C.F. 73.

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M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1736 Press Mis.

196 196

Dated 18 — 8 — 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 15th August 1862.

Read the following letters :—

No. 196. From W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, dated Madras, 30th May 1862, No. 3,491.

SIR,

1. I am directed by the Board of Revenue to submit their reply to the Proceedings of Government, dated 5th April 1862, No. 760, Revenue Department, referring to them the question of the Mukhasa tenures in the ancient Zamíndáris of Ganjam.

2. The Board have personally conferred with the Inám Commissioner on the subject, and have perused the correspondence connected with the permanent Settlement of the Peshkush on these Estates, and they have arrived at the following conclusions on the particular subject referred to them.

3. The Mukhasa grants were certainly no where permanent alienations of public revenue, and are thus not disposed of by the clause in the Istimrar Sunnud, which excluded from the assets left at the disposal of the Zamíndárs, the "Lakhiraj lands (lands exempt from the payment of "public revenue) and all other alienated lands paying a small quit-rent."

4. Lands held as Mukhasa were thus liable to be assessed to the public revenue, and thus as was shown by the Board in their Proceedings on the same question as connected with the Kistna District, the *full* value of the Mukhasa lands was included in the Estimate of the annual value of the Estates made by the Circuit Committee in 1786, as the lands were "immediately under the Zamíndár, and given or resumed when he pleases," and thus where the Peshkush was calculated at a certain proportion of the available assets, there is no reason to doubt that the reversionary right in the Mukhasa lands vested in the Zamíndár.

Dated 25th March 1861, No. 1,558.

5. But in the case of the Ganjam District the proposals of the Board of Revenue for the permanent Peshkush on each Estate, which proposals were approved by Government, were based mainly on the past collections of revenue from the Zamíndárs, and not on an Estimate of their possible receipt from the Ryots, and as in the case of lands then held on Mukhasa tenure, the payments made by the Zamíndárs to the State could have included only the State's proportion of the Kattubady, or favorable quit-rent on which the Mukhasas were held, the argument that held good in the case of the Masulipatam District will not apply to establish, in Ganjam, the reversionary right of the Zamíndárs to the full assessment on these lands should they lapse by failure of heirs to the original grantees, or any theoritical right to resume them.

From Board to Govt., dated 17th May 1804.
From Govt. to Board, ,, 23rd June 1804.

6. But it does not follow from this fact, that the intention of the Board and Government in making the permanent settlement in this District, was to reserve this reversionary right to Government. On the contrary it appears to the Board that a very legitimate inference may be drawn in the opposite direction.

7. The estimate of the value of Zamíndáris formed by the Circuit Committee certainly included the *full* value of the Mukhasas, but this estimate was rejected by the Board as being "utterly inapplicable to present capacity, and adverse to the "future prosperity of this province;" and it is therefore in the highest degree improbable that, actuated by this opinion of the estimate, the Board would have excluded from their own calculation any assets which the Circuit Committee had included, without making special allowance for the excluded items as was done in the case of the Sayer, Salt, Abkarry and Moturpha.

See paragraph 11 of the Inám Commissioner's Report, dated 11th February 1862, in Government Proceedings under reply.

See paragraph 14 of the Board's letter to Government, dated 17th May 1804, above quoted.

8. Again the avowed intention of the Board and Government in the permanent settlement of the Ganjam District was that it should be *more than usually liberal*, so as to induce loyal submission in a territory which had hitherto been rent by internal dissention, and was usually in great part in open rebellion against Government, and influenced by this policy, it is still more improbable that they contemplated the withdrawal from the Zamín-

Board's letter 17th May 1804, paragraphs 11, 16, 17 and 19.
Government letter 23rd June 1804, paragraph 4.

dárs of what was hitherto their unquestioned privilege, and one which in the then state of society must have been most highly valued as is indeed evident from all the early correspondence regarding the Northern Circars.

See paragraph 37 of the Circuit Committee's Report, dated 25th April 1788, and paragraph 24 of the Board's letter 17th May 1804.

9. Again in the particular instance of the Gumsur Zamíndárí it was expressly stated that the Circuit Committee's valuation was exclusive of a large available asset, derivable from the assessment of Inám alienations which however the Zamíndár absolutely refused to charge with assessment.

10. These Iná́ms could only have been of the nature of Mukhasas, as they are described by the Circuit Committee as incumbrances inherited by the Zamíndár from his ancestors, and had they been ordinary Inám grants by authorities competent to make permanent alienations of public revenue, they would not have been assessable at will by the Zamíndár.

11. Yet in this case, although it was evident that there was at the disposal of the Zamíndár a large available asset in excess of the Circuit Committee's valuation, still the Board rejected that valuation as excessive, and fixed the Peshkush at Rupees 70,000 per annum, when two-thirds of the Committee's valuation after deducting the specially reserved items of revenue would have given Rupees 1,07,760, as the Government demand on the Zamíndár, although as above shown nothing was included on account of assessable Iná́ms in the Committee's valuation.

12. It may reasonably be presumed that the course which was certainly followed in this case, was intended to be maintained in the other ancient Estates in the District.

13. The Board are not satisfied from Mr. Taylor's arguments that the reversionary right in the Mukhasas in the Jalluntra and Kalikote Zamíndárís "clearly belongs to Government." True it is that the Board when making their proposals in 1804 for the permanent Settlement of the District had before them in these two cases more reliable data that were available for the other ancient Estates, and were thus able to estimate their resources with greater accuracy, and it is also true that the settlement of Kalikote was apparently more favorable than in the case of any other of the Estates, but special reasons are assigned by the Board in their letter to Government for their recommendations in these cases, and although it is stated that the revenue received by Government while this Estate of Kalikote was under their direct management, and on which their recommendations for the future Peshkush were based included "payments for Kattubady Maniems and extra revenue," yet it must be borne in mind that Kattubady was payable on Agraharums and Shrotriems as well as on Mukhaaas, so that the use of the term proves nothing for the present purpose, and Mr. Taylor's statement (paragraph 20) "that the value of the Mukhasas or Jaghires in Kalikote and Jallantra is entirely and undoubtedly "omitted in all the accounts Mr. Brown's included," needs apparently reconsideration before it is allowed to be sufficient ground for his conclusion that "the reversion to these villages clearly "belongs to Government." Paragraphs 24 and 42 of the Circuit Committee's report, clearly show that Mukhasas existed and were recognized by them as grants emanating from the Zamíndár, and it has already been noted that the full value of these alienations was included in the Committee's estimate of assets available by the Zamíndár.

See Board to Government, dated 17th May 1804, paragraph 52.

Note.—The comma which is inserted in the printed volume and in Mr. Taylor's printed report between the words Kattubady and Maniem should be struck out. It is not in the original, and tends to mislead.

14. Mr. Brown's list of the villages in these Zamíndárís is expressly limited to the "assigned villages" the Estates being under sequestration for arrears and the Zamíndárs being left in possession of a Jaghire free of assessment for maintenance. The list does not include any villages described as Jaghire, but this would merely tend to show that none of the included villages were recognized as Jaghires, or that no villages held on such tenure had been taken in assignment, although probably the Kattubady reserved by the Zamíndár in the case of Mukhasas and due to him in the case of Agraharums and Shrotriems was received by the Government Officers and credited towards the liquidation of the outstanding balances against the Estates.

15. Assuming however, which was probably the case, that the "average value of the Sirkar share for 16 years" on which the settlement of Kalikote was based, included only the reserved rent, and not the full value of the Mukhasas, it must be remembered that the case is precisely the same in all the other Zamíndárís in this District, the permanent settlement of which was, as already shown, based on the average receipts by Government from the Zamíndárs, which undoubtedly included only the Government share of the Kattubady on Mukhasas and not of the full assessment on these temporary alienations.

16. *Prima facie* it is improbable that the Board should have intended to treat these estates differently from the other ancient Zamíndárís in the District, and the Board see nothing to lead them to suppose that any such intention existed.

17. In the Board's letter, dated 3rd May 1804, to the Collector of Ganjam in reply to one from him, dated 20th April 1804, in which he had forwarded certain lists of Jaghire villages including "those separated from the Jeraity by former chiefs at this place and given to certain Zamíndárs "in this province when their several Zamíndárís were resumed for the liquidation of their balances," regarding which he observed that although the Jaghires must be included in the list of villages entered on the Sunnuds and property at their full value, yet still as the object of Government was to establish a moderate equitable revenue, which could be paid without difficulty, the Board might not deem it necessary to recommend to Government that the amount of the revenue of the Jaghires should be added to the Jumma of the Estates; the Board having observed that the Collector's list included "Inams, Maniems, Agraharums, Shrotriems, Mukhasas and "alienations of every description under the indiscriminate denomination of Jaghires," replied to the Collector that "it is a principle of the new system of Revenue administration that lands "appropriated by Zamíndárs and landholders for the subsistence of themselves, families, or "dependants, shall be incorporated with the Government lands and assessable with the public "revenue. Of this description are the personal Jaghires in the several Zamíndárís. But all "other existing alienations of land, whether exempt from the payment of public revenue with or "without due authority, should be excluded from the public assessment."

See original draft on the Board's records.

"It will be necessary therefore that you state the different kinds of Ináms or alienated lands "included in the Jaghires, *as in Jalluntra and Kalikote*, specifying the quit-rent and explaining "the tenure of each in the most distinct manner in your power, so that the amount may be "deducted from the value of the Jaghires, in case the Board should think proper to assess the "latter in permanency."

18. The records of the Board's Office have been searched without success for any answer to this letter, but it is evident that the Board did not wait for it before submitting their recommendation to Government for the determination of the permanent Peshkush, which they did on 17th May 1804, by which time their letter could barely have reached the Collector, and it is also evident that the recommendations in the case of Jalluntra and Kalikote were made in full view of the existence of these Jaghires; that a distinction had been drawn between the "personal Jaghires" (which certainly include Mukhasas), and alienations for public purposes; and that although the subject in connection with all the estates had been so recently brought to their special attention, it was in no way reserved in their subsequent recommendations to Government, as a point which would need to be considered hereafter as likely to modify their proposals for the permanent Peshkush to be paid by the Zamíndárs. It must then, the Board think, be assumed that the authorities of the day were content to leave the matter on its previous footing, which had certainly been that personal Jaghires, Savarum lands and Mukhasas were at the disposal of the Zamíndár for the time being, who granted them out to relatives and dependants at a light rent for their maintenance, and resumed them and re-granted them at pleasure. Without asserting that the right of resumption in cases of long enjoyment is one which, at this distance of time, it would be necessary to allow in practice however good it may be in theory, the Board are certainly of opinion that the ultimate reversionary right under the contingency of lapse of heirs in the family of the grantee must be allowed to the Zamíndár, and cannot be asserted by Government.

See on this point Mr. Grant's Political Survey of the Northern Cirkars. Appendix No. 13 to the Fifth Report.

19. The Board therefore arrive though by a somewhat different line of argument at much the same conclusion as Mr. Taylor, viz., that the Mukhasas in Ganjam should be excluded from

the operations of his Department, but they include in this recommendation the Estates of Jallantra and Kalikote (which Mr. Taylor excludes), as it appears to them that the direct evidence that this asset of revenue was taken into consideration in their case, is even stronger than in the case of the other ancient Estates.

20. They however do not intend these remarks to apply to Purla Kimedy, which was not settled on the same occasion as the rest of the District, which Mr. Taylor has not included in his report communicated to the Board by Government in their Proceedings under reply, and which has not been taken into consideration by the Board, however probable it may be that the same arguments are applicable in this case also. Should Government be of opinion that the Board have shown good and sufficient reasons for the conclusion at which they have arrived, the Board direct me to submit the propriety of reconsidering the decision that was passed by Government in the matter of the Mukhasa villages in the Hautghur Estate.

See Board's Proceedings, dated 19th December 1859, No. 5,291.
Government Proceedings, dated 21st February 1860, No. 274.

21. On the sale of that estate for arrears of Peshkush and its purchase by the Zamíndár of Kalikote, the ex-Zamíndár of Hautghur claimed 50 Mukhasa villages as having come into his possession by lapse or purchase, and that the purchaser of the Estate was entitled only to the Kattubady.

22. The Government were pleased to admit the claim, and to recognize the ex-Zamíndár as standing in the place of the original Mukhasadar, but considering it objectionable to allow him to retain possession of the villages when the Zamíndári had passed into other hands, and assuming that the Peshkush of the estate had been settled on a fixed proportion of certain assets, and that the value of the Mukhasas, as shown in Mr. Brown's accounts, was the Kattubady, they gave the villages themselves to the new purchaser, and added Rupees 5,000 per annum to his Peshkush, that sum nearly representing the difference between the value entered in Mr. Brown's accounts and the average collections of ten years of recent date.

23. Before the arrangement was concluded the ex-Zamíndár died in 1859 without male issue, and a pension of Rupees 5,000 per annum was granted to his widow for the maintenance of herself and the other members of the family.

24. If the Board are correct in their view of the position of these villages in the Ganjam ancient Zamíndáris, it would seem that the purchaser of the Hautghur Estate was clearly entitled to the reversion of these 50 Mukhasa villages when it fell in on the death of the ex-Zamíndár who had succeeded to the place of the original Mukhasadar, and that therefore the addition of Rupees 5,000 to the Peshkush of the Estate was not warranted by the circumstances of the case.

25. They therefore direct me to recommend that the Collector be instructed to remit this additional demand, and to refund to the present Zamíndár whatever amount may have been collected from him on this account for periods subsequent to the death of the ex-Zamíndár, being probably about Rupees 10,000.

26. The Board do not intend that this remission should in any way affect the pension granted to the family of the ex-Zamíndár.

27. Since the foregoing was drawn out, the Board have ascertained by Telegraph from the Collector that neither Jaghires nor Mukhasas are included in the old Inám Registers of the District. They consider this fact to be conclusive against any claim on behalf of Government to the re version irrespective of all other arguments.

No. 197. From G. S. FORBES, Esq., Collector of Ganjam, to J. D. SIM, Esq., Secretary to Government, Revenue Department, dated Chpauk Chetterpore, 18th June 1862, No. 143.

Sir,

1. The Revenue Board in their communication to Government dated the 30th ultimo, No. 3,491, not having made any mention of my letter to them of the 25th April last, No. 79, I conclude that this letter has not reached the Board.

2. As the conclusion arrived at by the Board appear to me to be most mistaken, and as the letter in question contains arguments which I think show it to be so, I have the honor to forward

herewith copy of my letter to be laid before the Governor in Council when passing orders on the Board's communication above quoted.

3. I also beg to submit with the same object copy of another letter dated the 29th April 1862, No. 82.

4. Any conclusion drawn from the Inám Register of this District must of necessity fail to be complete, because only a small portion of the Ináms of the District and those chiefly from the Amany Táluqs found a place in it.

From G. S. FORBES, Esq., Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Chetterpore, 25th April 1862, No. 79.

Sir,

1. I have the honor to reply to the Board's Order, No. 2,562, dated 17th April 1862, desiring a statement of my views in reference to the subject discussed in paragraphs 9 to 13 in the Proceedings of Government under date 5th April 1862, No. 760.

2. In paragraphs 9 to 11 of this Order the Government enumerate the data which were before the Board when the permanent settlement of the Ganjam Zamíndáris was made, and observe that there is no means of determining with certainty whether the Peshkash was intended to include the full value of the Mukhasas or their Kattubady only and in paragraph 13 they refer the decision of this point to the terms of the permanent Sanads.

3. Mr. Taylor has taken great pains to arrive by inferential reasoning at some satisfactory conclusion regarding the intentions of the Board of that day in regard to this question and in paragraph 20 he thus expresses his conclusion:—"Though the Mukhasas formed no part of "the average collections, it may be inferred from the Board's silence on the subject that they "contemplated the eventual reversion of these villages to the Zamíndári. This view is "strengthened by the fact that in the case of one of the Zamíndáris, Kallikote, which was under "assignment or attachment at the period of the permanent settlement, the Board fixed the per-"manent Peshkash at two-thirds of the average Government receipts, which are stated to have "comprehended Kattubady, Maniems and extra revenues. It will be seen by reference to the "appended Statement A prepared in the Collector's Office from the accounts of the permanent "Settlement for each Zamíndári, that the Settlement of Kallikote was much more favorable to "that Zamíndár than the terms allowed to the others. Another circumstance which is still "more conclusive is, that the value of the Mukhasas or Jaghirs in Kallikote and Jaluntra is "entirely and undoubtedly omitted in all the accounts, Mr. Brown's included, and the reversion "to these villages, therefore, clearly belongs to the Government." I draw from the case here quoted a directly opposite conclusion to that arrived at by Mr. Taylor. In Kallikote the Government had managed the revenues for several years and knew their average value and they fixed a Peshkash on assets excluding the Jaghir or Mukhasa Revenues, thus reserving their right to resume lapses. What they intended in the case of Kallikote and Jaluntra they no doubt intended in all other cases; why should the Board contemplate the reversion of these villages to the Zamíndári (as Mr. Taylor says) in *some* Zamíndáris and not in others?

4. In the case of Kallikote and Jaluntra reliable data were before the Board, but in regard to the other Zamíndárí they had only accounts of actual collections and the accounts rendered by the proprietors themselves, the first almost worthless as data from the circumstance that the collections of those days fluctuated with the extravagance, contumacy or mis-management of the Zamíndáris; the other equally unreliable from the self-interest which biased the returns. Hence, it was not possible to take two-thirds of any precise sum, and the recommendation of the Collector was followed in fixing a Peshkash which whatever casual correspondence it might have with any particular account was no doubt intended like the Peshkash of Kallikote and Jaluntra to reserve to Government the reversionary right over Jaghir villages.

5. I have thought it as well to notice Mr. Taylor's reasoning on this point, but the Board will find the terms of the permanent Cowles now being sent to them so clear and precise in excluding the Jaghirs from the permanent settlement that no further argument is needed to establish the title of Government. It is obvious that the then Board and Government would never stultify

the terms of an important document then recently framed and expressly purporting to result from previous enquiries (such as Mr. Taylor has discovered) by following a totally different principle in the case of some of the Zamíndárís of a particular District leaving the inconsistency to be inferred from dubious sources.

From G. S. FORBES, Esq., Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Chetterpore, 29th April 1862, No. 82.

SIR,

In continuation of my letter of the 26th instant, No. 81, I have the honor to refer the Board to Mr. Cherry's letter of the 20th April 1804, which also throws some light on the subject of the Jaghir villages of the Zamíndárís in this District. An extract from the letter is herewith enclosed.

(True Copies.)

(Signed) G. S. FORBES,
Collector.

No. 198. ORDER THEREON, 15th August 1862, No. 1,736.

1. This subject of Mukhasa tenures in the ancient Zamíndárís of Ganjam is of a very intricate nature, and it is therefore desirable that the Governor in Council should have before him all possible information on the question before proceeding to its final adjudication.

2. With this view the Board of Revenue will be so good as to explain more fully the point urged by their Secretary in the last paragraph of his letter. The Government are not told when or how the old Inám Registers there alluded to were prepared, and without knowing their form and precise object the Government are unable to arrive at the conclusion that a peculiar kind of village, like the Mukhasa or Jaghir, may not have been purposely excluded without the right of Government to resume on lapses being thereby affected.

3. In his letter recorded in the latter of the foregoing papers Mr. Forbes says that the Board will find the terms of the permanent Cowles now being sent to them so clear and precise that no further argument is needed to establish the title of Government. These Cowles should have been forwarded to Government, but the Board do not make any allusion to them. They will now be so good as to supply this omission.

(Signed) T. PYCROFT,
Chief Secretary.

4

Mukhasa Villages - Ganjam. -

Letter from Rev. Board - 30 May/62

This subject is intricate and there is much balancing of argument pro & con the Board's view. - All the light obtainable on the question is therefore desirable & for this purpose the Board should explain more fully the point urged in Para 2 - & are not told when or how the old Inam Registers of the District were prepared and without knowing the Form & precise object of that Register it is certainly possible that a peculiar kind of Village, like the Mukhasa or Jaghire may have been purposely excluded from ~~the~~ it Register, & yet the right of Govt to resume on lapses not be affected - That right has generally been considered

to exist & has been acted upon. It is also supported by the present Collr & partly by the Sheristadar - I also observe that Mr. G. S. Fakes says in ¶ 5 of his letter to the Board that "the permanent Cowles now being sent to them" establish clearly the title of Govt - ~~[illegible]~~ The Boards letter to Govt does not allude to or enclose these Cowles, although they should have been forwarded. - Information on these 2 points seems to be required

30 July. -

P.D.

W. 1736. 15th August 62

Read letter from the Secy to the Board of Revenue to the Secretary to Govt. R.D. -

(30th May 1862, No 3491)

Read also Proc.s of the Board of Revenue

(17th June 1862, No 3882.)

This subject of Mukhasa Cowles in the ancient Zamindaries of Ganjam is of a very intricate nature, and it is therefore desirable that the Govr in Council should have before him all possible information on the question before proceeding to its final adjudication.

With this view the Board of Revenue will

2.

will therefore be so good as to explain more fully the point urged by their Secretary in the last paragraph of his letter. The Govt are not told when or how the old Sram Registers there allused to were prepared, and without knowing their form & precise object the Govt are unable to arrive at the conclusion that a peculiar kind of village, like the Mukhsa or Jaghir, may not have been purposely excluded without the right of Govt to resume on lapses being thereby affected.

3. In his letter recorded in the latter of the foregoing papers Mr Forbes says that the Board will find the terms of the permanent Cowles now being sent to them so clear & precise that no further argument is needed to establish the title of Govt. These Cowles ought have been forwarded to Govt but the Board do not omitted in their letter Even to make any allusion to them. They will now be so good as to supply this omission -

Sic To the Bd of Rev. Dept 1st
Colrs of Ganjam

Bd

Revenue 1862 Dept^t
Pro:s of Gov^t for August
No. 1736.

Pro:s of the Madras Gov^t
Dy 15 August 62.

Pro. Bd's Rev. Dy 22 Aug^t 62
& No 2402 in Pro. Pro.
6 Sept^r ... ... 104 @ 136

Requesting Rev^e
Board to furnish further
information on the subject
of Mukhasa tenures
in the ancient Zamin-
daries of Ganjam.

Pro:s of the Bd of Rev Dy
20 Sept^r 62. & No. 2420

Pro No. 9612
21-2-60
" 181-182
11-4-61
" 390-392
24-3-62
" 91
5-4-62

From Bd 17th May
E. in C. 23 June } 1804

11-10-92
29-8-94

18-1-12

Mukhasa tenures in the Ancient Zamindaries of Ganjam.

29-8-94
6/2/96
25-4-07

Copy in a Letter to England
Dated 7th November 81 of 62

17-12-21

25-7-48
13-11-19
No. 196 @ 198

8th Aug^t Pro Rev^e