of a stipend, these two ~~ladies~~ daughters have a doubtful claim. He therefore recommends the distribution of the whole of the stipend between the sons and the remaining daughter No. (2) ~~(4) & (5)~~ thus giving effect to the will left by the deceased. He however recommends that the whole of the clothing allowance may be distributed among the five children.

4. The Collector is

it is submitted, wrong in recommending a continuation of the whole of the pension ~~[illegible] three-fourths should be continued~~, and in recommending that the stipend proper and the clothing allowances should be separated ~~treated in different ways~~. [redacted] It is submitted that the maximum sum that can be continued under the rules is three-fourths of the stipend and of the clothing allowance taken together.

Clothg. 3/4 only continue

Para 4 of G.O. No. 18 Pol. d/ 21.1.90

5. As regards ~~the question~~ the distribution of the ~~[illegible] the stipend~~ stipend ~~etc~~ the case ~~[illegible]~~ should it is submitted settled on its own merits

19

* To which class Budalm Beg belongs Cum?

in G.O. No 288 Political d/ 27-4-98

G.O. No 316, Pol. d/ 8.4.85 (240?)

As will be seen from the following precedents. Of the five stipendiaries classed together in Appendix* B to G.O. No 18, Political, dated 21-1-90 two do not appear in the list of Mysore Stipendiaries for 1898, viz. Padshah Begam ~~[illegible]~~ [shown in G.O. No 18 Political dated 21st January 1890 Appendix B. in receipt of Rs 62-8-0] who ~~having~~ died on the 18th July 1896, (vide Collr's letter d/ 23.9.96 in G.O. R. No 340 Political dated 29th Septr. 1896) and Muhammad Ali, in receipt of Rs 43.12.0 per mensem ~~having~~ who died on the 25th September 1890. (vide Collr's letter dated 6th November 1890 in G.O. No 639 Pol., dated 17th December 1890.) The method adopted in continuing each of these stipends, will be ~~&~~ briefly detailed so far as it affords a precedent for dealing with the present case. Attention is, however, ~~[illegible]~~ first solicited to the notes in the original of G.O. No 18 Political dated 21st January 1890 which show the manner in which it was intended that the pensions classed together in appendix B should be continued. It will be seen that ~~[illegible]~~ the amount to be continued ~~case~~ in the cases of Mirza Budan Beg and Muhammad Ali was intended ~~to be continued~~ for ~~to~~ their respective families. In the case of Padshah Begam, though the stipend she held was only a life grant, it was decided to continue it to her family and hence her name was included in appendix B.

6. The collector, in reporting the death of Muhammad Ali, furnished a list (1) of the members of the immediate family left

G.O. No 200 Poll., Dt 10-5-1880. VI

T

Para 3 of the Collector's letter in G.O. No 639, Political dated 17th December 1890 ×

21 58

by him (2) the members of the larger family of which Muhammad Ali became the head when he received the pension on the death of his elder brother Abul. Hasan Sogadi. The Collector state that certain members of Muhammad Ali's own family and certain others of the larger family had put in petitions asking to be recognized as the head of the family and that a further report would follow. In a letter dated 6th April 1891 (in G.O. No 253 Political, dated 5th May 1891) the Collr reported on the claims of the immediate members of Muhammad Ali's family as well as those collaterals who belonged to the family of which Muhammad Ali was the head. The Collr recommended that Ahmed

Ali Mahazar, the son of Muhammad Ali, should be granted 3/4ths of the pension for the support of the whole family as he was the grandson of Hamad Said, the original grantee, & as Muhammad Abdul Latif, the elder brother of Ahmed Ali Mahazar ~~having~~ had waived his right in favour of the latter. ~~and~~ The claims of Mohi-ud-din Begam, the granddaughter, and Muhammad Sabagtullah, the great-grandson, of Hamad Said were passed over by the Collector as they were not so nearly related to the original grantee. The Govt. had therefore the option of continuing a portion of the stipend to any one of the rival claimants to be used for the support of the family or of splitting up the pension between

G.O. No. 253 Poll., Dt 5.5.91 X

five or six of the nearest relatives of the deceased Muhammad Ali. It decided on the latter course X and the Collector in a letter dated 26th June 1891 W (in G.O. No. 460 Poll., Dt 24.7.91) submitted proposals accordingly. Attention is solicited to the notes in G.O. No. 460 Poll. Dt 24.7.91 Y in which the claims of nine of the chief claimants reported by the Collector are discussed. Nos. 3 and 7 in the list in para 3 of the notes, the former a daughter in law and the latter a nephew of the original grantee were before Y excluded from participation on the ground that No. 7 was employed in the Nizam's service on Rs 60 per mensem ~~with whom he has supported~~ ~~[illegible] No. 3~~, and also because neither had petitioned for pensions.

Nos 1, 4 and 5 were not excluded as, though they were in receipt of other support, they had ~~large~~ ~~families~~ dependents ~~on them~~. The Collector was asked to furnish information with a view to capitalising the stipends which it was proposed to give to the remaining seven claimants and on this being done payment of bonuses was sanctioned to them with arrears of stipends from the date of the death of Muhammad Ali. A petition ~~were there~~ was afterwards ~~upon~~ received from ~~several of the family~~ who had been excluded from a participation in the stipend ~~including~~ No. 7 in the list alluded to above, but Govt. found no reason to modify the order that had been passed.

O. M. d/ 3.7.91. Z

G.O. No. 460. Poll., d/ 24.7.91. A'

H

G.O. No. 149 Poll., d/ 29.2.92 F

7. The case of Padshah

Begam, whose death on 18.7.96 was reported by the Collr. of N. Arcot in a letter dated 23rd September 1896, was treated in a different manner. A short account of this stipendiary will be found in para 2 of the first note in G.O. No. 86, Poll. d/ 4.2.97. The Collr. of N. Arcot in his letter dated 3.10.96 in the same G.O. pointed out ~~the~~ that the stipend was continuable to the family which he reported to consist of 4 individuals, (2 ~~infant~~ minor daughters, a brother-in-law and a sister-in-law) and he recommended the continuation of the stipend in the name of the brother-in-law on the grounds that (1) he was the nearest male member and head of the family (2) he has no other means of support (3) he has a

in G.O. R. No. 340 Poll. d/ 29.9.96. S

B'

C'

large family including the Sister in law mentioned above (4) the pension was intended for the support of the whole family^+ (5) the two infant daughters of the deceased were under his sole support. These statements were supported by the ~~word~~ testimony of certain Govt. Stipendiaries. The Case is ~~fully~~ discussed at great length in the notes in G. O. No. 86, Poll., d/ 4.2.97 and it is only necessary here to solicit attention to the note by H. E. the Governor dated 24-1-97 in which the principle was laid down on which the case was decided, viz. on its own merits.

D'

~~G. O. [illegible] dated~~
~~27th Sept [illegible] 1898 [illegible]~~ ~~in G. O. No. 706 Pol. 27~~
~~[illegible]~~
~~[illegible]~~
~~[illegible]~~

R.N.J.
6/7/98.

---

27 98

The rule which H^{rs} have been followed is that laid down in G.O. 1st Jan^y 1890. No 18. Pol. para 4. i.e. they W^d be continued under the rules governing Carnatic Stipends.

8/7/98.

In regard to Carnatic Stipends it is the practice so far as I can gather to exclude a sharer who has not been dependent on the pension for support or who is not supported out of it. If as in this case owing to marriage the sharer's support devolved not on the deceased stipendiary but on the husband the rule is to exclude: but it is no ground of exclusion that the sharer has

A F

8 The last two paras of the foregoing note, which deal with cases of deceased stipendiaries of the same class as Budahu Beg whose ~~pension~~ were on exactly the same footing as his, show, it is submitted, that the rule is to ~~treat the three~~ ~~continuation~~ decide the claims to a participation in the share of a continuable stipend on ~~their own~~ the merits of each case. Questions of Muhammadan law cannot enter into the discussion and, as will be seen from para 4 of G.O. No. 18 Political d/ 18.1.90, the amount to be continued cannot exceed three-fourths of the pension + clothing allowance.

9. Taking the claimants mentioned in para 2 of the foregoing note there appears to be no doubt as regards the validity of the claims of Nos (2) & (4) Mirza Nazir Ali Beg and Mirza Muhammad Vassil Ali, the two sons. The first daughter No. (1) Amina Begam received a pension in 1875 which she commuted in 1890, and on this

ground the Collector would exclude her. This recommendation appears to be open to question, as the Colr. does not state whether ~~She~~ Amina Begam has any other means of support. The fact of her having previously received a pension need not necessarily ~~stand~~ stand in her light now. It is submitted that she should be given her share.

10. No. (3) Bakshi Begam, the second daughter, is married to a stipendiary, No. 1. in Appendix B to G.O. No. 18 Pol. of 21st Jany. 90, whose pension is continuable & her claims to a participation in her fathers stipend may, it is submitted, be set aside.

11 The last daughter, No. (5) Furzana Begam is reported to be married to a stipendiary whose pension dies with him. The particulars given by the Collector are not sufficient to enable this stipend to be traced, but the fact may, it is submitted, be taken as stated by him. Furzana Begam's claim appears to be admissible

12 As regards the ~~[illegible]~~ distribution

of the stipend amongst those who are held to be rightful sharers, it will be observed from para 4 of G.O. No. 18 Pol. of 21st January 1890, that G.O. No. 77 Pol. of 29th November ~~[illegible]~~ 1888 governs the case. This would necessitate ~~[illegible]~~ sons being granted twice as much as daughters and ~~shari~~ shadi offspring ~~twice~~ five times as much as nikahi offspring (vide para 2 of the order last quoted). In the case of Mahammad Ali's pension dealt with in para 6 supra, this mode of division was not, however, adhered to; for it will be seen from the note flagged Y & the order flagged in G.O. No. 460 Pol. of 24th July 1891, that the ~~stip~~ amount to be continued in that case was divided into seven shares, six of which were given to daughters nephews ~~and~~ nieces ~~of the~~ and a grandson of the deceased at the rate of one share each, whilst two other grandsons got half a share each. An equally

already came in for a pension if it be not now available for the sharer's support at the time of passing the order

8/7/98 A.H

8/7/98. A.H

Which 8/7/98. A.H

He gets 7. 8-0 a month.

8/7.98.

This a doubtful case but as the woman's support dies with her husband ~~[illegible]~~ it seems better to allow her to share as these pensions are given to prevent the number of these old families sinking into indigence.

A.H

A F

M.

M

Y

arbitrary division was made in the case of Patshah Begam's (para 7 supra) stipend in G.O. No 86 Pol. d/ 4.2.97, XI her brother-in-law receiving Rs 21.6. and her two minor daughters each Rs 9, out of the sum of Rs 39-6-- continued. In the present case the Colr. is in favour of giving each son twice as much as each daughter and this, it is submitted, is the best method of division under the circumstances. It merely ignores the distinction between shadi and nikahi offspring, particulars regarding which have not been furnished by the Colr. in his present report.

They are all probably of one class.

8/7/98

8/7/98. A.S.H.

Cwk.
6.7.98

8/7/98.

I accept the Chief Sec's proposals as shown in the marginal Notes made by him.

A.S.H.
13.7.98

—]
6-5-98.

Political DEPARTMENT.

Papers to be read in Proceedings :— 31 printed

Again G.O., dated 21st January 1890, No. 18 (P)
Again G.O., dated 2nd May 1898, No. R/126 (A)
Current No. 732 of 1898, dated 17-5-98, from the Collector of North Arcot (A)
" " " 189 , " ; "
" " " 189 , " ; "

CS

ORDER. No 491, dt 16th July 1898.

P.S.

After a careful ~~full~~ consideration of the circumstances set out in the ~~[illegible]~~ letter from the Collector of N. Arcot ~~[illegible]~~ the Government ~~is~~ ~~of opinion that~~ resolves to distribute three-fourths (Rs 32-10-0) of the Stipend ~~(Rs~~ ~~and clothing allowances~~ (Rs 43-8-0) ~~32-10-0~~) drawn by the late Mirza Budan Beg (this being the ~~which is the~~ maximum amount continuable under paragraph 4 of G.O. No. 18, Political, dated 21st January 1890) ~~should be distributed~~ as under

Note: three fourths of Rs. 43-8-0 = 32-10-0

A yes

		Rs. a.
Son - 2 shares	Mirza Nazir Ali Beg	10. 14.
Do. Do.	Mirza ~~Muhammad~~ Vassil Ali Beg	10. 14.
Daughter 1 Share	Amina Begam	5-7-
Do. Do.	Furzana Begam	5-7-

2. All the stipends now granted fall within the limits of compulsory commutation laid down in ~~clause (b)~~ paragraph (b), of G.O. No. 359, Political, dated 22nd May 1885, but ~~in~~ the stipends of ~~case of~~ the two daughters ~~their stipends~~ will be continued to them ~~as~~ as monthly pensions ~~besides~~ with reference to ~~the provision contained in para 1 of~~ G.O. No. 422, Political, dated 29th June 1895.

3. The Collector will submit through the Acct Genl, proposals for the commutation of the pensions granted to Mirza Nazir Ali Beg and Mirza Muhammad Vassil Ali, furnishing the age ~~& health~~ certificates ~~as to age and health~~ required by G.O. No. 452, Political, dated 23rd July [18]91. ~~The Collector will be~~ his attention is drawn to the instructions in ~~guidance by~~ G.O. No. 697, Political dated 23rd November [18]91, as regards the calculation ~~of amount~~ ~~in calculating the~~

E FROM ORDERS.

~~C.S.~~

CS
For approval. The amounts (5-7-0) are sufficient to help the women if paid monthly
Cmb

II

Yes. 15/7/98.

* G.O. 850 Pol. d/ 27. Nov 1894

III

Addressees
The Collr of N. Arcot
Acct-Genl.

VII

desp
1-8-98

W 491 Poll.
16/7/98

33

The Collector of N. Arcot.
" Accountant-General.

Please return to us this and the papers when done with to be sent to C.A. vide his note on the first page of note for orders.
17/7/98

Awaiting of
19/7/98
P.T.O.

IV. ~~to the stipendiaries his proposals, in accordance with G.O. No. 850, Political, dated 27th Nov 1894, be submitted to Government through the Accountant General.~~

R.N.S.
14/7/98

Cmb
14.7.98

(From Orders)

15/7/98.

Note for the Head Clerk, Madras

Please have the notes in this order as also those in G.O. No. 86, Political, d/ 4.2.97 and the last mentioned order itself printed up, on yellow paper. ~~(Proof to come to C.A.)~~; also the following: notes and G.O.s in G.O. No. 460 Poll. d/ 24.7.91 and in G.O. No. 253 Poll. d/ 5.5.91, not on yellow paper and orders as usual in pros. forms. The last two G.O.'s should be taken together.

Also please print the no

in G.O. No. 18, Poll. of 21.1.90.

Proof of all to CA

1/7/98. Cms
14.2.98

he Proofs are herewith
eturned correct. No further
proofs need be ~~struck~~ sent
& the press can be
instructed to strike
after the corrections
now indicated have
een carried out.
The original of G.O. No.
18 of 1890 is also sent
as the notes have
not been fully
printed.

R.V.S.
10/8/98

First copy sent to Press. 20/7/98

Returned for signature.

Despatched in print.

NUMBER OF COPIES REQUIRED.
- Order complete. 4
- Letter only.
- Order complete with Letter.

9

35

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

CURRENT No.

As marked.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. ..

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.