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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

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Dated 13 - 6 - 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 13th June 1862.

No. 185. Read the following letter from W. T. BLAIR, Esq., Acting Inám Commissioner, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Vellore, 5th June 1862, No. 33:—

SIR,

The accompanying copy of Instructions issued by me to my Deputy Collectors, though in accordance with the practice hitherto pursued in the Department, involves a question of some importance, and I have the honor, therefore, to submit it for the approval of Government. It is provided that every entire Inám village being jointly responsible for any Jódi charged upon it should be treated as a single case, and enfranchised upon one and the same rate. It appears to me, however, that an exception to this rule may be properly made where the different shares of a village are held by families totally unconnected with each other, in which case I see no reason why the rights of Government to the reversion of shares which may now lapse, or to a higher quit-rent upon shares held by heirless widows should be foregone, the other sharers belonging to different families having no claims to succeed to them. At the same time I do not propose to call into question the rights of parties who may have come into the possession of shares before the rules of 1848 in accordance with the then prevailing usage, under which Agraharam shares were to some extent considered as saleable and transferable property, and there was little interference with the appropriation of the shares on the part of Government so long as the whole village was held upon a valid title.

Proceedings of the Inám Commissioner, dated Vellore, 27th May 1862, No. 32.

1. The Acting Commissioner has had under review a number of Agraharam Registers in which the Deputy Collector has made a separate settlement with, and recommended a separate Title Deed to be given to each sharer. This being contrary to the usual course, the Acting Commissioner desires to lay down the following instructions on the subject.

2. Inám grants of entire villages may be divided into two classes; those made to a single individual known as "Inámiti" or "Shrotriem" villages, and those called "Agraharams" conferred on a community of Brahmins consisting of several distinct families and held in a number of divided shares or Vrittis. The former classes of villages, however, have not unfrequently been divided among the descendants of the grantee and held in separate shares, while the "Vrittis in" the Agraharams have likewise undergone many sub-divisions and changes have been made in the allotment of the lands. But in neither case has the Government recognized the divided shares absolutely as separate property. On the contrary, the whole body of sharers in each Agraharam or Shrotriem, has been held to be jointly responsible for the Jódi to which the village is liable. There are generally no records of the fields attached to each share, and Government have never been a party to the sub-divisions and alterations of the shares which may have from time to time taken place. Even where the cultivated fields have been from the date of the grant held in divided shares as in Agraharams, the waste Poromboke and other common property in the village are held jointly. In consequence of the joint rights and joint responsibilities which, as above described, more or less exist in all these cases, it becomes necessary that a single settlement should be made for each village, and the Acting Commissioner directs that this course be invariably followed.

3. Next as regards the terms of enfranchisement it is observed, that by a Circular of the Commissioner, No. 52 of 1860, it was directed that where a single settlement is made of an Inám under paragraph 25 of the Inám Rules, all the shares in it should be enfranchised on one and the same rate, and by another Circular No. 22 of 1861, paragraph 5, it was explained that the above order was intended to embrace only members of the same family. These instructions seem sufficient to provide for the case under notice. Where an Inám village is held by members of the same family or by descendants of the original grantee though in divided shares, it will be properly treated and enfranchised as one Estate being, however, held jointly answerable for the Jódi. But where the shares are held by families totally unconnected with each other, the members of one family cannot be regarded as rightful claimants of the share held by another and such share in default of heirs ought to lapse to Government though there may have existed

a joint responsibility as regards the Jódi. Government, however, have sometime proceeded even further in advancing their rights of reversion and resumed shares of Inám villages though they were divided members of the family living. These resumptions being made upon grounds which were then considered sufficient, cannot be now disturbed.

4. The following rules therefore are laid down on the subject, first, That every entire village, Agraharam, Shrotríem or of any other description shall be settled as one case ; secondly, That when it is held by members of the same family or by descendants of the grantee, it shall be enfranchised upon one and the same rate of quit-rent applicable to the present holders considered as one family ; thirdly, That where shares of the village are held by families distinct and unconnected with each other, either having been originally so granted or subsequently acquired by alienation, the shares of each such separate family shall be treated separately and enfranchised upon terms applicable to their holders, or subjected to full assessment if they lapse without heirs of any kind. But only one Title Deed will be given for the whole village, though the different terms of enfranchisement when the shares are differently enfranchised will be conveniently shown on the back of the Title Deed ; fourthly, Shares which have been already resumed or which may now lapse to Government will be excluded from the settlement to be managed separately by the Collector, unless it is found practicable to make them over to the other holders of the village when their full value can be added to the quit-rent of the village.

5. The above instructions do not supersede the necessity of the registration of the separate titles, shares and quit-rent of all the divided sharers in the village as heretofore, which is an important part of the work of the Commission, such registration being of great value to the Inámdárs as well as to the Government Officers in the future collection of quit-rent and the settlement of disputes. With reference, however, to the proposal of one of the Deputy Collectors to issue a separate ticket to each sharer in an Agraharam the Acting Commissioner observes that no more tickets can be given than Title Deeds. The shareholders are at liberty to obtain authenticated Extracts of the Register on Stampt paper, which will give them all the information necessary in regard to their separate rights and interests in the village.

6. There is one more point which the Acting Commissioner desires to notice. Agraharams have been formerly regarded to some extent as saleable and transferable property. Shares have been under this view alienated by sale, gift or bequest to relations and others who cannot be strictly regarded as heirs, or purchased from heirless widows without any consciousness of defective title ; and sometimes vacant shares have been taken possession of by the other share-holders interested in the Agraharam or been allowed to pass into the hands of strangers with their tacit consent. In all these cases it appears to the Acting Commissioner that the past title of the alienees who acquired their shares before the passing of the Inám Rules of 1848, and in accordance with the then prevailing usage of Agraharams cannot be now fairly questioned. Such shares will therefore be now enfranchised with reference to the position of the alienees in regard to heirs.

(Signed) W. T. BLAIR,
Acting Inám Commissioner.

No. 186.

ORDER THEREON, 13th June 1862, No. 1,300.

Referred to the Board of Revenue for their opinion.

(Signed) J. D. SIM,
Secretary to Government.

Rev=
Pro. of Govt for 1862 Dept to
Transr. Nr. 1611-
H. E. Blanc Esqr
&c &c Quam Commr
&c
&c
J. D. Smith Esqr
Secretary to Government.
Rev. Department
Fort St. George

Dated 5th
Received 6th } June/62
Enclosure Nr. No. 33

Submits for the approval
of Government copy of his
instructions to his Dy.
Collectors in regard
to the treatment of
ryots Quam village
Nr. 1300 Tent
&c &c &c

Nr. 185 & 186.

Pro. of the B. of Rev.
dy. 1st July/62 Nr. 1944-
pr.

Nr. 1300.

Refers to the
Board of Revenue for their
~~information~~ opinion.

From Ft. St. George
13th. June 1862

14 Copies to Bd of Rev. Circ. 16
Transr. Quam Commr