M.R.O. 14—10,000—21-4-22.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 533 — Press / ~~Mis.~~

165

Dated 11-3-1862

***Not to be folded or roughly handled***

No. 165. *PROCEEDINGS OF THE MADRAS GOVERNMENT.*

*Dated 11th March 1862, No. 533.*

Read again letters from the Inám Commissioner, dated 18th November and 20th December 1861, Nos. 62 and 73, recorded in Proceedings, 23rd December 1861, No. 2,346 and 9th January 1862, No. 34:—

1. With the first letter recorded above the Inám Commissioner forwards a draft of the Instructions which he proposes to issue for the guidance of the Deputy Collectors about to be employed in the Inám Settlement in the Tanjore District.

2. The principal point on which the orders of Government are required, relates to the course to be adopted in enfranchising Ináms held on Sanads, of which there are three kinds, viz.:—

(1.) Sikka Sanads, or original grants under the Royal Seal.

(2.) Dafter Ruka Sanads.

(3.) Arzi Ruka Sanads.

3. The total estimated area of Ináms of all descriptions amounts to 34,000 Velis and of this rather more than two-thirds or 23,000 Velis are held under Sanads of one kind or the other.

4. Mr. Taylor points out that under the present rules all these Sanad Ináms are valid, and he discusses at length the plea raised on the part of the Inámdárs that their Ináms are already freeholds which need no further enfranchisement, and that therefore there is no reason for imposing any quit-rent upon them.

5. His Excellency in Council will not follow the Commissioner through his argument. He agrees in the conclusion at which Mr. Taylor has arrived, viz., that the reversionary right to these Ináms has never been formally relinquished by Government, and it only now remains to be considered whether or no any modification should be allowed in applying the existing Rules to the settlement of the Ináms held on grants.

6. By Section V of the Rules an Inámdár, who is a descendant of the original grantee, can convert his tenure into a freehold by paying a quit-rent of one-eighth, one-fourth or one-half of the existing or estimated Assessment of the land according to his position as to heirs, *i. e.* if he has, or is likely to have competent heirs he pays the first named sum: if he has only terminable heirs, the second: and if without heirs of any kind or the possibility of having any, the third sum is demanded.

7. On the ground that the foregoing Rule was only intended to apply to the large mass of Ináms held on the strength of mere prescription, or of Sanads of questionable validity, Mr. Taylor would, in cases of Ináms held on Sanads issued by competent authority, allow the actual tenure to be explained by the terms of the grants. He points out in paragraph 2 of his letter that it was always intended that where perfect titles of a permanent character exist, an exception should be made in their favor. Regarding the Ináms held on the *Sikka* Sanads of the Tanjore Rajahs, as coming within this exceptional class, on account of their hereditary and permanent nature, he would confirm their holders, when *unwilling* to enfranchise, not on the limited terms as to succession, escheat, and adoption, prescribed by Clause 1, Section V of the Rules, but on the broader tenure specified in Clause 1, paragraph 11 of the Instructions now under review, *i. e.* succession will not be confined to direct lineal heirs and undivided brothers but will include lineal, collateral and adopted, divided or undivided, male or female heirs and only on failure of all such can the Inám revert to Government.

8. Where *willing* to enfranchise, Inámdars holding under *Sikka* Sanads and possessing heirs as above mentioned, "who are capable of continuing the family" will pay a quit-rent of one-eighth; if they have only "terminable" heirs they will pay a quit-rent of one-quarter, and if they are "not possessed of heirs of any kind" they will pay a quit-rent of half according to Clauses 3, 4 and 5 of Section V of the Rules. Mr. Taylor also proposes that the rate of one-eighth should be applicable to cases of childless widows holding Sikka Sanad Ináms and having heirs of any of the descriptions referred to in paragraph 7, provided, the Government presume, they are not terminable.

(3) Arzi Ruka Sanads

3 The total estimated

*Proceedings of the Madras Government, Revenue Department, 11th March 1862.*

9. These privileges Mr. Taylor would not extend to Ináms held on Dafter Rukas and Arzi Rukas. He thinks that these, like other Inâms held on imperfect Sanads, should come under the general rules. Mr. Cadell, however, who has had an opportunity of inspecting the Commissioner's draft Instructions, observes,* in a communication which Mr. Taylor has forwarded with the second letter recorded above, that the reason for making a distinction between Ináms supported by Sikka Sanads and those supported by grants in other forms, is not very obvious, "inasmuch as the objections which might be raised in the case of the one" would in his judgment be equally applicable to the other. Mr. Taylor adheres to his previously formed opinion for reasons stated in paragraph 2 of his letter dated 20th December last, No. 73, and on due consideration of all that has been stated the Government decide upon adopting the Commissioner's view of the case.

* 13th December 1861, No. 729.

10. The settlement of these Ináms will therefore proceed in the manner proposed in paragraphs 11 and 12 of the draft Instructions.

11. The adoption of the mode of dealing with excess found in the extent of Ináms which is laid down in paragraph 4 of the Despatch from the Secretary of State, dated 29th June 1860, No. 38, as proposed in paragraph 15 of the Instructions, is also approved.

12. The remaining paragraphs call for no remark.

(Signed) C. G. MASTER,
*Deputy Secretary to Government.*

Rev. Dept. No. 533. P. D.

No. 533.

Proceedings of the Madras Government under date the 11th March 1862.

Read again letters from the Inám Commr. 7/18th Nov. & 20th Dec. 1861 & 28th Jany. 1862 recorded in Nos. 28 Dec. 1861 & 23 & 49 Jany. 1862 Nos. 34. — First

With the ~~foregoing~~ records ~~Taboor~~ & letter the Inám Commissioner forwards a draft of the instructions which he proposes to issue for the guidance of the Deputy Collectors about to be employed in the Inám Settlement in the Tanjore District.

Substance of Mr. Ellis's Note

2 The principal points on which the orders of Govt are required relate to the course to be adopted in enfranchising Inams held on Sanads, of which there are three kinds viz-

(1) Sikka Sanads or original grants under the Royal seal.
(2) Dafter Ruka Sanads.
(3) Arzi Ruka Sanads.

3 The total estimated

area of Inams of all descriptions amounts to 34,000 Velis, and of this rather more than two-thirds or 23000 Velis are held under Sanads of one kind or the other.

4 Mr Taylor points out that under the present rules all Sirkar Sanad Inams are valid, and he discusses at length the plea raised on the part of the Inamdars that their Inams are already freeholds which need no further enfranchisement and that therefore there is no reason for imposing any Quitrent upon them.

5. His E. in Council will not follow the Commissioners



through his argument. He agrees with him in the conclusion at which Mr Taylor has arrived viz - that the reversionary right of these Inams has never been formally relinquished by Government, and it only now remains to be considered whether or no any modification should be allowed in applying the existing Rules to the settlement of the Inams held on Sanad.

6. By section V of the Rules an Inamdar who is a descendant of the original grantee can convert his tenure into a freehold by paying a quitrent of one-eighth, one-fourth or one-half of the

existing or estimated assessment of the land according to his position as heir - i.e. if he has, or is likely to have competent heirs he pays the first named sum: if he has only terminable heirs, the second: and if without heirs of any kind or the possibility of having any, the third sum is demanded.

7. On the ground that the foregoing rule was only intended to apply to the large mass of Ináms held on the strength of mere prescription, or of sanads of questionable validity, Mr Taylor



would, in cases of Ináms held on sanads issued by competent authority, allow the actual tenure to be explained by the terms of the grant. He points out in paragraph 2 of his letter that it was always intended that where perfect titles of a permanent character exist, an exception should be made in their favor. Regarding the Ináms held on the Sikka Sanads of the Tanjore Rajahs, as coming within this exceptional class, on account of their hereditary and permanent nature, he would allow the conformity their holders, whether children or [illegible]

~~of competent heirs~~
when unwilling to enfranchize, not on the limited terms as to succession, escheat, and adoption, prescribed by clause 1 Section V of the Rules, but on the broader terms specified in clause 1 para 11 of the instructions now under review - i.e. succession will not be confined to direct lineal heirs and undivided brothers but will include lineal, collateral and adopted, divided or undivided, male or female heirs and only on failure of all such can the Inam revert to Govt.

8. Where willing to enfranchize, Inamdars holding under Sikka Sanads and prospecting

prospecting heirs as above mentioned, "who are capable of continuing the family" will pay a Quit Rent of 1/8 if they have only "terminable" heirs they will pay a Quit Rent of 1/4 and if they are "not prospected of heirs of any kind" either they will pay a Quit Rent of 1/2 according to clauses 3, 4 and 5 of Section V of the Rules. Mr Taylor also proposes that the rate of 1/8 should be applicable to cases of childless widows holding sicca Sanad Inams and having heirs of any of the descriptions referred to in para 7, provided the Govt presume they are not terminable.

prospecting heirs as abovementioned will pay a quit rent of 1/8 as prescribed in section V of the Rules; and this rate will apply to the first two classes referred to in para 6 supra i.e. to parties possessing ~~Competent~~ or terminable heirs. Mr Taylor also proposes that the foregoing rate should ~~also~~ be applicable to cases of childless widows, who have either been allowed to enfranchize their Inams on payment of half assessment, but he states in para 2 of his letter under review that such cases will not be found to be numerous.

9. These privileges Mr Taylor would not extend to Inams held

on after Rukas and
Arzi Rukas. He thinks
that these, like other
Inams held on im-
perfect Sanads,
should come under
the General Rules.
Mr Cadell, however,
who has had an op-
portunity of inspect-
ing the Commissioners'
draft instructions,
observes, in a communi-
cation which Mr
Taylor has forwarded
with the record letter
recorded above, that
the reason for making
a distinction between Inams
supported by Sikka
Sanads and those
supported by grant
in other forms, is
not very obvious, inas-
"much as the objec-
"tions which might
"be raised in the case
"of the one" would in his
judgment be equally
applicable to the other.

× 13 Dec 1861 R

Mr Taylor adheres to
his previously formed
opinion for reasons
stated in para 2 of
his letter d/ 20 Dec
last No. 93. and on
due consideration
of all that has been
stated the Govt de-
cide upon adopting
~~Mr Taylor's~~ the Com-
missioners' view of
the case.

10. The settlement of
these Inams will
therefore proceed
in the manner pro-
posed in paras 11
and 12 of the draft
instructions.

11. The adoption of
the mode of dealing
with excess ground
in the extent of Inams
which is laid down
in para 4 of the des-
patch from the
Secretary of State
d/ 29 June 1860 No. 38.

as proposed in para
15 of the instructions
is also approved.

12. The remaining para-
graphs call for no
remark.

C.G.W.

Front St. George
11th March 1862

Copies to the Exam Conv
Hon Bd of Revs
Capts 12
} with Pro Rs 2546/61.
34/62

Pro: 23d December 1861 Nos 210-211
" 9 January 1862 " 65-66.

Copy in a Letter to England
D/17th April No: 22 of 1862

Regarding the instructions proposed to be issued to Dy Collrs to be employed in the Inam settlement in Tanjore.

Revenue 1862 Departt.
Pro: of Govt for March.

No 533.

Pro: of the Madras Govt
D/11th March 1862.

From the Inam Commsr
D/13th August 1863. C.N. 1927.

Passing orders on Inam Commrs revised draft instructions which he proposed to issue for the guidance of Dy Collectors about to be employed in the Tanjore Divn.

No 165.

97 March. Rll