

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1899} of Madras. POLITICAL.

Recd.

Regd.

} 1899.

Enclosures

Spare copies

G.O., No. 593, 6th September 1899.

SEPTEMBER.

Parlakimedi Pensions.

Sanctioning the continuance of a moiety of the pension of the late Brundavana Chandra Deo, a Parlakimedi Political pensioner, to his son Ramachandra Gajapati Narayana Deo, on the distinct understanding that the pension will lapse absolutely on the death of the latter.

GOVERNMENT OF MADRAS.

POLITICAL DEPARTMENT.

READ—again the following papers:—

G.O., No. 33, Political, dated 19th January 1891.

ABSTRACT.—Passing orders regarding the Goomsur and other Political pensions, and pointing out how each case will be dealt with on the death of the present recipients.

G.O., Mis. No. 425, Political, dated 3rd July 1899.

Read—the following letter from W. H. DAWSON, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 19th June 1899, No. Pen. 101-A—2950:—

I have the honour to forward, herewith, a copy of letter No. 28 of the 2nd instant, from the Acting Collector of Ganjám, reporting the death of Political pensioner Brundavana Chandra Deo, and to inquire whether, under the circumstances stated in paragraph 2 of that letter, I can issue a permanent pay order in favour of Ramachandra Gajapati Narayana Deo for Rs. 36 a month, being a moiety of the amount of pension enjoyed by his late father Brundavana Chandra Deo.

The favour of an early reply is requested.

ENCLOSURE.

From the Acting Collector of Ganjám, to the Accountant-General, Madras, dated Chatrapur, 2nd June 1899, No. 28.

In submitting herewith both halves of the permanent payable order, No. 2769, Political, 1899, and received his pension only up to 31st January 1899. He has left behind him an aged son, named Ramachandra Gajapati Narayana Deo, who is the guardian to the other members of his family.

2. The deceased pensioner's son and heir has submitted a petition praying for the continuance of the whole amount of the pension in his own name. Under the G.O., No. 33, Political, dated 19th January 1891, only a moiety of the pension is continuable for one generation, as will be seen against item No. 23 of the appendix attached to the said Government Order. I therefore request that you will be good enough to issue the necessary permanent payable order. The amount of pension due to the late pensioner up to the time of his death will be paid to his son.

Order—Mis. No. 425, Political, dated 3rd July 1899.

The Collector of Ganjám will be informed that on the decease of any stipendiary with the disbursement of whose pension he is concerned, he should report the fact to Government direct, at the same time submitting, in the case of continuable pensions, a statement of the persons entitled to share in the continuable portion thereof together with his recommendations as to the distribution of the amount.

2. The Collector will now be requested to submit further particulars as to the alleged son of the late Brundavana Chandra, together with a statement as above described. He will be informed that Government will not continue, under any circumstances, more than a moiety of the pension.

(True Extract.)

(Signed) G. STOKES,
Chief Secretary.To the Collector of Ganjám.
" Accountant-General.

READ—also the following paper:—

From F. C. PARSONS, Esq., Acting Collector of Ganjám, to the Chief Secretary to Government, dated Chatrapur, 20th July 1899, R. G. B. No. 486-Acc.

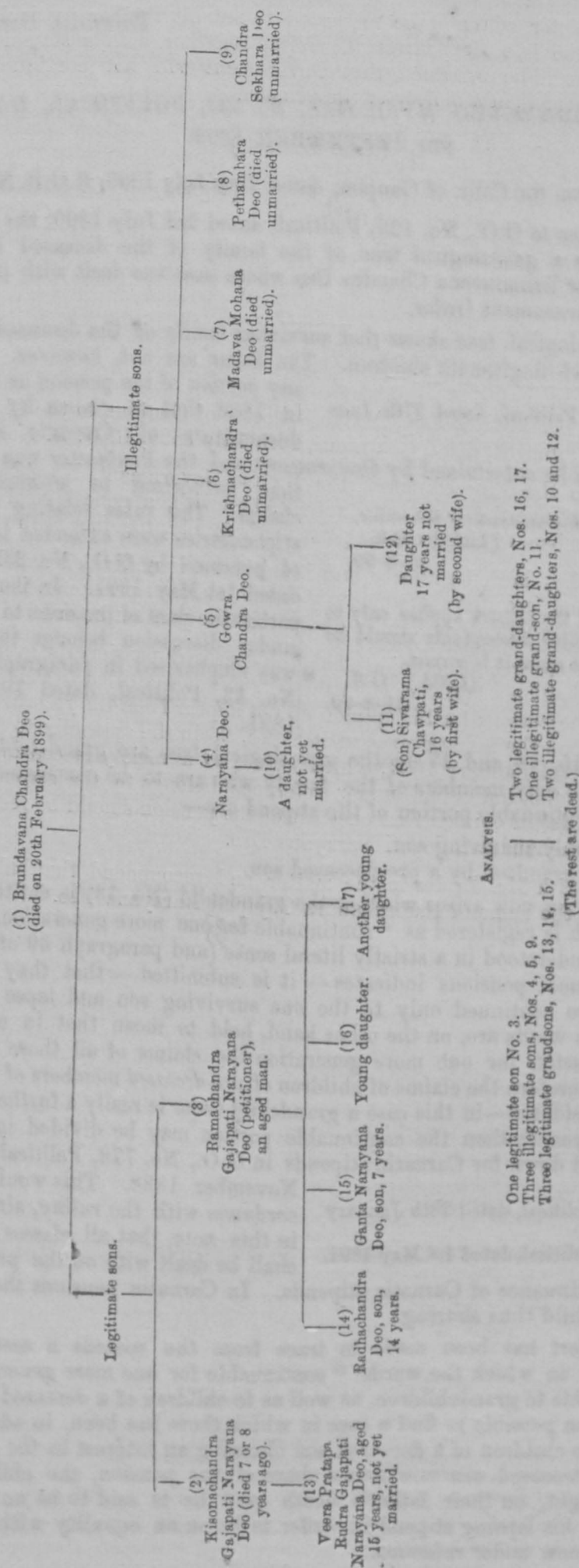
Referring to the Proceedings of the Madras Government, No. 425-P.R., dated 3rd July 1899, I have the honour to submit, herewith, a genealogical tree showing the names of members of the deceased pensioner's family, together with their age.

2. The family, both legitimate and illegitimate, is undivided and Ramachandra Gajapati Narayana Deo, the surviving son of the deceased pensioner, is the managing member. The members of the family desire that the pension be ordered in his name.

3. Mr. Taylor was of opinion that the deceased pensioner's grandson, Veera Pratapa Rudra Narayana Deo, No. 13 in the list, was not entitled to the continuance of the pension. The reasons for his opinion do not appear from the record, but appear to have been based on the remark against item No. 23 in the appendix to G.O., No. 33, Political, dated 19th January 1891, which says that a moiety is continuable for one generation, while the individual under reference belongs to the second generation. Mr. Taylor was also of opinion that one-half of the pension should be recommended in the name of Ramachandra Gajapati Narayana Deo.

4. I agree with Mr. Taylor in the matter and recommend that half the pension be sanctioned in the name of Ramachandra Gajapati Narayana Deo.

ENCLOSURE.



POLITICAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 593, POLITICAL, DATED
6TH SEPTEMBER 1899.

Cur. No. 994—From the Collr. of Ganjam, dated 20th July 1899, R.G.B. No. 486-Acc.

With reference to G.O., No. 425, Political, dated 3rd July 1899, the Collector of Ganjam forwards a genealogical tree of the family of the deceased Parlákimedi Political pensioner Brundavana Chandra Deo whose case was dealt with in the notes filed with that Government Order.

2. The genealogical tree shows that surviving family of the deceased consists of both legitimate and illegitimate children. The latter are not, however, eligible for any portion of the pension as it was ruled in 1882 that no claims by illegitimate descendants of Carnatic stipendiaries would thenceforth be entertained by Government and the Paymaster was at the same time authorized to withhold all such claims. The rules relating to Carnatic stipendiaries were extended to all classes of pensions by G.O., No. 239, Political, dated 1st May 1891. In the case of the particular class of pensions to which that under discussion belongs this principle was emphasized in paragraph 3 of G.O., No. 33, Political, dated 19th January 1891.

G.O., No. 149, Political, dated 27th June 1882.

* I do not follow this on reading the order.
(Intld.) G.S.
30-8-99.

I understand that the remark applies only to the fact that legitimate descendants should be recognized. In that sense it is correct.
(Intld.) G.S.
31-8-99.

3. Nos. 14, 15, 16 and 17 in the genealogical tree are grandchildren by the surviving son; the only members of the family who are to be considered, therefore, in dividing the continuable portion of the stipend are—

No. 3, only surviving son.

No. 13, grandson by a pre-deceased son.

4. The question now arises whether the grandchild (No. 13) is entitled to share in a stipend which is registered as "continuable for one more generation." If these words are to be understood in a strictly literal sense (and paragraph 59 of the printed note on Parlákimedi pensions indicates — it is submitted — that they *should*), the pension should be continued only to the one surviving son and lapse entirely on his death. If the words are, on the other hand, held to mean that in continuing a moiety of the pension for one more generation the claims of all those in the next generation and therefore the claims of children of *pre-deceased* members of that generation are to be considered—in this case a grandchild (who is really a further generation and a boy of 15 years), then the continuable portion may be divided in accordance with the scale laid down for Carnatic stipends in G.O., No. 778, Political, dated 29th November 1888. This would be in accordance with the ruling, already quoted in this note, that all classes of pensions shall be dealt with on the principles laid down for the continuance of Carnatic stipends. In Carnatic pensions there is a case of a great-grandchild thus sharing.

G.O., No. 52, Political, dated 28th January 1891.

G.O., No. 239, Political, dated 1st May 1891.

5. Much effort has been made to trace from the records a case outside of Carnatic stipends in which the words "continuable for one more generation" have been held applicable to grandchildren, as well as to children of a deceased stipendiary; but it has not been possible to find a case in which there has been, in addition to one surviving son, the children of a deceased son claiming an interest in the pension. If the child of the deceased son now gets a share of the pension, the children of the surviving son might, on their father's death (and he is said to be an aged man), expect a share of his lapsing stipend in order to be on an equality with the child of the deceased son now under reference.

6. If the grandchild is to be admitted to a separate share of a moiety of the pension the latter will stand as follows:—

(1) Ramachandra Gajapati Narayana Deo, son—three-fourth share ..	Rs. 27
(2) Veera Pratapa Rudra, son of Gajapati Narayana Deo, a son—one-fourth share	9
• Total ..	36

* The lapsed pension is Rs. 72 and "a moiety" is continuable.

and the latter's stipend will be liable to compulsory commutation under the rules (paragraph 5 of G.O., No. 33, Political, dated 19th January 1891).

7. It is submitted, however, that the circumstances under which the pension was originally granted and the words of paragraph 59 of the printed note on these pensions indicate clearly that Government intended this pension to be continued only to the literal "next generation" and that it will be equitable to now continue the whole of the moiety of Rs. 36 to the surviving son, Ramachandra Gajapati Narayana Deo, with a distinct understanding that it will lapse absolutely at his death. This, it may be stated, is also the recommendation of the present Collector of Ganjām as it was, also, of his predecessor, Mr. Taylor.

(Intld.) F.W.G.
28-8-99.
(„) C.M.S.
29-8-99.

Note by the Chief Secretary.

This is, I submit, a somewhat difficult case.

There can, I think, be no doubt that, in the ordinary acceptance of the term, when a pension is granted "continuable for one generation" it would continue only to the children of the grantee.

The argument of the note, however, is that the rules for Carnatic stipends are made applicable to the stipend now under consideration. Under the Carnatic Stipend rules all members of the family who are dependant on the pension have to be provided for. Hence the expression must be held as equivalent to something like "continuable for one distribution more."

If the Carnatic Stipend rules were applicable to this family *en bloc* and without any material alteration, I think this argument might be accepted; but they are not and cannot be so applied, for the main portion of them which deals with the distribution and which is pure Muhammadan law cannot in any way apply to this family which is that of a Hindu. Under the Hindu and Muhammadan systems the principle of distribution and the heirs who succeed are entirely different. I feel a difficulty, therefore, in accepting or putting forward the argument in the note.

The effect of accepting the argument in the note is to vastly increase the value of the pension. For example, the grant of a pension for three heirs on the conditions presupposed in the first argument would probably endure only for 75 years, but on those presupposed in the latter it would probably run from 90 to 120 years.

Seen.

(Intld.) A.E.H.
4-9-99.

The argument in the note has mercy to recommend it, but it is for His Excellency's orders whether it is justifiable.

(Intld.) G.S.
31-8-99.

Note by His Excellency the Governor.

The conclusion set forth in paragraph 7 of this note is accepted, and should be acted upon.

-(Intld.) A.E.H.
4-9-99.

NOTES CONNECTED WITH G.O., No. 425, POLITICAL, DATED
3RD JULY 1899.

Parlakimedi Pensions.

Cur. No. 803—From the Accountant-General, dated 19th June 1899, No. Pen. 101-A—2950.

The Accountant-General forwards a letter from the Collector of Ganjām announcing the death of Brundavana Chandra Deo, a Parlākimedi pensioner*, and requesting the Accountant-General to issue a pension-payable order for the continuation of a moiety of the lapsed pension of Rs. 72 per mensem to the deceased's "aged son named Ramachandra Gajapati Narayana Deo, who is the guardian of the other members of the family." The Accountant-General forwards a copy of the letter and enquires whether the moiety which is returned "continuable for one generation" may be paid to the party named, who, however, has petitioned the Collector for a continuation of the whole amount of the pension.

2. In the printed notes on the Parlākimedi stipend (pages 15—18) the pension of the deceased Brundavana Chandra Deo is referred † to as a rather doubtful one although it was sanctioned as continuable

† See paragraph 59, page 18.

for one generation after him with the proviso that sums under Rs. 15 continued therefrom would be subject to commutation.

3. The genealogical table on page 15 does not show that Brundavana Chandra had a son although, in the case of two other members, the fact that they had issue is noted. Brundavana Chandra's son and heir is said to be "aged", and it is not understood why the son is not shown in a table prepared so lately as 1891. This omission does not, of course, necessarily throw doubt on the existence of an aged son, but it calls attention to the fact that the information as to the dependants of the deceased now furnished by the Collector is very meagre, and in view of the fact that a mistake was made in 1882 for want

See paragraph 55 of printed note.

of more complete information being placed before the then Collector on the decease of a member of the family, it is submitted—

1st—that on the decease of any of these stipendiaries the Collector of Ganjām should report ‡ the fact to Government (not to the Accountant-General), at the same time submitting, in the case of continuable pensions, a statement of the persons entitled to a share of the pension together with his recommendations as to the distribution of the amount;

‡ This course would be in accordance with practice in the case of Carnatic and other stipends.

A

2nd—that the Collector should now be requested to submit further particulars as to the alleged son, together with such a statement as that above described;

3rd—that the Collector be informed that Government will not continue more than a moiety of the pension under any circumstances; this will perhaps prevent time being wasted all round by petitions to Government on the subject;

B

4th—that unless the Collector can satisfy Government that all persons entitled to share in the pension have agreed to the amount being paid to one person for their united support, all shares under Rs. 15 be commuted in accordance with the usual rules and with paragraph 59 of the Parlākimedi stipend notes already alluded to.

(Intld.) F.W.G.
27-6-99.

For the Chief Secretary.

B.—The foregoing may, it is submitted, be done. As regards **A** above, however, it is against the usual practice to continue in one name when there are several sharers entitled to partake in the distribution of a continuable stipend. In many cases, this course is suggested by the

Yes.
(Intld.) G.S.
29-6-99.

sharers themselves in order to escape compulsory commutation.

(Intld.) C.M.S.
28-6-99.

ORDER—No. 593, Political, dated 6th September 1899.

The Governor in Council is pleased to sanction the continuance of a moiety of the pension of the late Brundavana Chandra Deo to his son Ramachandra Gajapati Narayana Deo on the distinct understanding that the pension will lapse absolutely on the death of the latter.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Collector of Ganjam.
" Accountant-General.

Pension Political
Judicial (1899) Department.

22 8/24
31/7/99
R.G.B. CURRENT No. ⁹⁹⁴₄₈₆ of 99
acc 699



Order

From

The Acting Collector
Ganja

No. ^{R.G.B.}₄₈₆ of 99
acc

Dated 20 July 1899

Received }

Registered }

Enclosures /

Spare copies.-



SUBJECT.

Recommending that half
the pension be continued
in the name of Rama-
chandra Jagadeh Naraina
Doo son of late Doodanama
Chaudhary of Jethaly
Subdy.

BACK PAPERS.

G.O.	No.	Department.	Date.
Mr.	425	Pol	27.9.91
ss.	239	-	1.5.91
ss.	52	-	28.1.91
ss.	33	-	19.1.91
ss.	149	-	27.5.91

FURTHER PAPERS.

G.O.	No.	Department.	Date.

$$\left[\frac{6}{24} \right]$$

Sup^C 1-9-99
R 8-2-99

Political DEPARTMENT.

8 - print separate
yellow paper

R.G. B

994 From the Collector of Ganjam, No. 486/act, dated 20-7-1899.

..... 189

N O T E.

With reference to G.O.No.425,

Political, dated 3rd July 1899 the Collector of Ganjam forwards a genealogical tree of the family of the deceased Parlakimedi Political pensioner Brundavana Chandra Deo whose case was dealt with in the notes filed with that G.O.

2. The genealogical tree shows that the deceased's surviving family consists of both legitimate and illegitimate children. The latter are not, however, eligible for any portion of the pension as it was ~~noted~~ ^{ruled} in 1332 that no claims by illegitimate descendants of Carnatic Stipendiaries would thenceforth be entertained by Govt. and the Paymaster was at the same time authorized to withhold all such claims

G.O. No. 149, Pol., d/ 27-6-32.

claims. The rules relating to Carnatic stipendiaries were extended to all classes of pensions by G.O.No.239, Political, dated 1st May 1891.

3. Nos. 14, 15, 16 and 17 in the genealogical tree are grand-children by the surviving son; the only members of the family who are to be considered, therefore, in dividing the continuable portion of the stipend are

No. 3 - Only surviving son

No. 13 - Grandson by a deceased son

4. The question now arises whether the grandchild is entitled to share in a stipend which is registered as "continuable for one more generation".

If these words are to be understood in a strictly literal sense, the pension should be continued only to the one surviving son and lapse entirely on his death. If the words are, on the other hand, held to mean that in continuing a moiety of the pension for one more generation a grand-child who is really a further generation and in the present case a boy of 15 years) ~~now share, there~~ in, then the continuable portion may be divided in accordance with the scale laid down for Carnatic Stipends in G.O.

No. 773, Political, dated 29th November 1888, in accordance with the ruling, already quoted in this note, that all classes of pensioners shall be dealt with in accordance with the principles laid down for the continuance of Carnatic Stipends.

5.

In the case of the particular class of pensioners to which that under discussion belongs this fact was emphasized in para 3 of G.O. 33, 19.1.91

I do not follow the order.

I understand that the remark applies only to the fact that legitimate descendants are not to be recognized in that sense it is meant.

(and para 5 of the printed note on Parlakimedi pensions (flagged) indicates - it is submitted - that they should)

The claims of all those in the next generation & therefore the claims of children of predeceased members of that generation are to be considered - in this case

G.O.No. 52, Pol., d/ 23-1-91
" 239 " 1-5-91

In Carnatic pensions there is a case of a great grand child thus sharing.

Outside of Carnatic Stipends

5. Much effort has been made to trace from the records ²/₄ case in which it has been decided whether the words "continuable for one more generation" have been held ²/₄ applicable to grandchildren, as well as ²/₄ children of a deceased stipendiary, but it has not been possible to find a case ~~outside of Carnatic~~ in which there has been, in addition to one surviving son, the children of a deceased son claiming an interest in the pension. If the child of the deceased son now gets a share of the pension the children of the surviving son ^{might} on their father's death (and he is said to be an aged man), ~~might~~ expect a share of his lapsing stipend in order to be on an equality with the child of the deceased son now under reference.

6. If the grandchild is to be admitted to a separate share of a moiety of the pension the latter will stand as follows:-

	Rs.
1. Ramachandra Gajapati	
Narayana Dec. - Son - share -	27
2. Veera Pratapa Rudra	
Gajapati Narayana of - share -	9
Dec. - a	
Son	
* Total Rs	36

and the latter's stipend will be liable to compulsory commutation under ^{the rules} para. 5 of G.O.No.33, Political, dated 19th January 1891

7. It is submitted, however, that the circumstances under which the pension was originally granted and

** the lapsing pension is Rs 72
* "a moiety" is continuable.*

and the words of para. 59 of the printed Note on these Pensions (flagged X) indicate clearly that Govt. intended this pension to be continued only to the literal "next generation" and that it will be equitable to now continue the whole of the moiety ^{Rs. 36} to the surviving son, Ramachandra Gajapati Narayana Deo, with a distinct understanding that it will lapse absolutely at his death. This, it may be stated, is also the recommendation of the present Collector of Ganjam as it was, also, of his predecessor - Mr. Saylor.

J.W.S.
28/9/99
C.M.S.
28/9/99

Please be at attention

12/10/99

Here comes

Note by C-S

(Vide Current)

Note by H.S. the Govt.
The conclusion set forth in para. 7 of this Note is accepted, and should be acted upon.

Approved by Secy. A.C.H.
4.9.99

11/10/99

Note by the Chief Secretary

10

This is, I submit, a somewhat difficult case.

There can, I think, be no doubt that, in the ordinary acceptance of the term when a pension is granted "continuable for one generation" that it would continue only to the children of the grantee.

The argument of the note, however, is that the rules for Carnatic Stipends are made applicable to the stipend now under consideration. Under the Carnatic Stipend rules all members of the family who are dependant on the pension have to be provided for. Hence the expression must be held as equivalent to something like "continuable for one distribution more."

If the Carnatic Stipend rules were applicable to this family en bloc and without any material alteration I think this argument might be accepted, but they are not and cannot be so applied for the main portion of them which deals with the distribution and which is pure Muhammadan Law cannot in any way apply to this family which is that of a Hindu. Under the Hindu and Muhammadan systems the principle of distribution and the heirs who succeed are entirely different. I feel a difficulty, therefore, in accepting or putting forward the argument in the note.

The effect of accepting the argument in the note is to vastly increase the value of the pension. For example

10

the grant of a pension for 3 heirs on the conditions presupposed in the first argument would probably ensure only for 75 years but on the latter it would probably run from 90 to 120 years.

The argument in the note has mercy to recommend it but it is for His Excellency's orders whether it is justifiable.

Handwritten signature/initials

Here comes "Note by H.E. the Govt"

[3 / 24]
500-30-3-08.

Political - DEPARTMENT.

Papers to be read in Proceedings:-

Again G.O., dated 19 Jan'y — 1891, No. 33 Pol. (P)
Again G.O., dated 3 July — 1897, No. 425 Pol. - (as marked with red pencil in 80)
Current No. 994 of 1899, dated 20th July, from - Collr of Ganjam -
" 189 , " , " "a" with "a" of enclosure.
" 189 , " , " 7. P

ORDER. No. 593 of 6 April 1899.
P.S.

The Govt in Council is pleased to sanction the continuance of a moiety of the pension of the late Brundawana Chandra Doo to his son Ramachandra Gayapati Narayana Doo on the distinct understanding that the pension will lapse absolutely on the death of the latter.

(From Orders)

5/9/99 Curs
5/9/99

Handwritten signature

To the Collector, Ganjam.
" " Acc^t General -

deop d.
19-9-99.

Handwritten notes:
I have instructed him to print notes on the order - they will be a useful record for the file as similar cases arise in the future.
Cul
Copy to stock pile
10/10/99

First copy sent to Press.

Returned for signature.

Despatched in print.

Read again G.O. No.
189

DATED

Current No.

Enclosures to G. No.

Order of Government

Letter of Government

Statement with edit.

Papers not filed up, being want for despatch
in original.

N.B. -

- A = Print in full.
- B = Name to be printed.
- P = Print abstract only.
- Q = Print heading only.

NUMBER OF COPIES
REQUIRED.

Order complete.
Letter only.
Order complete with Letter.

Print as marked
with notes in
yellow paper (15).

879
How many pages