

Political (1898) Department.

ORDINARY PRINTED.

G.O., No. 785

DATED 10-11-88

INDEXED.

[Despatch Abstract.]

Carnatic Stipends. Stating that the Govt does not consider that there is any reason to depart from the ordinary rules as regards the amount to be continued for the stipends of the late Muhammad Ibad-ullah, Khan Bahadur; and directing the distribution of a moiety (Rs. 145) of the stipends among the family of the deceased.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	D
	311/03					

Government {1898} of Madras. POLITICAL.

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G.O., No. 785, 10th November 1898.

NOVEMBER.

Carnatic Stipends.

Stating that the Government does not consider that there is any reason to depart from the ordinary rules as regards the amount to be continued from the stipends of the late Muhammad 'Ibád-ulláh, Khán Bahádúr; and directing the distribution of a moiety (Rs. 145) of the stipends among the family of the deceased.

GOVERNMENT OF MADRAS.

POLITICAL DEPARTMENT.

READ—the following papers :—

From Lieutenant-Colonel D. D. PRYCE, I.S.C., Paymaster, Carnatic Stipends, Chepak, to the Chief Secretary to Government, dated 15th August 1898, No. 292.

I have the honour to report with regret the demise, on the 5th instant, of Carnatic stipendiary No. 1308A, Muhammad 'Ibád-ulláh, Khan Bahádur, by paralysis.

2. The deceased was drawing two stipends—one of Rs. 204-1-4 per mensem by G.O., No. 142, Political, dated 31st March 1874, and the other of Rs. 150 per mensem by G.O., No. 369, Political, dated 11th May 1883. Out of his first allowance he commuted a portion, viz., Rs. 4-1-4, by G.O., No. 369, Political, dated 22nd July 1881, and out of the latter a sum of Rs. 60 by G.O., No. 185, Political, dated 17th March 1894; so he was drawing only Rs. 290 in all at the time of his demise.

3. The first of his allowance, Rs. 200, is returned continuable (*vide* No. 30, page 5, Appendix A, Part II, of G.O., No. 135, Political, dated 1st March 1897). His second stipend, Rs. 90, is returned "moiety to widow" (*vide* No. 37, page 7, Appendix B, Part II, of the same Government Order). Under these circumstances, a sum of Rs. 145 is continuable under the rules to his family consisting of a shadi widow, a nikahi widow and three nikahi daughters.

4. I have received a petition from the deceased's shadi widow, Sultán-un-nisá Bégam, who prays that some special concession may be shown to her deceased husband's family under the following grounds :—

(a) The deceased held a high position in the Carnatic family by his birth, as the first shadi grandson of his late Highness 'Azím-ud-daula Bahádur, the first titular Nawab of the Carnatic, and that there is no one now surviving who can claim a similar position in the Carnatic family.

(b) The deceased was much respected on account of his noble birth and the Government were pleased to grant him Rs. 50 more than his other two brothers, as recommended by the late Colonel Baynes in his report embodied with G.O., No. 184, Political, dated 5th March 1883.

(c) The deceased was honoured by Government with the privilege of a "private entree" taking into consideration his noble birth—a privilege which no one in the Carnatic family enjoys.

(d) The deceased has left five heirs and a large retinue of servants and dependants who were supported by the deceased.

(e) The stipends of his paternal aunt Fátimá Bégam and step-mother Núr Jahán Bégam were continued—the first in full and the second two-thirds—to their respective families (*vide* G.O., No. 679, Political, dated 22nd October 1888, and G.O., No. 520, Political, dated 12th November 1881, respectively).

5. With regard to the above, I have the honour to submit that it is true that the deceased held some exceptional position in the Carnatic family on account of his high birth as the first shadi son of the late Rashíd-ud-daula Bahádur, who was the son by the second shadi wife of his late Highness the first titular Nawab of the Carnatic.

6. The deceased in 1884 submitted to this office a list of his heirs in which he does not mention the names of any servant or dependant. The question whether the family of the deceased has made up a case for a special concession or not is, I beg to

state, left at the discretion of Government, but at the same time I beg to apportion as follows the maximum amount continuable under the existing rules, viz., Rs. 145 per mensem, amongst his five heirs :—

	RS.
$\frac{1308A}{1}$ Sultán-un-nisá Bégam (aged about 60 years), shadi widow ..	65
$\frac{1308A}{2}$ Mubárah-un-nisá Bégam (aged about 61 years), nikahi widow ..	20
$\frac{1308A}{3}$ Rahmat-un-nisá Bégam (aged about 44 years), nikahi daughter.	20
$\frac{1308A}{4}$ Rahím-un-nisá Bégam (aged about 36 years), nikahi daughter.	20
$\frac{1308A}{5}$ Ujálí Bégam (aged about 29 years), nikahi daughter	20
Total ..	145

7. I have allotted to the shadi widow Rs. 65, which is less than what her position as a shadi widow would demand under Lord Clive's scale; the reason for my so doing is that Sultán-un-nisá Bégam is a lonely lady without any encumbrances and was receiving during the lifetime of the deceased Rs. 30, whereas on the other hand the daughters of the deceased have families. Considering the smallness of the amount to be continued, I beg to submit that the share I now recommend to be allotted to the shadi widow, which is nearly one-half of the amount recommended to be continued to the whole family, would be considered but fair.

8. By the perusal of records it will be found that Lord Clive's scale was not kept in strict observance in the cases of "1855" stipendiaries, but as G.O., No. 696, Political, dated 29th October 1888, directs to follow the scale invariably in the distribution of Carnatic stipends, I beg to suggest, under the above mentioned circumstances, a departure from the Lord Clive's scale in the present case of the shadi widow of the late 'Ibád-ulláh, Khan Bahádur, under report, as was done in the case of the shadi widow of the late Dilair Jang disposed of by G.O., No. 777, Political, dated 28th November 1888.

MEMORANDUM No. 1945, Political.

With reference to paragraph 8 of his letter read above, it is observed that G.O., No. 465, Political, dated 17th July 1895, affords a precedent for the treatment of double stipends when one is continuable and the other is returned as "moiety to widow." The Paymaster is requested to report whether he can quote any other precedents to the point. He is also desired to state his opinion on the correct mode of distributing such stipends.

(Signed) G. STOKES,
Chief Secretary.

12th September 1898.

To the Paymaster, Carnatic Stipends.

From Lieutenant-Colonel D. D. PRYCE, I.S.C., Paymaster, Carnatic Stipends, Chepak, to the Chief Secretary to Government, dated 19th September 1898, No. 326

With reference to your memorandum No. 1945, Political, dated 12th September 1898, I have the honour to state that I regret I should have either quoted G.Os., Nos. 499 and 196, Political, dated 29th July 1884 and 14th March 1887, respectively, or paragraph 3 of this office report No. 432, dated 11th October 1888, instead of the expression "by the perusal of the records."

2. Since the publication of G.O., No. 359, Political, dated 22nd May 1885, only two cases occurred of stipendiaries drawing double stipends, of which one was returned continuable and the other "moiety to widow." The second case was disposed of by G.O., No. 465, Political, dated 17th July 1895, and the first one by G.Os., No. 740, Political, dated 26th September 1887, paragraph 2, and No. 469, dated 10th July 1888. In this case the widow being a *nikahi* one, she was allotted less than a moiety of her late husband's stipend of Rs. 140 per mensem.

3. I beg humbly to opine on the correct mode of distributing double stipends as follows :—

(1) In case of an 1801 stipendiary, two-thirds of the continuable stipend and half of the stipend that is returned "moiety to widow" be added together and distributed to the whole family in accordance with Lord Clive's scale.

(2) In case of an 1855 stipendiary one-half of both the stipends be added together and distributed to the whole family according to Lord Clive's scale.

4. I herewith beg to append two lists, marked A and B, of persons drawing double stipends for the perusal of Government, from which it will be seen that there is only one case of the nature on the whole list of stipendiaries which is to be disposed of in future. These lists do not contain the names of those persons who draw double stipends both of which are either returned "continuable" or "moiety to widow."

ENCLOSURES.

A.

LIST of 1801 stipendiaries drawing double stipends, one of which is returned continuable and the other "moiety to widow."

Stipend number.	Names.	Continuable stipend per mensem.	Stipend returned moiety to widow.	Reference.
440 7 C	Muhammad Váris 'Ali	RS. A. P. 14 4 8	RS. A. P.	Serial No. 53, Part I, Appendix A, page 4, of G.O., No. 135, Political, dated 1st March 1897.
1310 2 C	Do.		19 11 4	Serial No. 43, Part II, Appendix B, page 7, of G.O., No. 135, Political, dated 1st March 1897.

B.

LIST of 1855 stipendiaries drawing double stipends, one of which is returned continuable and the other "moiety to widow.—Nil.

ORDER—No. 785, Political, dated 10th November 1898.

The Governor in Council does not consider that there is any reason to depart from the ordinary rules as regards the amount to be continued from the stipends of the late Muhammad 'Ibád-ulláh, Khán Bahádúr. A moiety (Rs. 145) of the stipends will accordingly be distributed among the family of the deceased in the following shares :—

	RS.	A.	P.
Sultán-un-nisá Bégam, shadi widow	93	0	11
Mubarak-un-nisá Bégam, nikahi widow	18	9	10
Rahmat-un-nisá Bégam, nikahi daughter	11	1	9
Rahim-un-nisá Bégam do.	11	1	9
Ujálí Bégam, nikahi daughter	11	1	9
Total	145	0	0

(True Extract.)

G. STOKES,
Chief Secretary.

To the Paymaster, Carnatic Stipends.
" Accountant-General.

Exd. C. M. Thumbuswamy.

NOTES REGARDING THE CONTINUATION OF THE STIPEND OF THE LATE IBÁD-ULLÁH, KHÁN BAHÁDUR.

(Vide G.O., No. 785, Political, dated 10th November 1898.)

FOR ORDERS.

His Excellency the Governor—

The Paymaster, Carnatic Stipends, reports the death, on the 5th August, of Carnatic stipendiary No. 1308-A, Muhammad Ibád-ulláh Khán Bahádúr. He was the eldest shadi son of the late Rashíd-ud-daula, the son by the second shadi wife of His late Highness Nawab Azim-ud-daula, the first titular Nawab of the 'arnatic. The deceased was by birth therefore one of the principal Mussulmans of the Carnatic family, he and his brothers Muhammad Anwar-ud-dín and Muhammad Abdul 'Alí being direct representatives in the male line of the Nawab Wal'. A complete genealogical tree is a to this note in which the names of a. mentioned herein are printed in italics.

2. An account of Ibád-ulláh's antecedents has been frequently given in past correspondence, e.g., in the notes in G.O., No. 280, Political, dated 22nd May 1891, in G.O., No. 520, Political, dated 4th August 1893, in G.O., No. 465, Political, dated 9th July 1898 (paragraph 5).

3. The following is the history of his stipends :—When on the death of Nawab Ghulam Muhammad Ghaus Khán Bahádúr, the last titular Nawab of the Carnatic, the affairs of his family were arranged by Government, a monthly stipend of Rupees 2,000 was granted to Rashíd-ud-daula, who previously had been allowed Rupees 1,000 *per mensem* only. Afterwards by G.O., No. 92, dated 11th May 1872, he was granted an increase of Rs. 700 a month on the understanding that this increase on his original stipend was a life grant only.

4. On Rashíd-ud-daula's death in 1874 a moiety of his continuable stipend of Rs. 2,000 was continued * to his heirs, out of which Muhammad Ibád-ulláh Khán received Rs. 204-1-4 (G.O., No. 142, Political, dated 31st March 1874). Rs. 4-1-4 out of this sum was commuted as a special case under G.O., No. 369, Political, dated 22nd July 1881.

* Besides this a number of small pensions aggregating Rs. 74 *per mensem* were granted to certain servants (vide paragraph 4 of letter above referred to). But this does not pertain to the present question.

Vide also memorial in the same Order.

The 1885 settlement.
(Intld.) C.M.S.

Vide paragraph 2 of Captain Tyrell's letter, dated 31st March 1874, in G.O., No. 142, Political, dated 31st March 1874.

5. In 1883 Colonel Baynes represented that Muhammad Ibád-ulláh and his two brothers were deeply involved and unable to maintain themselves. He suggested that in view of their peculiar social position and their distressed state, a moiety of the personal allowance Rs. 700, drawn by their father Rashíd-ud-daula should be granted them; and that of the Rs. 350 Muhammad Ibád-ulláh, as the eldest son, should be given Rs. 150, each of his brothers receiving Rs. 100. This arrangement was sanctioned as a special case with effect from the 1st May 1883 in Mr. Martindale's letter recorded in G.O., No. 369, Political, dated 11th May 1883, but on the express understanding that the grant then made should not be taken into account in settling any pensions which might thereafter be continued to the heirs of the recipients. Of the sum of Rs. 150 thus sanctioned to Muhammad Ibád-ulláh, Rs. 60 was commuted under G.O., No. 185, Political, dated 17th March 1894.

6. In 1891 Muhammad Ibád-ulláh's pension was further increased by the grant of Rs. 20 out of the stipend of Amat-urruqia Begám, his maternal grandmother, under G.O., No. 280, Political, dated 22nd May 1891. This sum he shortly afterwards commuted for a *bonus* of Rs. 1,840 (*vide* G.O., No. 512, Political, dated 13th August 1891).

7. Muhammad Ibád-ulláh was thus at the time of his death in the enjoyment of two pensions of Rs. 200 and Rs. 90, respectively. The first of these is returned as *continuable* (*vide* No. 30 on page 5, Appendix A, Part II, of G.O., No. 135, Political, dated 1st March 1897). Deceased's widow (or widows) is eligible to receive a compassionate allowance from the second (*vide* No. 37 on page 7, Appendix B, Part II, of the same Government Order).

8. "Under these circumstances," says the Paymaster, Carnatic Stipends, "a sum of Rs. 145 is continuable under the rules to his family consisting of a shadi widow, a nikahi widow and three nikahi daughters."

9. It is to be observed, however, that the amount continuable to the *whole* family is only Rs. 100, the remainder, Rs. 45, being "for the widow."

10. The Paymaster, Carnatic Stipends, reports that he has received a petition from the shadi widow, Sultán-un-nisá Begám, praying that some special concession may be granted to his deceased husband's family on the following grounds:—

Letter No. 63, dated 7th February 1883, in G.O., Nos. 184, 185, Political, dated 5th March 1883.

$$\begin{array}{r} \text{Rs. } 204-1-4 + 150 + 20. \\ \text{,, } (4-1-1 + 60 + 20) \\ \hline \text{Rs. } 200 + 90 \end{array}$$

It will also be observed from paragraph 2 of Mr. Martindale's letter of the 1st May 1883 on page 1 of G.O., No. 369, Political, dated 11th May 1883, that the Government of India in increasing the allowances of the sons of Rashíd-ud-daula did "not consider the arguments for this increase . . . to be very strong" . . . and sanctioned it "as a special case" and on the express condition that the grant would not be taken into account in settling any pensions which might be continued to the heirs of the recipients.

(Intld.) C.M.S.

(c) that he was honoured with the privilege of a "private entrée—" "a privilege which no one in the Carnatic enjoys;"

(d) that he has left five heirs and a large retinue of servants and dependants who were supported by him;

(e) (i) that the full stipend of his paternal aunt, Fátimá Begám, and (ii) that two-thirds of that of his step-mother, Núr Jehán Begám, were continued to their respective families (*vide* G.Os., No. 679, Political, dated 22nd October 1888, and No. 520, Political, dated 12th November 1881, respectively).

11. The Paymaster, Carnatic Stipends, remarks in regard to (a), (b) and (c), that it is true that the deceased held "some exceptional position" in virtue of his birth.

As to (d), he observes that when in 1884 deceased submitted a list of his "heirs," he made no mention therein of any servant or dependant.

Colonel Pryce says nothing about (e), but remarks that "the question whether the family of the deceased has made up a case for special concession or not, is left at the discretion of Government."

12. With reference to (a), (b) and (c), it is submitted that paragraphs 3 to 5 *supra* show sufficiently that Government has already recognized the claims of Rashíd-ud-daula and of his sons to special treatment, and that they have been liberally dealt with. Whether any further concession is now to be made to Ibád-ulláh's heirs is a matter for consideration. The precedents quoted in support of such concession are the cases of (e) (i) Fátimá Begám and (e) (ii) Núr Jehán Begám.

13. (e) (i) *Fátimá Begám*.—As shown in the table attached to this note Fátimá Begám was the uterine sister of Ibád-ulláh's father Rashíd-ud-daula, they being the children of Nawab Azim-ud-daula by his second shadi wife. Her case was dealt with in G.O., No. 679, Political, dated 22nd October 1888, which, with connected papers, was put up with the file *in re* the continuation of the late Ahmad-un-nisa

Cases of those drawing double stipends, both of which are returned as "continuable."

the "entirely exceptional circumstances of her case." It cannot therefore be admitted as a precedent.

Besides, considerations which may have been held to carry weight in the case of Fátimá Bégam cannot apply in the case of her nephews who are in a lower generation, although they might have influenced, and probably did influence, the decision in the case of her brother Rashid-ud-daula who, as shown above, was liberally treated and whose sons have had the same liberality extended to them.

(Intld.) G.S.
6-9-98.

14. The case of (e) (ii) Núr Jehán Bégam is dealt with in G.O., No. 520, Political, dated 12th November 1887. In his letter therein Colonel (then Major) Baynes reported that her stipend of Rs. 102 *per mensem* was a life grant. But he recommended a relaxation of the rules in favour of her two grand-children, the son and daughter of Muhammad Anwar-ud-din Khán Bahádur—Ibad-ulláh's brother.

1st.—Because they were Anwar-ud-din's children by his first wife who was a daughter of Haidar Jang Bahádur*, the claims of whose family to special consideration were recognized by Government in G.O., No. 664, Political, dated 4th December 1877.

* Vide table attached.

2nd.—Because their father had contracted a second marriage by which his expenditure was much increased, and these two children were supported by their grandmother, Núr Jehán Bégam, who in a letter, dated 30th April 1881, expressly stated that the children were supported by her and begged that Government would continue to them her stipend.

3rd.—Because the family was one of good position.

The Government thereupon sanctioned the Paymaster's recommendation that two-thirds (Rs. 68) of Núr Jehán's pension should be continued, as shown below:—

	RS.
Muhammad Azim-ud-din ..	45
Azim-un-nisa Bégam ..	23
Rs. 68 being two-thirds of Rs. 102.	

received a petition from the shadi widow, Sultán-un-nisá Bégam, praying that some special concession may be granted to his deceased husband's family on the following grounds:—

they were peculiarly circum-
really supported from her stipend.
tinuation was therefore in accordance
spirit of the rules. That continu-
give Muhammad Ibad-ulláh's heirs no claim.

(Intld.) C.M.S. (Intld.) G.S.
6-9-98.

Lord Clive's scale is given in G.O., No. 778, Political, dated 26th November 1888.

Vide paragraph 3 of the order.

Vide also paragraph 1 of G.O., No. 501, Political, dated 23rd July 1888, where the same direction is given.

* Submitted that the Paymaster should be asked to be more definite in his remarks.

(Intld.) C.M.S. (Intld.) G.S.
6-9-98.

† But, as pointed out in paragraph 9 *supra*, Rs. 100 only not Rs. 145) is continuable to the whole family, the remainder Rs. 45 being returned as "moiety to widow."

15. In the proposed distribution submitted by the Paymaster he has given the shadi widow, Sultán-un-nisá Bégam, less than what she would receive under Lord Clive's scale (which G.O., No. 696, Political, dated 29th October 1888, directs should be invariably followed), and a great deal more to the nikahi daughters. Colonel Pryce remarks that * "the perusal of records" will show that Lord Clive's scale was not kept in strict observance in the cases of 1855 stipendiaries. He explains that Sultán un-nisá Bégam "is a lonely lady without any encumbrances" and was during the lifetime of the deceased Ibad-ulláh Khán, i.e. receipt of Rs. 30 (per mensem), whereas the nikahi daughters have families. Considering the smallness of the amount these latter would be entitled to under Lord Clive's scale, he recommends that each of the daughters and the nikahi widow should be granted Rs. 20. The remainder Rs. 65—"nearly half the amount recommended to be continued to the whole † family" he thinks quite sufficient for the widow.

16. The Paymaster, Carnatic Stipends, asks for sanction to this arrangement on the precedent of G.O., No. 777, Political, dated 28th November 1888, which disposed of the distribution of the stipend of the late Dilair Jang, the second shadi son of Sir Sharf-ul-umar (*vide* table attached).

17. Dilair Jang died on the 12th June 1888 and the then Paymaster, Colonel Underwood, recommended the continuation of his stipend of Rs. 140 *per mensem* in full on the ground that the number of his heirs was large. But for the reasons set out in G.O., No. 689, Political, dated 25th October 1888, Government rejected the proposal, holding that by continuing a moiety of the stipend Dilair Jang's family would be fairly and liberally treated.

able" or as "moiety to widow," are left out of account.

(Intld.) C.W.
26-9-98.

the "entirely exceptional circumstances of her case." It cannot therefore be admitted as a precedent. Lord Clive. This was because she was suffering from "mental aberration amounting to insanity," and because she had separated from Dilair Jang two or three months after her marriage and had lived with her father Haji 'Abd-ul-wahab Khan Bahadur who was in receipt of a pension of Rs. 60 a month.

Government sanctioned the arrangement because "it (was) well to support the Paymaster when possible, and because) his (distribution) list (was) in general accordance with rules, while he (had given) specific reasons for slightly departing from the scale." Please see the note at the foot of Colonel Underwood's letter in G.O., No. 777, Political, dated 28th November 1888.

19. Orders are solicited in regard to the Paymaster's proposed distribution. It is contrasted below with that calculated on Lord Clive's scale:—

The Paymaster's Distribution.				Rs.
Shadi widow	..	..	..	65
Nikahi widow	..	..	..	20
Nikahi daughter	..	..	..	20
Do.	..	..	..	20
Do.	..	..	..	20
Total				145

It will be seen that if the widows are to receive a portion from each stipend, and the distribution is to follow Lord Clive's scale, the shadi widow will receive Rupees 93 $\frac{1}{2}$, the nikahi widow Rs. 18 $\frac{1}{2}$ while each of the nikahi daughters will get Rs. 11 $\frac{1}{2}$ only.

20. If, however, the two stipends be reckoned as one and divided accordingly to Lord Clive's scale the distribution would be—

				Rs.
Shadi widow, $\frac{2}{3}$ of 145	..	..	..	80 $\frac{1}{2}$
Nikahi widow, $\frac{1}{3}$ of 145	..	..	..	16 $\frac{1}{2}$
Nikahi daughter $\frac{1}{3}$ of 145	..	..	..	16 $\frac{1}{2}$
Do. $\frac{1}{3}$ of 145	..	..	..	16 $\frac{1}{2}$
Do. $\frac{1}{3}$ of 145	..	..	..	16 $\frac{1}{2}$
Total				145

A
Distribution according to Lord Clive's scale on the understanding that the widows get shares from both stipends.

				Rs.
Shadi widow	..	$\frac{2}{3}$ of 100	..	93 $\frac{1}{2}$
Nikahi widow	..	$\frac{1}{3}$ of 100	..	18 $\frac{1}{2}$
Nikahi daughter	..	$\frac{1}{3}$ of 100	..	11 $\frac{1}{2}$
Do.	..	$\frac{1}{3}$ of 100	..	11 $\frac{1}{2}$
Do.	..	$\frac{1}{3}$ of 100	..	11 $\frac{1}{2}$
Total				145

(Intld.) A.E.H.

The widows are to receive Rs. 45 only and the family 100. This is plain from the nature of the stipends.

(Intld.) G.S.
6-9-98.

[11]
dated shape of (Intld.) C.W. 30-8-98. Rs. 50 able

Note for the Chief Secretary—

It is submitted that no case has been made out for treating Muhammad Ibad-ullah's stipends otherwise than according to the ordinary rules as regards the amount to be continued, i.e., that the amounts continuable are Rs. 45 as compassionate grants to the widows and Rs. 100 for division amongst the family. Regarding the question of compassionate grants to widows, attention is solicited to paragraphs 15 to 17 of Colonel Bayne's report on pages 4 and 5 of G.O., No. 357, Political, dated 22nd May 1885. In accordance with the proposal in paragraph 17 of that letter it was decided in paragraph 1 (c) of G.O., No. 359, Political, dated 22nd May 1885, that the grant of widows' compassionate allowances would be restricted to the widows of existing Carnatic Stipendiaries who registered their wives' names before the 1st September 1885. Fifty male stipendiaries who did not comply with this order were subsequently admitted to the concession, and the latest list of stipendiaries whose wives have been registered is contained in Appendix B (pages 6-8) to G.O., No. 135, Political, dated 1st March 1897. The inclusion of Muhammad Ibad-ullah in this list does not infringe the condition laid down by the Government of India in 1883 (G.O., No. 369, Political, dated 11th May 1883), that the personal allowance granted to the sons of Rashid-ud-daula should not be taken into account in settling any pensions which might be continued to their heirs, for, as already stated, these widows' grants are compassionate grants, and Ibad-ullah and his brothers by registering the names of their widows obtained no greater benefit for themselves or for their families than have numerous other stipendiaries whose pensions were non-continuable. The precedent in G.O., No. 465, Political, dated 17th July 1895, which is set out in paragraphs 5 to 8 of the note in the linked file, would point to the advisability of distributing the

(Intld.) G.S.
6-9-98.

... on the following grounds:—

B

There is, however, no rule against the widows sharing in the continuable portion of the stipend, and looking to all the facts of the case, the Paymaster's proposed distribution appears, on the whole, to be the fairest. That distribution gives the widows more than they would receive under the scale just set out by reducing the shares of the daughters. The latter do not, however, in any way share in the continuable portion of the personal allowance of Rs. 90.

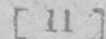
Note for H.E.—

There is nothing whatever special about this case. I think it should be disposed of strictly in accordance with the rules. For example if more than Rs. 45 is given to the widows now the daughters will claim a revision of the arrangement on their death. It gives rise to much needless trouble while encouraging these stipendiaries to hang on Government to treat these stipends according to the word of the Paymaster and not by rule.

(Intld.) G.S.
6-9-98.

(Intld.) A.E.H.

(Intld.) G.S.
6-9-98.



idow Rs. 50
—continuable
ned as a

~~on the~~ sunny on the following grounds:—

No. 465, Political, dated 17th July 1895, and asked whether Pro of any other precedents to the present was at the same time requested to be more definite in his reports.

2. In reply † while expressing his regret as regards the second point that he should have used ‡ such a vague expression in his first report as "the perusal of records", Colonel Pryce refers to G.O., No. 499, Political, dated 29th July 1884, to G.O., No. 196, Political, dated 14th March 1887, and to paragraph 3 of letter No. 432, dated 11th October 1888, in G.O., No. 696, Political, dated 29th October 1888.

3. Attention is solicited to the letters read in the first two of these orders respectively, the wording in which is almost identical. These Government Orders sanctioned a continuation of the moiety of the stipends of Munir-ud-daula Bahádur and Ilibar-ud-daula Bahádur, nikahi sons of Nawab Azim-ud-daula. From the lists of distribution printed in these orders it will be seen that Lord Clive's scale was not observed.

4. In paragraph 3 of letter No. 432, dated 11th October 1888, disposed of by G.O., No. 616, Political, dated 29th October 1888, is given a list of cases where Lord Clive's scale was not followed.

5. The Paymaster, Carnatic Stipends, states that since the publication of G.O., No. 359, Political, dated 22nd May 1885, only two cases have occurred similar to the present one, and that these were disposed of (1) by G.O., No. 740, Political, dated 26th September 1887, and No. 469, Political, dated 10th July 1888, and (2) by G.O., No. 465, Political, dated 17th July 1895.

6. G.O., No. 740, Political, dated 26th September 1887, and No. 469, Political, dated 10th July 1888, deal with the case of Qádir Alí S'aid who was in receipt of two stipends of (1) Rs. 140 \$ a life grant and (2) Rs. 12 || a continuable jaghir pension. Qádir Alí S'aid left a widow, Karim Bi, and a daughter, Abbási Bi, both nikahi. To the daughter Rs. 8—out of the continuable stipend of Rs. 12—was granted in the

† C No. 1231.

‡ Vide paragraph 8 of C No. 1691.

This order directed that Lord Clive's scale should be followed, and the precedents quoted by the Paymaster, Carnatic Stipends, and referred to above, all of which are of earlier date than the Government Order of October 1888, are merely set out in amplification of his expression "perusal of the records." They do not really concern the point of the reference.

(Intld.) C.M.S.

\$ Under G.O., No. 195, dated 20th March 1858.
|| Under E.M.C., No. 158, dated 10th May 1837.

Paragraph 2 of G.O., No. 740, Political, dated 26th September 1887.

Paragraph 1 of G.O., No. 469, Political, dated 26th September 1887.

The remark does not appear to be well-founded. The grant of Rs. 50 was a compassionate allowance and the sum of Rs. 50, although less than a half, seems to have been recommended by the Paymaster, Carnatic Stipends, as being a sufficient sum in the circumstances of the case.

(Intld.) C.M.S.

* The amount usually continued.

(Intld.) C.M.S.

† This is the portion usually continued.

(Intld.) C.M.S.

‡ The stipendiary whose pensions have now to be continued.

(Intld.) C.M.S.

Serial No. 53, Part I, Appendix A (page 4) of G.O., No. 135, Political, dated 1st March 1897, and serial No. 43 [page 7 *ibid.* (1)].

[11]

shape of a bonus and to the widow Rs. 50 *per mensem*—out of the non-continuable pension of Rs. 140—was sanctioned as a compassionate allowance. In the notes in G.O., No. 469, Political, dated 10th July 1888, the question of compassionate allowances was discussed. Colonel Pryce observes that only Rs. 50 or less than a moiety of the Rs. 140 was given the widow because she was *nikahi*. His authority for this remark is not known. In paragraph 2 of Colonel Underwood's letter in G.O., No. 740, dated 26th September 1887, he recommended Rs. 50 to Karim Bi on compassionate grounds, but there is nothing to show that the amount proposed was Rs. 50 owing to her being a *nikahi* and not a *shadi wi*.

7. G.O., No. 1, dated 17th July 1895, disposed of the case of Ghulam-Vahí, Abbás who was in receipt of two pensions of Rs. 10 and Rs. 50, respectively, the former continuable and the latter returned as "moiety to widow." The case is set out in paragraphs 5 to 8 of the note in G.O., No. 653, Political, dated 13th September 1898. A moiety of the aggregate sum of the stipends was continued to the heirs, the *shadi wife* being excluded for special reasons.

8. As to the correct mode of distributing double stipends, the Paymaster, Carnatic Stipends, submits—

(1) that in the case of an 1801 stipendiary, two-thirds * of the continuable stipend and half of the stipend that is returned "moiety to widow" should be added together and distributed to the whole family according to Lord Clive's scale;

(2) that in the case of an 1855 stipendiary, one-half † of both the stipends should be added together and distributed to the whole family according to Lord Clive's scale. Muhammad Ibad-ullah Khán ‡ was an 1855 stipendiary.

10. Finally, Colonel Pryce reports that there is only one case of a similar nature to be disposed of in the future. This is the case of Muhammad Varis Ali, an 1801 stipendiary, who is in receipt of two stipends of Rs. 14-4-8 and Rs. 19-11-4, respectively, the former continuable and the latter returned "moiety to widow." Cases of those drawing double stipends, both of which are returned as "continuable" or as "moiety to widow," are left out of account.

(Intld.) C.W.
26-9-98.

decision

[12]

Note for Chief Secretary—

If the Paymaster's present proposal, viz., to amalgamate the two stipends and to continue half to the widows and the family in shares according to Lord Clive's scale—is followed, the distribution would be as at A on page 6 of these notes. The distribution in the event of the widows being restricted to their portion of the non-continuable and the daughters to their share of the continuable stipend is given at B on page 8 of these notes. Orders are solicited. The decision in this case must form a precedent for the existing case quoted by the Paymaster, Carnatic Stipends, and for this reason in order to avoid petitions from either side, the strict letter of the rule had, perhaps, better be adhered to, i.e., the division at B be made.

(Intld.) C.M.S.
2-10-98.

Note for H.E.—

I think the only safe rule is to adhere in all instances to the principles which have been laid down for the division of these stipends. I think it would be a great mistake in any way to amalgamate these two pensions which are quite distinct in their incidents. The distribution at B, page 8, seems the best.

(Intld.) G.S.
3-10-98.

I gather that the distribution suggested at page 6 of this note and printed as a marginal note is that which is in accordance with rule. The distribution suggested by the Chief Secretary is supported by two precedents, but these precedents are not quite similar in their circumstances to the present case. Besides, rule is stronger than precedent, which conflicts with the rule. The distribution proposed at page 6 of the note should be adopted.

(Intld.) A.E.H.
3-11-98.

Draft so.

(Intld.) G.S.
4-11-98.

Political (1898) Department.

CURRENT No. 1091

Note

M.O. written to for
80. 185: 17.3.94 ✓
777: 28.11.88
696: 29.10.88
679: 22.10.88

CHIEF SECRETARY
16. AUG. 1898
GOVERNMENT OF MADRAS

W.L.

Examine over if any thing further is required
Order Cmt
17.8.98

R

*Please let me have G.O. 465 P.C.
9.7.98
+ connected papers Cmt
17.8.98
Papers put up & flagged
17/8/98*

From

*The Paymaster
Carnatic Stipends
Chepak*

No. 292 of 98

Dated 15th August 1898

Received 16th do

Registered

Enclosures

Spare copies

SUBJECT.

Reports with regret the demise of Carnatic Stipendiary No. 1308 A. Akhannad Badulla Khan Bahadur and recommend the continuation of a moiety of his allowances amongst his 5 heirs.

BACK PAPERS.

G.O.	No.	Department.	Date.
135:	1-3-97	sc	653:13-9-98
185:	17-3-94	mis	465:9-7-98
777:	28-11-88	"	635:11-9-88
698:	29-10-88	"	405:17-7-95
679:	22-10-88	"	520:4-8-93
369:	11-5-83	sc	555:91-9-92
184/5:	5-3-83	"	512:13-8-91
520:	12-11-87	"	780:32-5-91
369:	22-7-81	"	469:10-7-88
142:	31-3-74	"	445:3-7-88
			434:30-6-88
			433:29-6-88

FURTHER PAPERS.

G.O.	No.	Department.	Date.
408:	14-6-94	mis	740:29-9-87
7:	5-1-94	"	196:14-3-85
533:	1-12-43	"	357:22-8-85
763:	23-11-88	"	554:4-12-78
689:	25-10-88	"	40:14-7-86
575:	1-9-88	"	
589:	28-8-88	"	
523:	30-7-88	"	
501:	23-7-88	"	
Since 21-10-34	46-22-3		

[G. 73-A]
1,009-11-8

022.X-28
A 4/11
H. E. the Governor

C. No. 1091
1231.

Succession to the Stipend of Juko.
Ibadulla Khan Bahadur.

We don't appear to have seen this case
13. 11. 88

Political Dept 20

NOTE FOR THE CS.

With reference to the
P's D.O. of the 5th instant, The
answer to Question ① is Yes.
and to ② No. As regards
③ The rules governing the
continuance of 1855 Carnatic
Stipends are such (to which
class that of Muhammad
Ibad. Allah Khan Bahadur
belongs) are contained in para
13 of Mr. Edmonstone's letter No. 464
of 8. Sept. 1856 on page 13 of Misc
No. 332 of 4. Oct. 1856, and they
state the principle is that the
cases of all dependants should
be treated on their merits. It
was subsequently ruled in 1858.
that Lord Clive's scale should
be followed in distributing a
such pensions. Lord Clive's scale
does not determine as to who
shall be share but what portion
the share shall receive. It is
the present case that the
proportion of the share should
be determined by the
proportion

This is not 20.
The division of the
share is not
by rule. 11/10/88

K3 G.O. No. 778 P. of 25. 11. 88.

The share is determined
by Muhammad Law.

11/10/88. C. No. 778/88

In this D.O.
the share is 11/10/88

cases of all dependants should
be treated on their merits. It
was subsequently ruled in 1858.
that Lord Clive's scale should
be followed in distributing a
such pensions. Lord Clive's scale
does not determine as to who
shall be share but what portion
the share shall receive. It is
the present case that the
proportion of the share should
be determined by the
proportion

11/10/88

210-101
24-11-10
12/9/90

C. No 1091

Pa. Dept

Memo No 1945 of 12-9-90

With reference to para 8 of
his letter read above [the P.C.S is
informed that under standing rules
communications should be complete
in themselves and that expressions
such as "by the perusal of the
records" are too indefinite. The
Paymaster ^{It} is observed that G.O.
No. ~~465~~ ⁴⁶⁵ P.O. of 17 July 1895
affords a precedent for the treatment
of double stipends when one is
continuable and the other is
returned as "money to order".
The Paymaster is requested to
report whether he can quote any
other precedents to the point. He is
also desired to state his opinion
on the ~~distribution~~ correct mode of
distributing such stipends.

(Dom Order)

Curt
9.5.20

12/9/90

Print
in penitence

H. 2

P.C.S (911) 12/9/90

Political (1898) Department.

Note
mo. has been written
to for S.O. 740:26.9.87
469:10.7.87
connected papers
26/9/87

CURRENT No. 1231

21/9/98



Order

*The Paymaster
Armatic Stipends
Chepale*

No. 326 of 1898.

Dated 19th September 1898

Received 20th } *do*

Registered 21st }

Enclosures *Nil*

Spare copies

SUBJECT.

*Reports on Memo. No. 1945 d/12th Sept.
1898 "Poll" and gives his opinion on
the correct mode of distributing
double stipends.*

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



GOVERNMENT HOUSE.

Obacaman.

5th OCT 1898

6- OCT. 1898

GOVERNMENT OF M^{rs}

My dear Sir,

With reference to the accompanying file about the succession to the stipends of Carnatic Stipendiary Subahdar Khan Bahadur, would you please enlighten me on the following points:—

① Would the widows not ordinarily share in the continuous family pension; ie, assuming that there was no special Compassionate pension, would the widows

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER

G.O.	No.	D

not share in the Continuable family pension.

(2) Conversely, would the daughters not ordinarily share in the Compassionate pension?

If the answer to these two questions is "No", then, of course, the two should be kept separate now; but if the answer should be "yes", I do not quite see what objection there is to combining the two & dividing them between the whole family now.

(3) If the answer to (1) above

is "yes" & the answer to (2) is "No", why should not the widows divide the Compassionate pension between them, & also share in the Continuable family pension?

James M. ...
L. R. M.



GOVERNMENT HOUSE,

CHIEF SECRETARY
13 OCT. 1896
GOVERNMENT OF MADRAS

My dear Sir,

last note on the accompanying file. We are getting one staff nearer to the end. It seems settled that, at any rate, the widows ought to have the Compassionate allowance to themselves. Is there any reason why being apparently entitled thereto, they should not also share in the family pension? Is there any rule or custom to that effect, other than that of the two precedents quoted by the Paymaster?; in both of which cases, you will see that the

Compassionate pension was
so large, & the family pension
so small, as to make it a
matter of indifference whether
the widows shared in the latter, or
not. In the present case, the
conditions are reversed.

Yours sincerely,

Wm. H. Smith

27-9-98 22. X. 98
26/10 29-9-98

See attached
B1 in Punjab
Political Dept.
C 10 91
1231

Re: Shadulla Khan Bahadur's
pension.

H. S. The Ent.

For Orders

The P.C.S. reports the death
on the 5th ~~month~~^{August} of Carnatic
Stipendiary No. 1308 A, Mu-
hammad Shad-ulla Khan
Bahadur. He was the eldest
Shadi son of the late Rashid-ud-
-daula, the son by the ^{Second} Shadi
wife of His late Highness,
Nawab Azim-ud-dau,
the first titular Nawab of
the Carnatic. He deceased
was by birth therefore one of
the principal Mussulmans
of the Carnatic family; he
and his brothers Muhammad
Anwar-ud-din and Muhammad
Abdul Ali being ~~the~~ direct
representatives in the male
line of the Nawab Wallaja.
A complete genealogical
tree is attached to this note
in which ^{the names of} all persons
mentioned herein are ~~marked~~
underlined in red ink.

Wallaja
The paper must
be shown in brackets
in margin alongside
line of prospective
thus -
The P.C.S. reports the death of
25/11

Yp 2 margin see
the margin re/ John
25/11

Page 19

2. An account of Ibad-ulla's antecedents has been frequently given in past correspondence,

in the notes flagged

R in G.O. No. 280 Pold/22.5.91,

S' in G.O. No. 520 Pold/4.8.93

XXXI in G.O. No. 465 Pold/9.7.98

3. The following is the history of his stipends:-

When on the death of Nawab Shulam Muhammad Shams Khan Bahadur, the last titular

Nawab of the Carnatic, the affairs of his family were arranged by

Govt, a monthly stipend of Rs 2000 was granted to

Rashid-ud-daula, ~~who~~ ^{who} previously had been

allowed Rs 1000 per mensem only. Afterwards by G.O.

No 92 of 11.5.1872 he was granted an increase of Rs 700

a month on the understanding that this increase on his original

stipend was a life grant only

4. On Rashid-ud-daula's death in 1874 a moiety of his

continuable stipend of Rs 2000 was.

The 1885 Settlement

Civil

Capl. Tyrrell's 31.3.74
vide para 2 of letter at P
in G.O. No. 142 Pold/31.3.74

8 Besides this a number of small pensions aggregating Rs 74 per mensem were granted to certain servants (vide para 4 of letter at P) But this does not pertain to the present question

Letter No. 63 of 7. February 1883 in G.O. 184/5 P.O. of 5th March 1883

was continued to his heirs, out of which Muhammad Ibad-ulla Khan received Rs 204.4.

P [G.O. 142 Pold/31.3.1874]

Rs 4.1.4 out of this sum was commuted as a special

H case under G.O. No. 369 Pold/22.7.82

5 In 1883 Col Baynes

represented that Muhammad

Ibad-ulla and his two brothers

were deeply involved and

unable to maintain themselves.

He suggested that, in view of

their peculiar social position

and their distressed state, a

moiety of the personal allow-

-ance, Rs 700, drawn by their

father, ^{Rashid-ud-daula} should be granted

them; and that of the Rs 350,

Muhammad Ibad-ulla, as

the eldest son, should be given

Rs 150, each of his brothers

receiving Rs 100. This

arrangement was sanctioned

as a special case with effect

from the 1st May 1883 in Mr

Q Martin Dale's letter recorded

in G.O. 369 Pold/11.5.1883, but

on

on the express understanding
that the grant ^{IRm} made should
not be taken into account

: settling any pensions
which might ^{thereafter} be continued
to the heirs of the recipients.

Of the sum of Rs 150 thus
sanctioned to Muhammad
Ibad-ulla, Rs 60 was com-
-mitted under G.O. No 188 Pol G

d/17.3.1894

6. In 1891 Muhammad
Ibad-ulla's pension was
further increased by the
grant of Rs 20 out of the
stipend of Ammat-ur-najia
Begam, his maternal grand-
-mother, under G.O. 280 Pol d/

22.5.1891. This sum he

after R

shortly afterwards com-
-mitted for a bonus of
Rs 1840: vide G.O. No. 572
Pol d/13.8.91.

see flag XXV in G.O. put up

7. Muhammad
Ibad-ulla was thus at
the time of his death in
the enjoyment of two pensions
of Rs 200 and Rs 90 respectively

the.

$$\begin{array}{r} \text{Rs } 204. 1. 4 + 150 + 20 \\ - (4. 1. 4 + 60 + 20) \\ \hline 200 \quad + 90 \end{array}$$

the first of these is returned
as Continuable vide No 30
on page 5 Appendix A Part.

VII

of G.O. No 135 Pol d/1.3.18
Deceased's widow ^{was} is elig-
to receive a compassionate
allowance from the second
vide No 37 on page 7 Appendix B

VIII

Part II of the same G.O.

8. "Under these cir-
-cumstances," says the P.C.S.,
"a sum of Rs 145 is contin-
-uable under the rules to his
family consisting of a
"shadi widow, a nikahi
"widow and three nikahi
"daughters".

9. It is to be observed
however that the amount
continuable to the whole
family is only Rs 100
the remainder Rs 45
being "for the widow".

10. The P.C.S. reports
that he has received
a petition from the
shadi widow, Sultan-
-un-nisa Begam, praying

that

that some special concessions
may be granted to her
deceased husband's
family on the following grounds:—

- (a) that deceased held a high
position in the Carnatic
family in virtue of his
birth, and that there is none
surviving who can claim
a similar position;
- (b) that he was much re-
spected on account of
his noble birth and that
Govt was pleased to
grant him Rs 50 more
than his two brothers;
- (c) that he was honoured
with the privilege of a
"private entree", a privilege
which no one in the Car-
natic family enjoys;
- (d) that he has left 5
heirs & a large retinue
of servants & dependants,
who were supported by
him;
- (e) (i) that the full stipend
of his paternal aunt:

So 184 Pol dy 3.83... S

aunt, Fatima Begam,
and (ii) that $\frac{2}{3}$ rds of
that of his Step mother.
Mrs Jehan Begam
were continued to
their respective families
vide fcs. $\frac{679 \text{ Pol}}{22.10.88}$ and
 $\frac{520 \text{ Pol}}{12.11.81}$ respectively

11. The P.C.S. remarks
in regard to (a), (b) & (c)
that it is true ^{that} the deceased
held "some exceptional position"
in virtue of his birth.

As to (d) he observes
that when in 1884 decess
submitted a list of his
"heirs", he made no mention
therein of any servant
or dependant.

Col Ryce says nothing
about (e) but ~~remarks~~
~~remarks~~ ^{remarks} that "the question whether the
"family of the deceased ha-
"made up a case for spec-
"concession or not, is left
"at the discretion of Govt"

With reference to (a) (b) & (c) it is submitted that paras 3 to 5 supra show sufficiently that Govt has already recognized the claims of Rashid-ud-daula and of his sons to special treatment, and that they have been liberally dealt with. Whether any further concession is now to be made to Had-ulla's heirs is a matter for consideration. The precedents quoted in support of such concession are the cases of (a) (i) Fatima Begam and (a) (ii) Nurjehan Begam.

13. (c) (i) Fatima Begam
As shown in the table attached to this note Fatima Begam was the uterine sister of Had-ulla's father Rashid-ud-daula, they being the children of Nawab Azim-ud-daula by his second Shadi wife

It will also be observed from para 2 of Mr. Martin's letter of the 14 May 1883 ~~to~~ on page 1 of P.O. No. 369 P.O. of 11 May 1883 That the Govt. of India in increasing the allowances of the sons of Rashid-ud-daula did not consider the arguments for this increase to be very strong" ... and sanctioned it "as a special case" and on the express condition that the grant would not be taken into account in settling any pensions which might be continued to the heirs of the deceaseds.

CXIV.

vide abstract of case XVIII

disposing of them

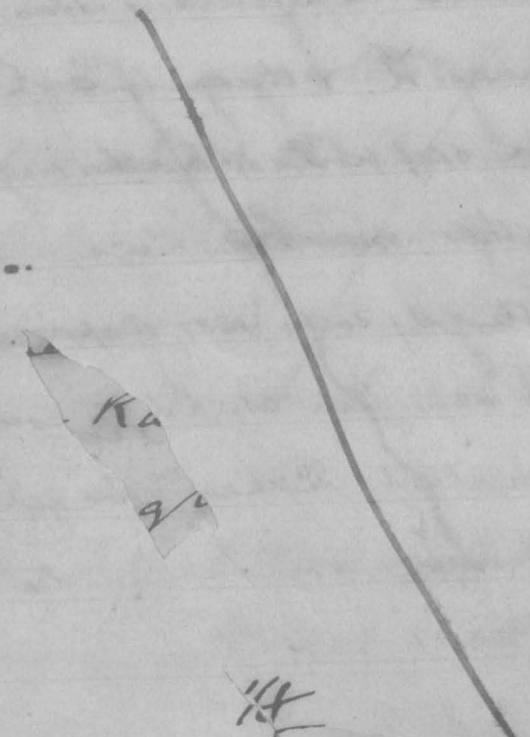
Her case was dealt with in P.O. 679 Pol of 22.10.88 which, with connected papers, was put up with the file in re the continuation of the late Ahmad-un-nisa Begam's stipend (and a petition from her sons on the same matter). Cts 864 930 and 1005. This file was circulated to the Government on the 19th August. and has not yet been returned. It was expressly stated in P.O. 679 Pol of 22.10.88. that in dealing with Fatima Begam's pension the decision of Govt had been based on the "entirely ex-

XVIII

12 "Exceptional circumstances of her case."
It cannot therefore be admitted as a precedent.

Besides, considerations which may have been held to carry weight in the case of Fatima Begam cannot apply in the case of her nephews who are in a lower generation, although they might have influenced, and probably did influence, the decision in the case of her brother Rasheed-ud-daulah who, as shown above, was liberally treated & whose sons have had the same liberality extended to them.

1149/18.



74

The case of (19) Nur Jehan Begam is dealt with in No. 520 Pol d, 12. 11. 1887. In his letter therein Col (then Major) Baynes reported that her stipend of Rs 102 per mensem was a life grant. But he recommended a relaxation of the rules in favour of her two grand-children, the son and daughter of Muhammad Anwar-ud-din Khan Bahadur - Shah-ullah's brother Armoora ud-Din. 1st because they were his children by his first wife who was a daughter of Haidar Jung Bahadur, the claims of whose family to special consideration were recognised by Govt in No 664 Pol d, 4. 12. 1877. 2nd because their father had contracted a second marriage by which his expenditure was much increased & these two children were supported by their grandmother, Nur Jehan Begam who in a letter of 30. 4. 1887 expressly stated that ^{the} these children were supported by her & begged that Govt ^{would} continue to them her stipend.

* vide table attached

LXIV

3d because the family was
 in a good position
 The Govt thereupon
 sanctioned the Paymaster's
 recommendation that two-
 thirds (Rs 68) of Nur Jehan's
 pension should be continued
 as shown below

G.O. 520 Poldy 12.11.1881

Muhammad Azim-uddin Rs 45
 Azim-un-nisa Begam Rs 23 } Rs 68 being $\frac{2}{3}$ of Rs 102.

Nur Jehan was the 2nd Second
 Shadi wife of Rashid-ud-
 daula being the mother ^{by him} of Muhammad
 Anwar-ud-din and Muhammad
 Abdul Ali, while the deceased
 Muhammad
 Ibad-ulla was Rashid-ud-
 daula's son by his first
 Shadi wife, Sultan-un-
 nisa Begam, the daughter

Rashid-ud-daula's ^{other} sister, ^{the} Fatima Begam.
 The claims of ^{the} heirs ^{thereof}

are quite on a par with those
 of the grandchildren of Nur
 Jehan Begam, if indeed
 they are not superior.

The case quoted is
 thus to the point

Nur Jehan Begam's grandchildren
 received special treatment because,
 as shown above, they were peculiarly
 circumstanced and were really
 supported from her stepson. The
 continuation was therefore in
 accordance with the spirit of the
 rules. That continuation can
 give Muhammad Ibad-ulla's heirs
 no claim

15
 142

Lord Clive's scale is given in
 G.O. No 778 Pz. of 29.11.88

vide para 3 of the order VI
 vide also para 1 of G.O. 501 Poldy 23.7.88
 where the same direction is given

Submitted that the Paymaster
 should be asked to be more
 definite in his remarks
and

16/9/98

15 In the proposed
 distribution submitted
 by the Paymaster he
 has given the Shadi
 widow, Sultan-un-
 nisa Begam, less than what
 she would receive
 under Lord Clive's
 scale, (which G.O. No
 696 Poldy 29.10.88
 directs should be in-
 variably followed), and
 a great deal more to the
 nikahi daughters.
 Col Pryce remarks
 that "the perusal of records"
 will show that Lord
 Clive's scale was not
 strictly observed kept in
 strict observance in
 the case of 1855 Sips
 diaries. He explains
 that Sultan-un-nisa
 Begam "is a lonely
 lady without any
 'encumbrances' and
 was during the life-
 time of the deceased
 Ibad-ulla

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Had. Alla Khan, in receipt of Rs 30 (per mensem) whereas the nikahi daughters have families. Considering the smallness of the amount these latter would be entitled to under Lord Clive's Scale, he recommends that each of the daughters & the nikahi widows should ~~be~~ be granted Rs 20. The remainder Rs 65 "nearly half the amount recommended" to be continued to the "whole family" - he thinks quite sufficient for the widows.

But as pointed out in para 9 supra Rs 100 only (not Rs 145) is combinable to the whole family, the remainder Rs 45 being returned as "moiety to widow"

16 The P.C. asks for sanction to this arrangement on the precedent of J.O. No 777 Poldy XXI 25. 11. 1888 which disposed of the distribution of the stipend of the late Diler Jang the 2nd second

Page 19 000

Shadi son of Sir Sharful Umar vide table attached

17. Diler Jang died on the 12th June 1888 and the then Pay master, Col. Underwood recommended the continuance of his stipend of Rs 140 per mensem in full on the ground that the number of his heirs was large. But for the reasons set out in the note flagged LIX in J.O. 689 Poldy 25. 10. 88 Govt rejected the proposal, holding that by continuing a moiety of the stipend Diler Jang's family would be fairly and liberally treated. The P.C. was at the same time told that the distribution of the stipend should follow Lord Clive's scale.

G.O. 689 Poldy after flag LIX 25. 10. 88

18 Col Underwood then submitted a revised distribution list in which the Shadi widows of the Jang

Jang was given Rs 16 instead of the Rs 20 she would have been entitled to under Lord Clive's scale. This was because she was suffering from "mental aberration amounting almost to insanity", and because she had separated from Diler Jang two or three months after her marriage and had lived with her father Haji Abd-ul-Wahab Khan Bahadur who was in receipt of a pension of Rs 60 a month.

Govt sanctioned the arrangement because "it (was) well to support the Paymaster when possible, and (because) his (distribution) list (was) in general accordance with rules, while he (had given) specific reasons for slightly departing from the scale"

Distribution according to Lord Clive's scale on the understanding that the widows get shares from both stipends

Shadi widow	$\left\{ \begin{array}{l} \frac{5}{7} \text{ of } 100 \\ \frac{5}{6} \text{ of } 45 \end{array} \right\}$	= Rs 93 $\frac{1}{18}$
nikahi widow	$\left\{ \begin{array}{l} \frac{1}{4} \text{ of } 100 \\ \frac{1}{6} \text{ of } 45 \end{array} \right\}$	= Rs 18 $\frac{11}{18}$
nikahi daughters	$\frac{1}{4} \text{ of } 100$	= Rs 11 $\frac{1}{4}$
"	"	= Rs 11 $\frac{1}{4}$
"	"	= Rs 11 $\frac{1}{4}$
Total		= Rs 145

The widows are to receive 45% only and the family 100. This is plain from the nature of the stipends

1/6/11/8.

Please see the note at the foot of Col. Underwood's letter at in G.O. No. 777 Pol. 28. 11. 1888.

19. Orders are solicited in regard to the Paymaster's proposed distribution. It is contrasted below with that calculated on Lord Clive's scale:—

The Paymaster's distribution

Shadi widow	Rs 65
nikahi widow	" 20
nikahi daughters	" 20
"	" 20
"	" 20
Total	Rs 145

It will be seen that if the widows are to receive a portion from each stipend, and the distribution is to follow Lord Clive's scale, the Shadi widow will receive Rs 93 $\frac{1}{18}$, the nikahi widow Rs 18 $\frac{11}{18}$ while each of the nikahi daughters will get Rs 11 $\frac{1}{4}$ only. If however, the

the two stipends be
reckoned as one and
divided according to
Lord Clive's scale
the distribution would
be:-

A

shadi widows $\frac{5}{9} \times 145 = Rs 80\frac{5}{9}$

nikahi widows $\frac{1}{9} \times 145 = Rs 16\frac{1}{9}$

nikahi daughters " = Rs 16 $\frac{1}{9}$

as " " " = Rs 16 $\frac{1}{9}$

" " " " = Rs 16 $\frac{1}{9}$

Total Rs 145

and the shadi widows
would still have a very
much larger pension than that proposed by the Paymaster.

Please see the case of

the heirs of the late
Shulam Vahi Abbas
(disposed of in fo. no.

465 Vol. d/ 17.7.95

and) stated in paras

5 to 8 of the note for

orders in the linked

file (C 1128)

It² in linked file

Notes

35/8/98

It is submitted that no

case has been made out for
treating Muhammad Shad-ullah
~~person~~ stipends otherwise than
according to the ordinary rules
as regards the amount to be
continued, i.e. that the amounts
continuable are Rs 45 as compensation,
also grants to the widows and
Rs 100 for division amongst the
family. Regarding the question of
compassionate grants to widows,
attention is solicited to paras 16 to 17
of Mr. Baynes' report on parts 4 & 5
of G.O. No 357 Pt. D 22nd May
1885. In accordance with the
proposal in para 17 of that letter
it was decided in para (c) of G.O.
No 359 Pt. D 22nd May 1885 that
the grant of widows' compassionate
allowances would be restricted to
the widows of existing Carnatic
Sipendaries who registered their
wives' names before the 1st Sept.
1885. Fifty male sipendaries
did not comply with this
order were subsequently admitted
to the concession and the latest
list of sipendaries whose wives

11/9/98

he we been registered is contained
Appendix B (pages 6-8) of
G.O. No. 135 P.N. of 1. March 1897)
The inclusion of Mabd. Shad.
ullah in this list does not
infringe the condition laid down
by the G.O. of 1. in 1883 (G.O. No. 369
P.N. of 11th May 1883) that the
personal allowances ^{granted} continued to the
sons of Rashid-ud. daulah should
not be taken into account in
settling ~~any~~ pensions which might
be continued to them here, for as
already stated these widows' grants
are compassionate grants and Ibad-
ullah & his brothers by registering
the names of their widows ^{obtained} ~~got~~ no
greater benefit than have numerous
other stipendiaries whose pensions
were non-continuable. The
precedent in G.O. 465 P.N. of 17.7.95
which is set out in paras 5 to 8
of the note in the linked file
would ~~be~~ point to the advisability
of ^{distributing} ~~beating~~ the entire Rs 145
amongst the widows & daughters
without looking to the decision of
India in 1883 it is thought that

in themselves or for
their families

the then any other rulings or precedents
bearing on such a case as this? If there
are none, the Paymaster's opinion
on the point should be obtained.
A.E.H.
7.9.98
In the case of the precedent
quoted, the Pension was, -
Rs. 50, compassionate, and
only Rs. 10, family. The latter was
so small that possibly the widows did
not care to put forward a claim to
share in it.
A.E.H.

B

to do so is inconsistent with
the nature of the pension.
When a portion of the pension
is given for the widow it
will create difficulty in her
death if there be no fund to
be paid. There is no function
of fairness in the matter. It
is a function of what the rules

it would be incorrect to allow the
daughters to share in ^{the Rs 45} ~~this sum~~.
The 1895 precedent shows,
however, that when there is both
a "widow" pension and a
"continuable" pension, the widows
should ~~be restricted~~ ordinarily
be restricted to the former &
the family to the latter. ~~There is~~
in these lines there is in the
present case Rs 45 to divide
amongst the widows and Rs 100
amongst the daughters - in other
words the share widow no receives,
[37. 8. 98]

The nikahi widow - 7. 8. 98
Each nikahi daughter, 33. 5. 98

There is however no rule
against the widows sharing
in the continuable portion of
the stipend and looking to
all the facts of the case, the
Paymaster's proposed distribution
appears on the whole to be
the fairest. That distribution
gives 17 widows more than
they would receive under the
scale just set out by reducing

11/9/98

24
CA

Page 21 of these notes

Memo N° 1945 d/12. 9. 98 --- LXVI

In accordance with the instructions of H.E. the Jours of 7. 9. 98 the P.C.S. was requested to state his opinion on the correct mode of distribution when as in the present case a double stipend is in question, part being continuable and part returned as "moiety to widow". He was referred

H²

to G.O. N° 465 Pol d/17. 7. 95 and asked if he could quote any other precedents to the point.

He was at the same time requested to be more definite in his reports

C. 1231

2. In reply while expressing as regards the second point his regret that he should have used such a vague expression in his first report as "the personal of records", Col

XIV @ vide para 8 of C. N° 1091

N

1.1

V

Ryce refers to G.O. 499 Pol d/29. 8. 84 to G.O. 196 Pol d/14. 3. 87 and to para 3 of letter N° 432 d/11. 10. 88 in G.O. N° 696 Pol d/29. 10. 88

3. Attention is solicited to the letters read in the first two of these is de flapper

passed N and III
 respectively, the wording
 in the two which is almost
 identical. These E.O.s.
 Sanctioned a continuation
 of the moiety of the stipend
 of Muzir-ud-daula N
 Bahadur and Shiban-ud-III
 -daula Bahadur, nikahi
 sons of Nawab Azim-
 ud-daula. From the lists
 of distributions printed in
 these orders it will be seen
 that Lord Clive's scale
 was not observed.

4. In para 3 of
 letter N° 432 dtd 10.10.88
 disposed of by E.O. N° 696
 Bldy 29.10.88 is given a
 list of cases where
 Lord Clive's scale
 was not followed.

5. The P.C.B. states that
 since the publication of E.O.
 359 Bldy 22.5.1885 only
 two cases have occurred
 of a similar nature
 to the present one.

These cases are as pointed
 out by the P.C.B. in
 This order directed that Lord
 Clive's scale should be followed
 and the precedents quoted by the
 P.C.B. and referred to above, all
 of which are earlier date
 than the E.O. of Oct 1888, are
 merely in amplification of his
 impression personal of the records.
 They do not really concern the
 point of the reference
 Curb

under E.O. 195 T
 20.8.88
 " E.O. 158 G
 16.5.87

Para 2 of N° 740 Pol
 26.9.87

Para 1 of N° 469 Pol
 26.9.87

and that there were
 7(1) by go 740 Pol + 469 Pol
 26.9.87 10.7.88
 and 2) by go 465 Pol
 17.7.95
 6. E.O.s 740 Pol + 469 Pol dea
 26.9.87 10.7.88
 with the case of Zader Ali Said
 who was in receipt of
 two stipends, (1) Rs 140
 a life grant and (2) Rs 12
 a continuable jaghir
 pension. Zader Ali Said
 left a widow, Karim Bi,
 and a daughter Abbasi
 Bi, both nikahi. To
 the daughter Rs 8 out of the
 continuable stipend of
 Rs 12 was granted in
 the shape of a bonus
 and to the widow Rs 50
 per mensem out of the
 non-continuable pension
 of Rs 140 was sanctioned
 as a compassionate allowance.
 In the notes in go 469 Pol
 dtd 10.7.88 the question of
 compassionate allowance
 was discussed. Col. Ky.
 observes that only Rs

5

28
to the whole family.
according to Lord Clive's
scale

2) that in the case of an
1855 Stipendiary, ^{one}
half of both the stipends
should be added together

+ This is the usual portion
usually continued
Civ

& distributed to the whole
family according to
Lord Clive's scale
Muhammad

⊕
Sadullah Khan was
an 1855 Stipendiary

⊕ The stipendiary whose pensions
have now to be continued
Civ

10 Finally Col Pryce
reports that there is only
one case of a similar
nature to be disposed
of in the future. This
is the case of Muhammad

Varis Ali, an 1801 Stipendiary,
who is in receipt of two
stipends of Rs 14.4.8 and
Rs 19.11.4 respectively
the former continuable
& the latter returned
"moiety to widow".

Cases of those drawing
double stipend
both

Serial No. 53 Part I Appendix A
(page 4) appo. 135 Vol 1. 2. 97
Serial No. 43 (page 7 *ibid*)

29
both of which are
returned as "continuable"
or as "moiety to widow"
are left out of account

CW
26.9.98
CS

If the Paymaster's present
proposal to viz. to amalgamate the
two stipends and to continue half
to the widow & the family in shares
according to Lord Clive's scale - is
followed, the distribution would be
as at A on page 18 of these notes
The distribution in the work of the
widow being restricted & their portion
of the non-continuable & the daughter
to their share of the continuable
stipend is given at B on page
21 of these notes. Orders are
solicited. The case decision in
this case must form a precedent
in the case existing case quoted
by the P.C.S. for this reason
in order to avoid petitions from
either side, the strict letter of
the rule had perhaps better be
adhered to - i.e. the division

at B. k. m. d. e.

H. E.

C. m. d.

2. x. 98

I think the only safe

rule is to adhere in all instances

with principles which have been

laid down for the division of these

stipends I think it will be a great

mistake in any way to assume that

these two pensions which are quite

distinct in their incidents. The

distribution of the p. 21. sum

the best.

3/11/98.

Notes regarding the continuation of
the stipend of the late
Ibad-ullah, Khan Bahadur.
(Vide G.O. No 785 Pol d/10th November 1898).

Separate line

Re: HAIBAT-ULLAH KHAN BAHADUR'S PENSIONS

H. E. the Governor - FOR ORDERS.

[1]

The Paymaster, Carnatic Stipends, reports the death, on the 5th August, of Carnatic stipendiary No. 1308-A, Muhammad Haibat-ullah Khan Bahadur. He was the eldest shadi son of the late Rashid-ud-daula, the son by the second shadi wife of His late Highness Nawab Azim-ud-daula, the first titular Nawab of the Carnatic. The deceased was by birth therefore one of the principal Mussulmans of the Carnatic family, he and his brothers Muhammad Anwar-ud-din and Muhammad Abdul 'Ali being direct representatives in the male line of the Nawab Wallaja. A complete genealogical tree is attached to this note in which the names of all persons mentioned herein are printed in italics.

2. An account of Haibat-ullah's antecedents has been frequently given in past correspondence, e.g., in the notes tagged R in G.O., No. 280, Political, dated 22nd May 1891, S in G.O., No. 520, Political, dated 4th August 1893, XXXI in G.O., No. 465, Political, dated 9th July 1898 (paragraph 5).

3. The following is the history of his stipends:—When on the death of Nawab Ghulam Muhammad Ghaus Khan Bahadur, the last titular Nawab of the Carnatic, the affairs of his family were arranged by Government, a monthly stipend of Rupees 2,000 was granted to Rashid-ud-daula, who previously had been allowed Rupees 1,000 per mensem only. Afterwards by G.O., No. 92, dated 11th May 1872, he was granted an increase of Rs. 700 a month on the understanding that this increase on his original stipend was a life grant only.

4. On Rashid-ud-daula's death in 1874 a moiety of his continuable stipend of Rs. 2,000 was continued * to his heirs, out of which Muhammad Haibat-ullah Khan received Rs. 204-1-4 (G.O., No. 142, Political, dated 31st March 1874). Rs. 4-1-4 out of this sum was commuted as a special case under G.O., No. 369, Political, dated 22nd July 1881.

5. In 1883 Colonel Baynes represented that Muhammad Haibat-ullah and his two brothers were deeply involved and unable to maintain themselves. He suggested that in view of their peculiar social position and their distressed state, a moiety

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H

Ibad

Head Examiner

Please reply

Page 13.

Vide also memorial at B in the same Government Order.

The 1885 settlement.

(Intld.) C.M.S.

Vide paragraph 2 of Captain Tyrell's letter, dated 31st March 1874, at P. in G.O., No. 142, Political, dated 31st March 1874.

* Besides this a number of small pensions aggregating Rs. 74 per mensem were granted to certain servants (vide paragraph 4 of letter at B). But this does not pertain to the present question.

Letter No. 63, dated 7th February 1883, in G.O., Nos. 184, 185, Political, dated 5th March 1883.

3/11/98

of the personal allowance Rs. 700, drawn by their father Rashid-ud-daula should be granted them; and that of the Rs. 350 Muhammad Haibat-ullah, as the eldest son, should be given Rs. 150, each of his brothers receiving Rs. 100. This arrangement was sanctioned as a special case with effect from the 1st May 1883 in Mr. Martindale's letter recorded in G.O., No. 369, Political, dated 11th May 1883, but on the express understanding that the grant then made should not be taken into account in settling any pensions which might thereafter be continued to the heirs of the recipients. Of the sum of Rs. 150 thus sanctioned to Muhammad Haibat-ullah, Rs. 60 was commuted under G.O., No. 185, Political, dated 17th March 1894.

6. In 1891 Muhammad Haibat-ullah's pension was further increased by the grant of Rs. 20 out of the stipend of Amat-ur-rugia Begam, his maternal grandmother, under G.O., No. 280, Political, dated 22nd May 1891. This sum he shortly afterwards commuted for a *borus* of Rs. 1,840 (*vide* G.O., No. 512, Political, dated 13th August 1891).

7. Muhammad Haibat-ullah was thus at the time of his death in the enjoyment of two pensions of Rs. 200 and Rs. 90, respectively. The first of these is returned as *continuable* (*vide* No. 30 on page 5, Appendix A, Part II, of G.O., No. 135, Political, dated 1st March 1897). Deceased's widow or widows is eligible to receive a compassionate allowance from the second (*vide* No. 37 on page 7, Appendix B, Part II, of the same Government Order).

8. "Under these circumstances," says the Paymaster, Carnatic Stipends, a sum of Rs. 145 is *continuable* under the rules to his family consisting of a shadi widow, a nikahi widow and three nikahi daughters."

9. It is to be observed, however, that the amount *continuable* to the *whole* family is only Rs. 100, the remainder Rs. 45 being "for the widow."

10. The Paymaster, Carnatic Stipends, reports that he has received a petition from the shadi widow, Sultan-un-nisa Begam, praying that some special concession may be granted to his deceased husband's family on the following grounds:—

(a) that deceased held a high position in the Carnatic family in virtue of his birth, and that there is none surviving who can claim a similar position;

Rs. 204-1-4 + 150 + 20.
" (4-1-4 + 60 + 20)
Rs. 200 + 90

(b) that he was much respected on account of his noble birth, and that Government was pleased to grant him Rs. 50 more than his two brothers ;

(c) that he was honoured with the privilege of a "private entrée—" "a privilege which no one in the Carnatic family enjoys ;"

(d) that he has left five heirs and a large retinue of servants and dependants who were supported by him ;

(e) (i) that the full stipend of his paternal aunt, Fátimá Bégam, and (ii) that two-thirds of that of his step-mother, Núr Jehán Bégam, were continued to their respective families (*vide* G.Os., No. 679, Political, dated 22nd October 1888, and No. 520, Political, dated 12th November 1881, respectively).

11. The Paymaster, Carnatic Stipends, remarks in regard to (a), (b) and (c), that it is true that the deceased held "some exceptional position" in virtue of his birth.

As to (d), he observes that when in 1884 deceased submitted a list of his "heirs," he made no mention therein of any servant or dependant.

Colonel Pryce says nothing about (e), but remarks that "the question whether the family of the deceased has made up a case for special concession or not, is left at the discretion of Government."

12. With reference to (a), (b) and (c), it is submitted that paragraphs 3 to 5 *supra* show sufficiently that Government has already recognized the claims of Rashíd-ud-daula and of his sons to special treatment, and that they have been liberally dealt with. Whether any further concession is now to be made to Haibat-ulláh's heirs is a matter for consideration. The precedents quoted in support of such concession are the cases of (e) (i) Fátimá Bégam and (e) (ii) Núr Jehán Bégam.

13. (e) (i) *Fátimá Bégam*.—As shown in the table attached to this note Fátimá Bégam was the uterine sister of Haibat-ulláh's father Rashíd-ud-daula, they being the children of Nawab Azim-ud-daula by his second shadi wife. Her case was dealt with in G.O., No. 679, Political, dated 22nd October 1898, which, with connected papers, was put up with the file *in re* the continuation of the late Ahmad-un-nisa Bégam's stipend (and a petition from her sons on the same matter)—Current Nos. 864, 930 and 1005. This file was circulated to His Excellency the Governor on the

It will also be observed from paragraph 2 of Mr. Martindale's letter of the 1st May 1883 on page 1 of G.O., No. 369, Political, dated 11th May 1883, that the Government of India in increasing the allowances of the sons of Rashíd-ud-daula did "not consider the arguments for this increase . . . to be very strong" . . . and sanctioned it "as a special case" and on the express condition that the grant would not be taken into account in settling any pensions which might be continued to the heirs of the recipients.

(Intld.) C.M.S.

19th August and has not yet been returned. It was expressly stated in G.O., No. 679, Political, dated 22nd October 1888, that in continuing Fátimá Bégam's pension in full the decision of Government had been based on the "entirely exceptional circumstances of her case." It cannot therefore be admitted as a precedent.

Besides, considerations which may have been held to carry weight in the case of Fátimá Bégam cannot apply in the case of her nephews who are in a lower generation, although they might have influenced, and probably did influence, the decision in the case of her brother Rashíd-ud-daula who, as shown above, was liberally treated and whose sons have had the same liberality extended to them.

14. The case of (e) (ii) Núr Jehán Bégam is dealt with in G.O., No. 520, Political, dated 12th November 1887. In his letter therein Colonel (then Major) Baynes reported that her stipend of Rs. 102 *per mensem* was a life grant. But he recommended a relaxation of the rules in favour of her two grand-children, the son and daughter of Muhammad Anwar-ud-dín Khán Bahádur—Haibat-ulláh's brother.

1st.—Because they were Anwar-ud-dín's children by his first wife who was a daughter of Haidar Jang Bahádur,* the claims of whose family to special consideration were recognized by Government in G.O., No. 664, Political, dated 4th December 1877.

2nd.—Because their father had contracted a second marriage by which his expenditure was much increased, and these two children were supported by their grandmother, Núr Jehán Bégam, who in a letter, dated 30th April 1881, expressly stated that the children were supported by her and begged that Government would continue to them her stipend.

3rd.—Because the family was one of good position.

The Government thereupon sanctioned the Paymaster's recommendation that two-thirds (Rs. 68) of Núr Jehán's pension should be continued, as shown below:—

	Rs.
Muhammad Azim-ud-dín ..	45
Azim-ud-nisa Begam ..	23
Rs. 68 being two-thirds of Rs. 102.	

Núr Jehán was the second shadi wife of Rashíd-ud-daula, being the mother by him of Muhammad Anwar-ud-dín and Muhammad Abdul Ali, while the deceased Muhammad Haibat-ulláh was Rashíd-ud-daula's

(Intld.) G.S.
6-9-98.]

* Vide table attached.]

G.O., No. 520, Political, dated 12th November 1881.

Vide table annexed.

son by his first shadi wife, Sultán-un-nisá Bégam, the daughter Rashid-ud-daula uterine sister of Fátimá Bégam. Núr Jehán Bégam's grand-children received special treatment, because, as shown above, they were peculiarly circumstanced and were really supported from her stipend. The continuation was therefore in accordance with the spirit of the rules. That continuation can give Muhammad Haibat-ulláh's heirs no claim. (Intld.) G.S. 6-9-98.

Lord Clive's scale is given in G.O., No. 778, Political, dated 29th November 1888.

Vide paragraph 3 of the order.

Vide also paragraph 1 of G.O., No. 501, Political, dated 23rd July 1888, when the same direction is given.

* Submitted that the Paymaster should be asked to be more definite in his remarks.

(Intld.) C.M.S.

(Intld.) G. S.
6-9-98.

† But, as pointed out in paragraph 9 *supra*, Rs. 100 only (not Rs. 145) is continuable to the whole family, the remainder Rs. 45 being returned as "moiety to widow."

15. In the proposed distribution submitted by the Paymaster he has given the shadi widow, Sultán-un-nisá Bégam, less than what she would receive under Lord Clive's scale (which G.O., No. 696, Political, dated 29th October 1888, directs should be invariably followed), and a great deal more to the nikah daughters. Colonel Pryce remarks that * "the perusal of records" will show that Lord Clive's scale was not kept in strict observance in the cases of 1855 stipendiaries. He explains that Sultán-un-nisá Bégam "is a lovely lady without any encumbrances" and was during the lifetime of the deceased Haibat-ulláh Khán, in receipt of Rs. 30 (per mensem), whereas the nikahi daughters have families. Considering the smallness of the amount these latter would be entitled to under Lord Clive's scale, he recommends that each of the daughters and the nikahi widow should be granted Rs. 20. The remainder Rs. 65—"nearly half the amount recommended to be continued to the whole † family" he thinks quite sufficient for the widow.

16. The Paymaster, Carnatic Stipends, asks for sanction to this arrangement on the precedent of G.O., No. 777, Political, dated 28th November 1888, which disposed of the distribution of the stipend of the late Dilair Jang, the second shadi son of Sir Sharf-ul-umar (*vide* table attached).

17. Dilair Jang died on the 12th June 1888 and the then Paymaster, Colonel Underwood, recommended the continuation of his stipend of Rs. 140 *per mensem in full* on the ground that the number of his heirs was large. But for the reasons set out in the note flagged LIX in G.O., No. 689, Political, dated 25th October 1888, Government rejected the proposal, holding that by continuing a moiety of the stipend Dilair Jang's family would be fairly and liberally treated. The Paymaster, Carnatic Stipends, was at the same time told that the distribution of the stipend should follow Lord Clive's scale.

G.O., No. 689, Political, dated 25th October 1898.

18. Colonel Underwood then submitted a revised distribution list in which the shadi widow of Dilair Jang was given Rs. 16 instead of the Rs. 20 she would have been entitled to under Lord Clive's scale. This was because she was suffering from "mental aberration amounting almost to insanity," and because she had separated from Dilair Jang two or three months after her marriage and had lived with her father Haji 'Abd-ul-wahab Khan Bahadur who was in receipt of a pension of Rs. 60 a month.

Government sanctioned the arrangement because "it (was) well to support the Paymaster when possible, and because) his (distribution) list (was) in general accordance with rules, while he (had given) specific reasons for slightly departing from the scale." Please see the note at the foot of Colonel Underwood's letter at XXI in G.O., No. 777, Political, dated 28th November 1888.

Distribution according to Lord Clive's scale on the understanding that the widows get shares from both stipends.

		RS.
Shadi widow ..	$\left\{ \begin{array}{l} \frac{5}{9} \text{ of } 100 \\ \frac{5}{9} \text{ of } 45 \end{array} \right\}$	93 $\frac{1}{3}$
Nikahi widow..	$\left\{ \begin{array}{l} \frac{1}{9} \text{ of } 100 \\ \frac{1}{9} \text{ of } 45 \end{array} \right\}$	18 $\frac{1}{3}$
Nikahi daughter,	$\frac{1}{9}$ of 100	11 $\frac{1}{3}$
Do.	$\frac{1}{9}$ of 100	11 $\frac{1}{3}$
Do.	$\frac{1}{9}$ of 100	11 $\frac{1}{3}$
Total ..		145

The widows are to receive Rs. 45 only and the family 100. This is plain from the nature of the stipends.

(Intld). G.S.
6-9-98.

19. Orders are solicited in regard to the Paymaster's proposed distribution. It is contrasted below with that calculated on Lord Clive's scale:—

The Paymaster's Distribution.				RS.
Shadi widow	..	..	..	65
Nikahi widow	..	..	..	20
Nikahi daughter	..	..	..	20
Do.	..	..	..	20
Do.	..	..	..	29
Total ..				145

It will be seen that if the widows are to receive a portion from each stipend, and the distribution is to follow Lord Clive's scale, the shadi widow will receive Rupees 93 $\frac{1}{3}$, the nikahi widow Rs. 18 $\frac{1}{3}$ while each of the nikahi daughters will get Rs. 11 $\frac{1}{3}$ only.

20. If, however, the two stipends be reckoned as one and divided accordingly to Lord Clive's scale the distribution would be —

	RS.
Shadi widow, $\frac{5}{9}$ of 145 ..	80 $\frac{5}{9}$
Nikahi widow, $\frac{1}{9}$ of 145 ..	16 $\frac{1}{9}$
Nikahi daughter $\frac{1}{9}$ of 145 ..	16 $\frac{1}{9}$
Do. $\frac{1}{9}$ of 145 ..	16 $\frac{1}{9}$
Do. $\frac{1}{9}$ of 145 ..	16 $\frac{1}{9}$
Total ..	145

and the shadi widow would still have a very much larger pension than that proposed by the Paymaster. Please see the case of the heirs of the late Ghulám-i-valí Abbás (disposed of in G.O., No. 465, Political, dated 17th July 1895) and stated in paragraphs 5 to 8 of the note for orders in the linked file (C. No. 1128).

(Intld.) C.W.
30-8-98.

for the Chief Sect. ^{G.S.}

(Intld) G.S.
6-9-98.

It is submitted that no case has been made out for treating Muhammad Haibat-ulláh's stipends otherwise than according to the ordinary rules as regards the amount to be continued, i.e., that the amounts continuable are Rs. 45 as compassionate grants to the widows and Rs. 100 for division amongst the family. Regarding the question of *compassionate grants* to widows, attention is solicited to paragraphs 15 to 17 of Colonel Bayne's report on pages 4 and 5 of G.O., No. 357, Political, dated 22nd May 1885. In accordance with the proposal in paragraph 17 of that letter it was decided in paragraph 1 (c) of G.O., No. 359, Political, dated 22nd May 1885, that the grant of widows' compassionate allowances would be restricted to the widows of existing Carnatic Stipendiaries who registered their wives' names before the 1st September 1885. Fifty male stipendiaries who did not comply with this order were subsequently admitted to the concession, and the latest list of stipendiaries whose wives have been registered is contained in Appendix B (pages 6-8) to G.O., No. 135, Political, dated 1st March 1897. The inclusion of Muhammad Haibat-ulláh in this list does not infringe the condition laid down by the Government of India in 1883 (G.O., No. 369, Political, dated 11th May 1883), that the personal allowance granted to the sons of Rashid-ud-daula should not be taken into account in settling any pensions which might be continued to their heirs, for, as already stated, these widows' grants are *compassionate grants*, and Haibat-ulláh and his brothers by registering the names of their widows obtained no greater benefit for themselves or for their families than have numerous other stipendiaries whose pensions were non-continuable. The precedent in G.O., No. 465, Political, dated 17th July 1895, which is set out in paragraphs 5 to 8 of the note in the linked file, would point to the advisability of distributing the entire Rs. 145 amongst the widows and daughters, but looking to the decision of India in 1883 it is thought that it would be incorrect to allow the daughters to share in the Rs. 45. The 1895

Are there any other rulings or precedents bearing on such a case as this? If there are none, the Paymaster's opinion on the point should be obtained.

(Intld.) G.S.

6-9-98.

(Intld.) A.E.H.

7-9-98.

N.B.—In the case of the precedent quoted, the pensions were Rs. 50, *compassionate*, and only Rs. 10, family. The latter was so small that possibly the widows did not care to put forward a claim to a share in it.

(Intld.) A.E.H.

To do so is inconsistent with the nature of the pension. When a portion of the pension is given for the widow it will create difficulty on her death if more be assigned to her now. There is no question of *fairness* in the matter. It is a question of what the rules allow.

(Intld.) G.S.

6-9-98.

precedent shows, however, that when there is both a "widow" pension and a "continuable" pension, the widows should ordinarily be restricted to the former and the family to the latter. Proceeding on these lines there is in the present case Rs. 45 to divide amongst the widows and Rs. 100 amongst the daughters—in other words the shadi widow would receive Rs. 37-8-0, the *nikahi* widow Rs. 7-8-0 and each *nikahi* daughter Rs. 33-5-4.

There is, however, no rule against the widows sharing in the continuable portion of the stipend, and looking to all the facts of the case, the Paymaster's proposed distribution appears, on the whole, to be the fairest. That distribution gives the widows more than they would receive under the scale just set out by reducing the shares of the daughters. The latter do not, however, in any way share in the continuable portion of the personal allowance of Rs. 90.

(Intld.) C.M.S.

6-9-98.

H.E.

There is nothing whatever special about this case. I think it should be disposed of strictly in accordance with the rules. For example if more than Rs. 45 is given to the widows how the daughters will claim a revision of the arrangement on their death. It gives rise to much needless trouble while encouraging these stipendiaries to hang on Government to treat these stipends according to the word of the Paymaster and not by rule.

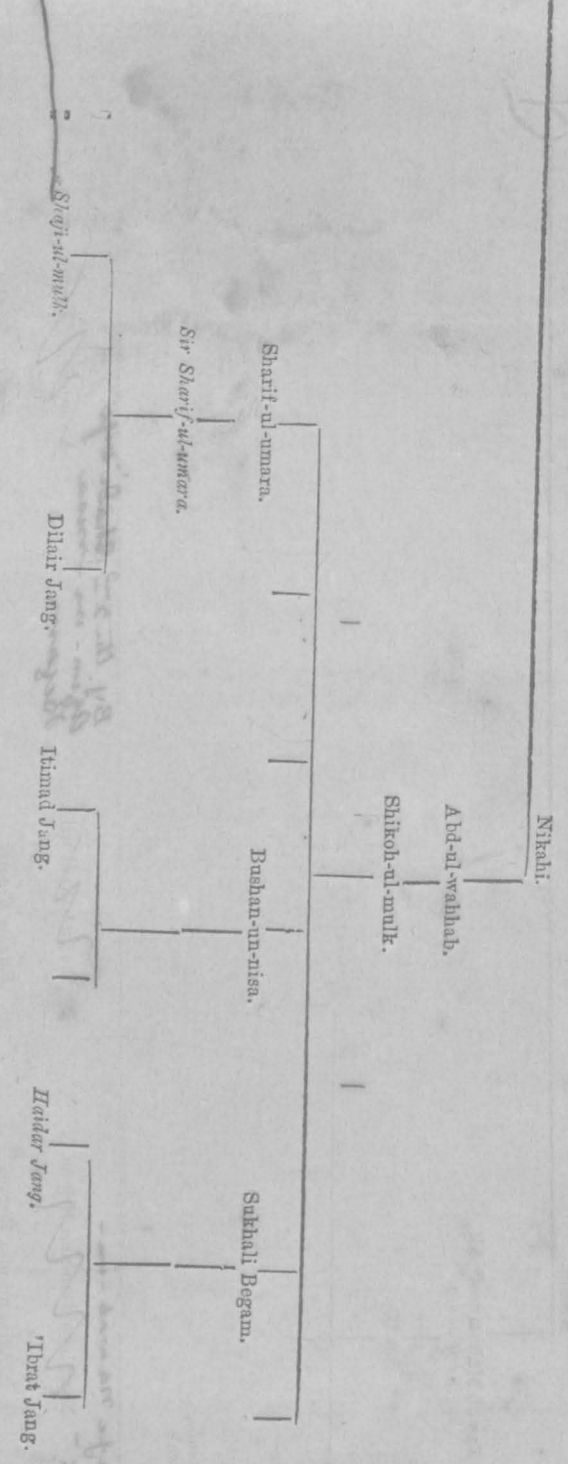
(Intld.) G.S.

6-9-98.

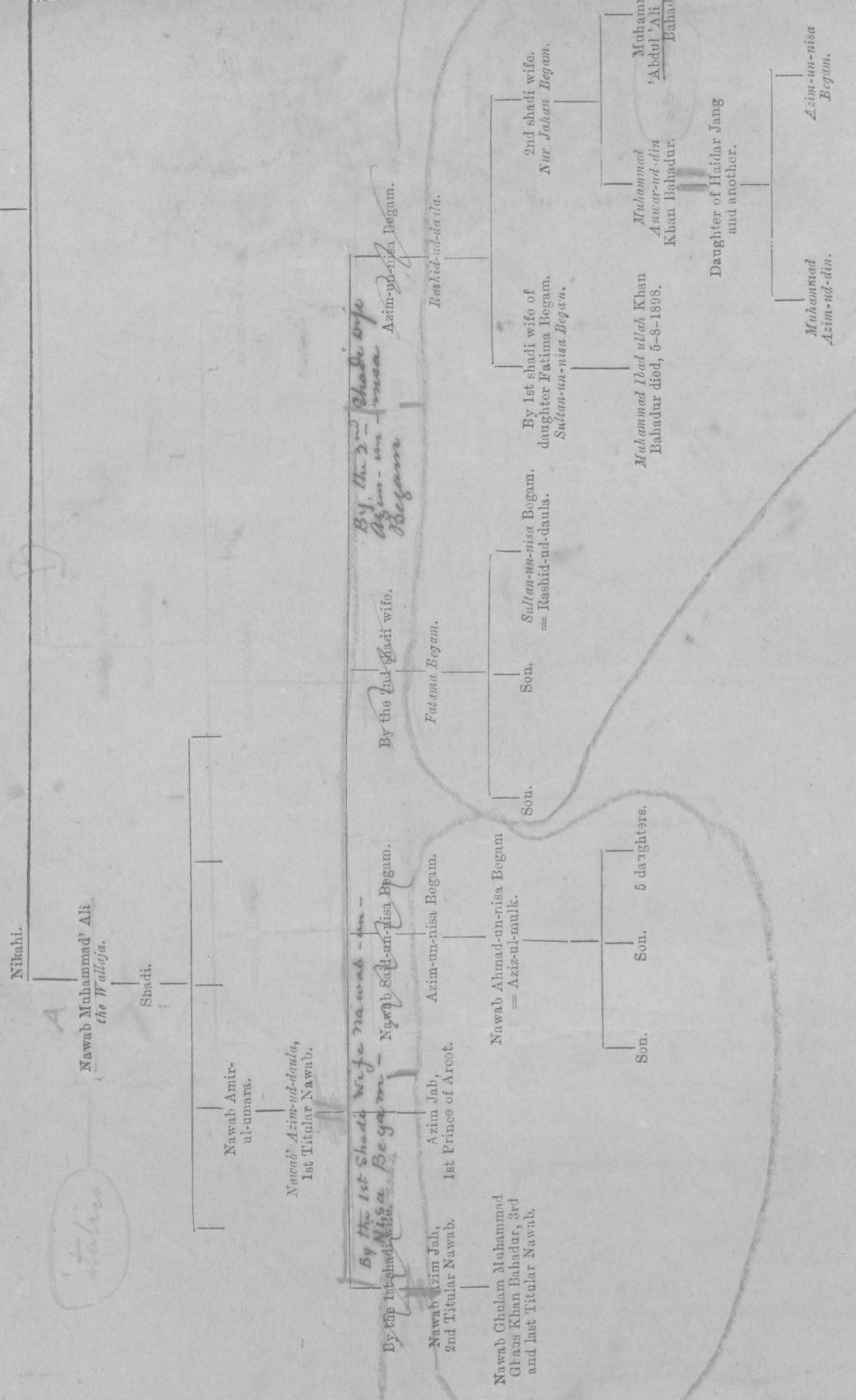
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by the rule @ A by 12 and
at B by 12. The page will
thus be raised by a little
the proportion but that does
not matter.

italics



Nawab Anwar-ud-din.



[10]

* Page 21 of these notes.
Memorandum No. 1945, dated 12th September 1898.

† C. No. 1231.

‡ Vide paragraph 8 of C. No. 1091.

Press - Please see that in striking the pay reference (29 - this one) are made in accordance with the old note paying or the written note confusion will follow.

In accordance with the instructions of His Excellency the Governor, dated 7th September 1898, the Paymaster, Carnatic Stipends, was requested to state his opinion on the correct mode of distribution when, as in the present case, a double stipend is in question, part being continuable and part returned as "moiety to widow." He was referred to G.O., No. 465, Political, dated 17th July 1895, and asked if he could quote any other precedents to the point. He was at the same time requested to be more definite in his reports.

2. In reply † while expressing his regret as regards the second point that he should have used ‡ such a vague expression in his first report as "the perusal of records", Colonel Pryce refers to G.O., No. 499, Political, dated 29th July 1884, to G.O., No. 196, Political, dated 14th March 1887, and to paragraph 3 of letter No. 432, dated 11th October 1888, in G.O., No. 696, Political, dated 29th October 1888.

3. Attention is solicited to the letters read in the first two of these orders flagged N and III respectively, the wording in which is almost identical. These Government Orders sanctioned a continuation of the moiety of the stipends of Munir-ud-daula Bahádur and Ilibar-ud-daula Bahádur, nikahi sons of Nawab Azim-ud-daula. From the lists of distribution printed in these orders it will be seen that Lord Clive's scale was not observed.

4. In paragraph 3 of letter No. 432, dated 11th October 1888, disposed of by G.O., No. 696, Political, dated 29th October 1888, is given a list of cases where Lord Clive's scale was not followed. This order directed that Lord Clive's scale should be followed, and the precedents quoted by the Paymaster, Carnatic Stipends, and referred to above, all of which are of earlier date than the Government Order of October 1888, are merely set out in complication of his expression perusal of the records. They do not really concern the point of the reference.

(Intld.) C.M.S.

5. The Paymaster, Carnatic Stipends, states that since the publication of G.O., No. 359, Political, dated 22nd May 1885, only two cases have occurred similar to the present one, and that these were disposed of (1) by G.Os., No. 740, Political, dated 26th September 1887, and No. 469, Political, dated 10th July 1888, and (2) by G.O., No. 465, Political, dated 17th July 1895.

* Under G.O., No. 195, dated 20th March 1858.
* Under E.M.C., No. 158, dated 16th May 1837.

Paragraph 2 of G.O., No. 740, Political, dated 26th September 1897.

Paragraph 1 of G.O., No. 469, Political, dated 26th September 1887.

The remark does not appear to be well-founded. The grant of Rs. 50 was a *compassionate* allowance and the sum of Rs. 50, although less than a half, seems to have been recommended by the Paymaster, Carnatic Stipends, as being a sufficient sum in the circumstances of the case.

(Intld.) C. M. S.

6. G.Os., No. 740, Political, dated 26th September 1887, and No. 469, Political, dated 10th July 1888, deal with the case of Qádir Alí S'aíd who was in receipt of two stipends of (1) Rs. 140* a life grant and (2) Rs. 12* a continuable jaghir pension. Qádir Alí S'aíd left a widow, Karím Bi, and a daughter, Abbási Bi, both nikahi. To the daughter Rs. 8—out of the continuable stipend of Rs. 12—was granted in the shape of a bonus and to the widow Rs. 50 *per mensem*—out of the non-continuable pension of Rs. 140—was sanctioned as a compassionate allowance. In the notes in G.O., No. 469, Political, dated 10th July 1888, the question of compassionate allowances was discussed. Colonel Pryce observes that only Rs. 50 or less than a moiety of the Rs. 140 was given the widow because she was *nikahi*. His authority for this remark is not known. In paragraph 2 of Colonel Underwood's letter before in G.O., No. 740, dated 26th September 1887, he recommended Rs. 50 to Karím Bi on compassionate grounds, but there is nothing to show that the amount proposed was Rs. 50 owing to her being a nikahi and not a shadi widow.

7. G.O., No. 465, Political, dated 17th July 1895, disposed of the case of Ghulám-Valí, Abbás who was in receipt of two pensions of Rs. 10 and Rs. 50, respectively, the former continuable and the latter returned as "moiety to widow." The case is set out in paragraphs 5 to 8 of the note flagged CXV in G.O., No. 653, Political, dated 13th September 1898. A moiety of the aggregate sum of the stipends was continued to the heirs, the shadi wife being excluded for special reasons.

8. As to the correct mode of distributing double stipends, the Paymaster, Carnatic Stipends, submits—

(1) that in the case of an 1801 stipendiary, two-thirds † of the continuable stipend and half of the stipend that is returned "moiety to widow" should be added together and distributed to the whole family according to Lord Clive's scale;

(2) that in the case of an 1855 stipendiary, one-half ‡ of both the stipends should be added together and distributed to the whole family according to Lord Clive's scale. Muhammad Haibat-ullah Khán § was an 1855 stipendiary.

10. Finally, Colonel Pryce reports that there is only one case of a similar nature to be disposed of in the future. This is

† The amount usually *continued*.

(Intld.) C.M.S.

‡ This is the portion usually *continued*.

(Intld.) C.M.S.

§ The stipendiary whose pensions have now to be *continued*.

(Intld.) C.M.S.

Serial No. 53, Part I, Appendix A (page 4) of G.O., No. 135, Political, dated 1st March 1897, and serial No. 43 [page 7 *ibid.* (1)].

the case of Muhammad Varis Ali, an 1801 stipendiary, who is in receipt of two stipends of Rs. 14-4-8 and Rs. 19-11-4, respectively, the former continuable and the latter returned "moiety to widow." Cases of those drawing double stipends, both of which are returned as "continuable" or as "moiety to widow," are left out of account.

(Intld.) C.W.
26-9-98.

Note for Chief Secretary

If the Paymaster's present proposal, viz., to amalgamate the two stipends and to continue half to the widows and the family in shares according to Lord Clive's scale—is followed, the distribution would be as at A on page 18 of these notes. The distribution in the event of the widows being restricted to their portion of the non-continuable and the daughters to their share of the continuable stipend is given at B on page 21 of these notes. Orders are solicited. The decision in this case must form a precedent for the existing case quoted by the Paymaster, Carnatic Stipends, and for this reason in order to avoid petitions from either side, the strict letter of the rule had, perhaps, better be adhered to, *i.e.*, the division at B be made.

(Intld.) H.E.
2-10-98.

Note for -

I think the only safe rule is to adhere in all instances to the principles which have been laid down for the division of these stipends I think it would be a great mistake in any way to amalgamate these two pensions which are quite distinct in their incidents. The distribution at B, page 21, seems the best.

(Intld.) G.S.
3-10-98.

I gather that the distribution suggested at page 6 of this note and printed as a marginal note is that which is in accordance with rule. The distribution suggested by the Chief Secretary is supported by two precedents, but these precedents are not quite similar in their circumstances to the present case. Besides, rule is stronger than precedent, which conflicts with the rule. The distribution proposed at page 3 of the note should be adopted.

(Intld.) A.E.H.
3-11-98.

Draft so
(Intld.) G.S.
4.11.98

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ADN G.O., No.
182

Political DEPARTMENT.

No. 1091-1231.

from the *The Paymaster C.S.*, No 292, dated 15. 8. 1898.
Memorandum, 1945, 12. 9. 1898.
J. C. S., 326, 19. 9. 1898.
 189

Ch
Imm. 11/7/1898

Order No. 785 of 10-11-98
 P.S.

The Governor-in-Council
 does not consider that there is
 any reason to depart from the
 ordinary rules as regards the
 amount to be continued from the
 stipends of the late Muhammad
 Ibad-ullah, Khan Bahadur.
 A moiety (Rs 145) of the stipend
 will accordingly be ^{distributed among} continued to
 the family of the deceased in the
 following shares:—

Sultan-un-nisa Begam	Shadi widow	Rs - An. pice
Mubarak-un-nisa Begam	Nikahi widow	93 - 0 - 10
Rahmat-un-nisa Begam	Nikahi Daughter	18 - 9 - 10
		11 - 0 - 9

122. 12

P.T.D

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