M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1897 Press ~~Mis.~~

223 - 226

Dated 19 - 10 — 19 1863.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 19th October 1863.

No. 223. Read the following Proceedings of the Board of Revenue, dated 17th June 1863, No. 3,551:—

Read the following letter from J. FRASER, Esq., Acting Collector of North Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Palmanair, 18th May 1863, No. 81.

SIR,

1. With reference to paragraph 9 of the Government Order, dated 13th September 1862, No. 1,985, communicated with Board's Proceedings noted in the margin, I have the honor to enclose a Statement (*A*) showing the results of the judicial inquiry held on the subject.

Dated 20th September 1862.

	Mohodin Bibi, Niece.	Meer Goolam, Nephew.
One-third of the collections made by Syed Salar ...	1,644 15 1	1,644 15 1
Amount hitherto paid ...	513 1 9	0 0 0
	1,134 14 4	1,644 15 1

2. The account now payable by Syed Salar to his nephew and niece from the collections made by him up to Fusly 1270, is given in the margin.

3. Rupees 409-6-0, collected from the Inám in question during Fuslies 1269, 1270 and 1271, are kept in deposit in the Hoozoor Treasury, and Rupees 674-6-0 have to be collected from the Ryots during the above period.

4. Syed Salar admits that he realized the sum of Rupees 4,934-13-3 shown in column 7, but he pleads that he has applied the same in liquidating the debts of his ancestors. He totally failed to establish the fact during the inquiry, and it is clear he is anxious to defraud his relatives of the arrears justly due to them.

5. Syed Salar contends that he never authorized the Curnum to grant the annual remissions from Fusly 1267 as shown in the column 4. But the amount stated to have been remitted has never been collected, and in the event of the same being now collected his nephew and niece will be entitled to their due shares therefrom. But considering that the revision of assessment ought to have been extended to the Inám lands in question long ago, I do not think that the cultivating Ryots will now be inclined to pay what they consider was justly remitted to them. It now remains for Government to adopt the measure already recommended to them for securing to Mohodin Bibi and Meer Goolam the shares which have been hitherto withheld from them.

6. In paragraph 10 of the Order under notice, Government call for a report on the revision of assessment on the Inám in question. As required by the Board in paragraph 18 of their Proceedings dated 20th August 1862, No. 5,468, I beg to enclose a Statement (*B*) showing the collections made by the Inámdars, and remissions granted by them during the last ten years.

7. The assessment of the 50 Cawnies forming the Inám in question amounts to Rupees 1,234-15-3, which being revised at the new rates will be reduced to Rupees 627-8-3. This is certainly a heavy reduction; it is nevertheless desirable that the Ryots cultivating these lands should have the same indulgence as their neighbours, but I think that the Inámdars have a just right to some compensation for loss on an income which they have enjoyed undiminished for many years.

8. By a reduction of assessment over a large tract like the District of North Arcot, where there was much land uncultivated because of the high assessment on it, Government are in the end gainers from increased breadth of cultivation making up the temporary loss of income. The same reasoning cannot be applied to the Inám in question, where there was no waste from the cultivation of which the reduction of income could be made good to the Inámdar.

9. The figures K. 2, A. 10 C. 8, referred to in paragraph 19 of the Board's Proceedings dated 20th August 1862, are not correct. They ought to have been K. 2, A. 12, C. 7, being a third of Syed Salar's share of 25 Cawnies, or in other words one-ninth of 25 Cawnies. Mr. Robinson intended that this portion of Syed Salar's share should be left in his enjoyment, the remaining portion being devoted to liquidate the dues of his nephew and niece. But I consider a division of land will not be expedient, inasmuch as the assesssment of the different Cawnies are not equal; and as the Inámdars have only to deal with the assessment, I think it would be better to assign to Syed Salar's maintenance a third of the rent of his share.

ENCLOSURE No. 1, A.—Statement.

ENCLOSURE No. 2, B.—Statement.

1. In their Order under date 13th September 1862, No. 1,985, the Government directed that the half share of the Kilmanur Inám, then standing in the name of Syed Salar, shou-

registered in the joint names of himself, his nephew and his niece, Mir Ghulam and Mohdin Bibi. The Collector has not reported whether this alteration in the registry has been made or not, but the Board presume that it has been made.

2. In the same Order the Government directed that a judicial investigation into the claims which Syed Salar's nephew and niece had upon him should take place, and in the above letter the Collector reports the result of this inquiry. It appears that Syed Salar's collections from the Inám have amounted to Rupees 4,934-13-3, his payments therefore to his nephew and niece should have been Rupees 1,644-15-1 each. To the niece Mohdin Bibi he has paid Rupees 513-0-9, to the nephew nothing. The former has therefore a claim on him for Rupees 1,131-14-4, while the claim of the latter will be the full share of Rupees 1,644-15-1.

3. It appears that a sum of Rupees 409-6-0 is in deposit, and that Rupees 674-6-0 is under collection by Government from the Inám, being a portion of the rents for Fuslies 1269, 1270 and 1271. Syed Salar would be entitled to one-third of this total sum, or Rupees 361-4-0. The Board would propose, therefore, that the whole of these collections should be paid to the nephew and niece, which will thus reduce their claim on their uncle to Rupees 2,415-9-5, the amount of which must be realized, as before proposed, by the sequestration of two-thirds of his present share of the Inám. The Board, however, concur with Mr. Fraser in considering that the preferable plan will be to sequestrate the whole of Syed Salar's share, paying him one-third of the proceeds for maintenance; and the sanction of Government is requested for the adoption of this course.

4. It is observed that the discrepancies pointed out in paragraph 9 of the Government Order above quoted have not been explained by the Collector, but the difference between the demand, and the sum actually collected in the seven years during which the Inám was under attachment by Government is owing no doubt to the remissions which were granted to the Ryots, as shown in Statement B.

5. The other point alluded to by the Collector in connection with this Inám has reference to a reduction of the land assessment, in order to place the Ryot cultivators on the same footing as the Ryots in the Government lands. This course has been more than once ordered by Government, but the Collector explains that if the assessment of the Inám lands were to be reduced in the same way as the assessment on Government lands has been under recent orders reduced, the value of the Inám itself would be reduced to Rupees 627-8-3. It appears that the average annual sum actually collected, during the last ten years, has been about Rupees 1,000, though, as before stated, the nominal value is Rupees 1,234-15-0. The Board would, therefore, request either a re-consideration of the orders passed by Government, requiring that the full benefits of the late general reduction in the assessment should be extended to these Ryots; or, if such a reduction should be considered imperative, that some compensation may be granted to the Inámdars for the heavy loss of income which they would suffer from such a measure.

6. With reference to the orders of the late Honorable Court of Directors, under date 1st May 1844, enunciating the rights of Ryots in Inám villages, the Board would observe that the Court seemed to contemplate a forced reduction in the rates of assessment paid by such Ryots only in cases where the Government assessment on the lands in the vicinity had been reduced in consequence of a change in the value of money, or in consequence of any other cause tending to give *to the Government share of the produce* (to which only the Inámdar was entitled) a different value to that which it possessed at the time of its assignment to the Inámdar. The revision of assessment in North Arcot can hardly be said to have been made on this principle alone, and were the instructions contained in paragraph 12 of the Despatch carried out, it is at any rate questionable whether any large reduction in the rates of assessment would result from such an investigation as is there directed. In all probability current prices are higher than those at which the Government share in the produce of the land was commuted for a money payment; and it seems to the Board that the State, after having once made over its *share* to an individual for his own benefit, cannot, in equity, require *him* to be satisfied with a smaller share, because, from motives of general policy, the Government may see fit at a later date to reduce, in the case of Government lands, their own share, and to enhance that which is left in the hands of the cultivator.

No. 224. Proceedings of the Board of Revenue, dated 13th August 1863, No. 3,069.

Read the following Official Memorandum from the Deputy Secretary to Government, Revenue Department, dated Fort Saint George, 8th August 1863, No. 168.

The undersigned has the honor to request that the Secretary to the Board of Revenue will inform him whether the Kilmanur Inám in North Arcot has been enfranchised by the Inám Commissioner.

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

Ordered to be communicated to the Acting Inám Commissioner, with the request that he will furnish the information required.

No. 225. Proceedings of the Board of Revenue, dated 11th September 1863.

Read the following letter from W. T. BLAIR, Esq., Acting Inám Commissioner, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Fort Saint George, dated ——, No. 22.

SIR,

In reply to the Board's Proceedings of the 13th instant, I have the honor to inform you that the Kilmanur Inám therein referred to, which I presume is the one discussed in the Board's Proceedings* as per margin, has not yet been finally disposed of, pending a reference to the Purwana and other documents bearing on the subject, which is considered necessary before a final decision can be passed.

* Dated 17th June 1863, No. 3,551.

Ordered to be submitted for the information of Government, with reference to their Deputy Secretary's Memorandum, dated 8th August 1863, No. 168.

No. 226. ORDER THEREON, 19th October 1863, No. 1,897.

1. The first paper recorded above contains the Board's reply to the Order of Government No. 1,985, dated 13th of September 1862. The points on which the Government wanted information were, first, the amount of arrears justly due by Syed Salar to his niece and nephew, then for the first time recognized as his co-sharers; and secondly, the extension to the Ryots on the Kilmanur Estate of the reduced rates of assessment enjoyed by their neighbours in the Government villages.

2. On the first point the Board report that the nephew's claim on Syed Salar amounts to Rupees 1,644-15-1, and the niece's to Rupees 1,131-14-4. By handing over to them the whole of the balance now in deposit, and a further sum which is in course of collection by the Revenue authorities, the Board propose to reduce the joint claim upon the uncle to Rupees 2,415-9-5. This sum, it appears, is only recoverable by the attachment of a portion of Syed Salar's share, but the Board agree with the Collector that it will be better to sequestrate the whole share, and pay Syed Salar a third of the proceeds for his subsistence, than, as at first proposed, to leave a third of the land in his possession.

3. The second question is one of greater difficulty, involving the adjustment of conflicting rights. On the one hand, it is proposed to allow the cultivators of the Inám land to participate in the remissions of assessment granted in the Government villages of the North Arcot District. On the other, these remissions are of so extensive a character that to admit them would be to diminish by one-half the income which has been, nominally at least, received by the Inámdar's family during the last fifty years.

4. The nominal value of the whole Inám, consisting of 50 Cawnies, is Rupees 1,235, but it has been brought down by remissions during the last ten years to an average of about 1,000 per annum. At the reduced rates of assessment, the Inám will not bring in more than Rupees 627½.

5. In a former order, doubtless having in view the instructions of the Court of Directors, the Government observed that "the Inámdar could exact no more than the Government would "were it in his position, or, in other words, had it not made a transfer of its own rights to him," but the Board have now pointed out that the Court's orders are not quite applicable to the case under consideration. The Court seem only to have had in contemplation cases in which, from a change in the relative values of grain and money or any other similar cause, the money-rate payable to the Inámdar, as the assignee of the revenue, no longer represents the real *melvaram* or share of the produce to which he is entitled. In point of fact, with the existing high prices, the money equivalent of the proper *melvaram* would probably exceed rather than fall short of the Inámdar's present demand. Under this view the Ryots cannot claim the reduction of this demand as a right.

6. In their Despatch No. 12 of 1844, the Honorable Court stated their views as to the claims of (Merasi) Ryots in Ináms to reductions of assessment similar to those granted in Government lands and to the claims of Inámdars to compensation in the event of such reductions being granted to their Ryots. It will be seen, however, from paragraph 14 that a legislative enactment was deemed necessary to carry out the Court's views and none such has been passed. The Government cannot therefore act on those views.

Proceedings of the Madras Government, Revenue Department,
19th October 1863.

7. It appears to His Excellency in Council that when Government grant an Inám they grant their "right, title and interest" whatever these may be and cannot thereafter interfere. Neither Ryot nor Inámdar can claim that the remissions which Government think fit to grant to their own Ryots shall be extended to the Inám Ryots, though if such extension is directed by Government the Inámdar is entitled to compensation for loss of income.

8. It is clear, therefore, to the Government that they cannot require the Kilmanur Inámdars to reduce the assessment of their Ryots unless compensation be granted them for the loss which they will thereby sustain. But in the present instance there seems to be no call for any remission to the Ryots, there is nothing to show that they are at all over-assessed though they may not be so lightly assessed as the Government Ryots. The Governor in Council therefore resolves to cancel so much of G. O. 17th September 1858, No. 1,270, as directed the Collector to arrange for a reduction of assessment in this Inám.

9. Referring to the f... question and to the recommendations made by the Board in paragraph 3 of their Proceedings, the Government sanction the disbursement to Syed Salar's nephew and niece of the balance in deposit and the amount in course of realization. This will, it appears, leave a sum of Rupees 2,415 odd still due to them. The Government are averse to taking the Inám under their own management in view to making this balance good. Experience has shown that such management is rarely successful. They direct therefore that one-third of Syed Salar's share be made over to Mohdin Bibi, and one-third to Mir Ghulam to hold till their arrears be satisfied.

(True Extract.)

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

To the Board of Revenue.

Exd. S. T. Augustin.

For order —
Memorandum
Bo: of Bd of Rev: 17th June 63, No 1465

4

1— These Proceedings contains the Bd's reply to the order of Govt No 1985, dated 13th Sept: 1862. The points on which the Govt wanted information were, first, the amount of arrears justly due by Syed Salar to his niece & nephew, them for the first time recognized as his co-sharers; & secondly, the extension to the Ryots of the Kilmanur Estate of the reduced rate of assessment enjoyed by their neighbours in the Govt villages.

On the first point the Board report that the nephew's claim on Syed Salar amounts to Rs 1644-15-1; & the niece's to Rs 1131-14-4. By handing over to them the whole of the balance now in deposit, & a further sum which is in course of collection by the Rev: authorities, the Bd propose to reduce

Kindly inform them that Govt cannot agree to the Kilmanur Inámdar's request to reduce the assessment of their Ryots, unless compensation be granted them for the loss they will thereby sustain. But in the present instance there seems to be no call for any remission to the Ryots, there is nothing to show that they are at all over-assessed though they may not be so lightly assessed as the Government Ryots. The Governor in Council therefore resolves to cancel so much of G. O. 17th September 1858, No. 1,270, as directed the Collector to arrange for a reduction of assessment in this Inám.

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I would not take the half share of the Inám under management.

their joint claim upon their uncle to Rs 2415-9-5. This sum, it appears, is only recoverable by the attachment of a portion of Syed Salar's share, but the Bd agree with the Collr that it will be better to registrate the whole share, & pay Syed Salar a third of the proceeds for his subsistence, than, as at first proposed, to leave a third of the land in his possession.

3. These proposals seem well advised. The only remark that occurs to me is that the amount due to the nephew being about half as much again as that owing to the niece, 2 Rs should be paid to the former for every two disbursed to the latter.

4. The second question is one of greater difficulty, involving the adjustment of conflicting

no after all that has been done would I. Upon the nephew's petition the Court has ordered that the land be restored, & Collr has reported that it will be better to registrate the whole share, & pay Syed Salar a third of the proceeds for his subsistence, than, as at first proposed, to leave a third of the land in his possession.

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16-9-63

rights. On the one hand the cultivators of the Inam land claim to participate in the remissions of assessment granted in the Govt villages of the N. arcot district: on the other, these remissions are of so extensive a character that, in the event of the ryots' claim being admitted, the income which has been enjoyed by the Inamdar's family for more than half a century, will be diminished by one half.

2. In a former order, bearing in view the instructions of the Bd of Directors, the Govt observed that "the Inamdar "cd exact no more than "the Govt would were it in "his position, or, in other "words, had it not made "a transfer of its own rights "to him," but the Bd have now pointed out that the Directors' (Courts') orders are not quite applicable to the case under consideration.

The Directors seem only to have had in contemplation cases in which, from a change in the relative values of grain & money or any other similar cause, the money-rate payable to the Inamdar, as the assignee of the Revenue no longer represents the real melvaram or share of the produce to which he is entitled. In point of fact, with the existing high prices, the money Equivalent of the proper melvaram would probably exceed rather than fall short of, the Inamdar's present demand. It seems clear therefore that the Ryots cannot claim the reduction of this demand as a right.

6. I cannot find that the Ryots expressed their willingness, at the time of the Grant, to be put under the Inamdar. Their consent was of course unnecessary, tho' it might have affected their present claim.

7. The nominal value of the whole Inam, consisting of 50 Kanies, is Rs. 1235, but it has been brought down by remissions during the last ten years to an average of about 1000 per annum. At the reduced rates of assessment the Inam will not bring in more than Rs. 627½.

In the Event therefore of the Govt. compelling the Inamdar to adopt these rates, in accordance with their former order, it will be necessary to consider whether he cannot claim compensation.

In the Despatch quoted above the Ct. of Directors laid it down as a rule that the only cases in which such a question could arise would be where

lands had been granted with the express view of producing to the Inamdar a specific annual Cutal this was not the case with the Kilmanur Inam. It was the Extent not the value of the lands, that was considered by Govt. But it has been shown above that the circumstances of the case are entirely different from those which the Court had in view, & their orders do not therefore apply. The Board are clearly of opinion that if the reduction is acceded upon, the Inamdars will be entitled to compensation, & their arguments seem to me conclusive. The nominal cost of the Inamdars will be Rs. 607½ but they would doubtless compound for a much smaller sum. The remissions granted by them during the last 10 years average

235 Rs & the condition of the Inam will of course deteriorate more & more if the present high demands are maintained.

WHK

For Order.

I would suggest that the second point be first considered & settled. In their despatch - No 12 of 1844 - the Court stated their views as to the claims of [illegible] Ryots in Inams Similar to those of reductions of assessment granted in portions lands - and to the claims of Inamdars to compensation, in the event of such reductions being granted to their Ryots. But it will be seen in para 14 that a legislative enactment was deemed necessary to carry out the Court's views & none has been passed. The Govt cannot therefore act on those views. It seems to me that when Govt grant an Inam they grant their "right, title & interest" whatever these may be - and cannot thereafter interfere. Neither Ryot nor Inamdar can claim that the remissions which Govt think fit to grant to their own Ryots shall be extended

to the Lessee by Act — if however pet. think fit to do so, the Lessee is entitled to compensation for loss of income — for the pet. clearly have no right to be released of his Rents at his expence — The Act Contd. Reclaim that the Lessee stands exactly in the place of pet. seems true only for the Section in which pet. stood when the Lease was granted — If the Lessee is bound to extend to his Rents any concession which pet. after the Grant thinks fit to extend to their Rents their very Lessee is bound to do the same — for they also stand in the place of pet. Here is one case however in which, as a matter of Equitable & liberal consideration the Lessee should have a claim on pet. & Rents — there is here a general reduction of assessment which has lowered the value of his lands, & he does not materially waste to make good the loss — hence I think he may fairly — that he has of right claim some compensation from the State. Has a similar claim against private proprietors around him and he cannot be wholly unreasonable — In the present instance there seems to be no call for any remission of the Rents, as there is nothing to show that they are at all over assessed — though they may not be so lightly assessed as pet. Rents.

If the pet. decide on not giving remission, the management of the Lease seems undesirable, as he could not conscientiously levy different rates there from our own Tenants — I would rather they were

* no such title B.C.P.30: Ap. 11 Sept. Lease 1853 Eqs

Revenue Department

No. 1897

Proceedings of the Madras Government

Under date the 19th October 1863.

Read the following

Proceedings of the Board

of Revenue.

Submitting with remarks a letter from the Collr. of Tanjore reporting the result of the judicial inquiry held on the subject of claims to certain shares in the Kilmanur Inam. (Here enter 17th June/63 No. 3551)

Communicating to the Inam Commissioner letter from the Secy. to Govt. requesting to inform him whether the Kilmanur Inam in North Arcot has been enfranchised by the Inam Commissioner. (Here enter 13th Augt./63 No. 5069)

Submitting letter from the Inam Commissioner stating that the Kilmanur Inam has not yet been finally disposed of pending a reference to the Peishwa's Mo. documents bearing on the subject. (Here enter 11th Septr./63).

The first paper recorded above contains the Board's reply to the order of Govt. No. 1985 dated

dated 13th of Sept: 1842. The point on which the Govt wanted information were, first, the amount of arrears justly due by Syed Salar to his niece and nephew, then for the first time recognized as his coshareers, and secondly, the extension to the ryots on the Kilmanur estate of the reduced rates of assessment enjoyed by their neighbours in the Govt villages.

2 On the first point the Board report that the nephew's claim on Syed Salar amounts to Rs 1,644-15-1, and the nieces to Rs 1131-14-4. By handing over to them the whole of the balance now in deposit, and a further sum which is in course of collection by the Revenue authorities, the Board propose to reduce the joint claim upon the uncle to Rs 2,415-9-5. This sum, it appears, is only recoverable by the attachment of a portion of Syed Salar's share, but the Board agree with the Coll: that it will be better to sequestrate the whole share, and pay Syed Salar a third of the proceeds for his subsistence, than, as at first proposed, to leave a third of the land in his possession.

3 The second question is one of greater difficulty involving the adjustment of conflicting rights. On the one hand it is proposed to allow the cultivators of the Inam land to participate in the remissions of assessment granted in

in the Govt. villages of the North Arcot District. On the other these remissions are of so extensive a character that to admit them would be to diminish by one-half the income which has been, nominally at least, received by the Inamdar's family during the last fifty years.

4 The nominal value of the whole Inam, consisting of 50 Kanis, is Rs. 1,235, but it has been brought down by remissions during the last ten years to an average of about 1000 per annum. At the reduced rates of assessment the Inam will not bring in more than Rs. 627/2.

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6 In their Despatch
No. 120 of 1844, the Honorable
Court stated their views as to
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in Inams to reductions of
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to the claims of Inamdars

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C G (W)

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17/11/94

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Revenue 1863 Dept.
Pro: of Govt for October.

No 1897.

Pro. No: 262-263
13-9-62

61
27-7-1844

Pro: of the Madras Govt
Dy 19th October 1863.

Recd

Pro Board of Revenue 4
20 August 64 C No 2214

Proceedings Board of
Revenue on the result of
the Judicial enquiry held
on the subject of Claims
to certain Topes in Tilla-
puram & Pattanivasal in the
Tanjore District & Orders thereon.

Nos 223 @ 226.