M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2319 Press / ~~Mis.~~

57-58

Dated 3-9-1868

Not to be folded or roughly handled

1472

Proceedings of the Madras Government, Revenue Department, 3rd September 1868.

No. 57. Read the following Proceedings of the Madras Government in the Political Department :—

Communicating to Revenue Board letter from Government of India, requesting a Return of the Estates in the Madras Presidency which are not held on a political tenure. (Here enter 28th August 1868, No. 194.)

No. 58. ORDER THEREON, 3rd September 1868, No. 2,319.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) H. SEWELL,
Acting Under Secretary to Government.

Exd. S. T. Augustin.

Nos. 578-81.

Extract from the Proceedings of the Government of India in the Foreign Department (Political), dated the 5th June 1868.

READ again the undermentioned papers regarding the levy of nuzzerana on successions to Native States and Chiefships in India:—

Despatch from Secretary of State, dated 30th April 1867, No. 74.
Political Proceedings A., June 1867, No. 64.
" " A., February 1868, No. 154-72.
Despatch to Secretary of State, dated 6th February 1868, No. 21.
Read reply from Secretary of State, dated 8th April, No. 53.

OBSERVATIONS.—In reviewing certain correspondence between the Government of India and the Government of Bombay regarding the jaghires of the Vinchoorkur family, the Secretary of State in his Despatch No. 74, dated 30th April 1867, suggested that definite principles and rules should be laid down for the levy of nuzzerana on successions to Native States, Chiefships, and Political jaghires.

2. After consulting subordinate Governments and Political Officers throughout India, a series of rules was framed by order of His Excellency the Viceroy and Governor General in Council, and forwarded for the consideration of Her Majesty's Government, who have now approved and sanctioned the principle of the rules, but have suggested some slight modifications, in the expediency of which His Excellency in Council concurs. The rules have, therefore, been amended, and now stand as follows:—

Rules for the levy of "nuzzerana" on successions to Native States and Chiefships in India.

I.—Nuzzerana shall be levied on successions in all Native States and Chiefships in India at the rates specified, subject to the exceptions hereinafter mentioned.

II.—In successions in the direct line, that is to say, where the son succeeds his father, or the grand-son his grand-father, and the like, nuzzerana shall be levied to an amount equivalent to one-half of the year's revenue of the State or Chiefship.

III.—In successions by collaterals, that is to say, by brothers, nephews, cousins, and the like, and in successions by adopted heirs, nuzzerana shall be levied to an amount equivalent to one year's revenue of the State or Chiefship.

Exceptions.

The above prescribed nuzzerana on successions shall not be levied in the classes of cases hereinbelow stated:—

1*st*.—States and Chiefships between which and the British Government Treaties exist, or which are held under Treaty Engagements.

2*nd*.—States and Chief-ships which already pay an annual nuzzerana or tribute in any shape, save in cases where the said annual nuzzerana shall be less than ten per cent. of the ordinary revenue, in which event the nuzzerana on succession shall be levied and calculated on the net revenue, less the annual nuzzerana.

3*rd*.—States and Chiefships where a nuzzerana on successions is already leviable and fixed by existing arrangements as to amount.

4th.—Cases where the succession shall have followed within one year after the last preceding succession, in which event no nuzzerana shall be levied; and cases where the succession shall have followed within two years of the last preceding succession, in which event the nuzzerana shall be remitted in part or in whole according to the discretion of the Local Government.

RESOLUTION.—His Excellency the Viceroy and Governor General in Council is pleased to resolve that the above Rules, which apply to Political holdings, be now promulgated for general information and guidance. All Governments, Administrations, and Political Officers will submit a Return of Chiefs within their respective jurisdiction, showing their position to the Rules in the subjoined form:—

Name of Chief or State.	Subject to the Rules.	Subject to the Exceptions.			Remarks.
		Exception. 1.	Exception. 2.	Exception. 3.*	
					* Here state what the existing arrangements are.

4. With regard to estates situated within British territory, but not held on a political tenure, and by whatsoever designation known, whether as jaghires, inams, maafees, and the like, His Excellency in Council proposed to exempt these, save in cases where, under special or exceptional circumstances, the Local Government should decide that nuzzerana ought to be levied. In many parts of India, these tenures have been strictly examined during British rule, and have been confirmed generally at a lower rate of assessment than the holders enjoyed under the Native Government. In these cases, therefore, the levy of nuzzerana, as a general rule, would be inexpedient. There may, however, be cases in some parts of India in which the assessments, which the holders of these estates are permitted to realize, have never been reduced in amount, or in which the estates may be held under such conditions as would fairly justify the levy of nuzzerana on successions. His Excellency in Council, therefore, proposed that the Local Governments should have the power to levy nuzzerana in particular cases or classes of cases in which they may deem such a measure to be proper.

5. The Secretary of State has suggested that this question should be disposed of in the Revenue Department, and measures will now be taken accordingly to give effect to the wishes of Her Majesty's Government.

ORDER.—Ordered that copy of the foregoing Resolution be forwarded to all Governments, Administrations, and Political Officers under this Department, for information and guidance; and with a request that, as regards the tenures specified in paragraph 4, they will report definitely the circumstances under which it may be considered expedient to empower Local Governments to levy nuzzerana.

Ordered also, that copies of the Resolution, and of the reply from the Bombay Government, which discusses, to some extent, the question as it bears on jaghires in British territory, be transmitted to the Home Department for consideration and further orders as respects jaghires, &c., in those territories, of which the revenue administration is controlled in the Home Department; and with the intimation that, in order to ensure the utmost attainable degree of uniformity, His Excellency in Council desires that the Home and Foreign Departments should freely communicate with each other before final rules are issued from either Department.

Ordered further, that a copy of the Resolution be sent to the Financial Department for information, together with extract of paragraph 14 from the Despatch of Her Majesty's Government, No. 74, dated 30th April 1867.

No. 262, dated 8th November 1867.

From—C. GONNE, Esq., Secretary to the Government of Bombay,
To—The Secretary to the Govt. of India, FOREIGN DEPT.

I AM directed by the Right Hon'ble the Governor in Council to reply to your circular letter No. 579, dated the 8th June last, regarding the levy of nuzzerana on successions to Political Jaghires and Chiefships.

2. On referring the circular to Lieutenant Colonel Etheridge, Alienation Settlement Officer, Southern Division, with the view of obtaining his report as to the jaghires within his cognizance, that officer states,—

"Para. 2.—In paragraph 6 of the Supreme Government circular No. 579, four descriptions of exceptions are specified, and it is to be observed that, with these reservations, there are no jaghires or surinjams in the Deccan or Southern Mahratta country (the extent of my jurisdiction) to which any nuzzerana rules, such as those proposed, could apply.

"Para. 3.—In Guzerat, Katteewar, &c., no doubt Chiefships and Jaghires exist, which might be brought under such rules; but I am not sufficiently acquainted with the nature of their tenure to venture an opinion on the subject. I presume the several Political Agents will furnish the necessary information respecting them.

"Para. 4.—But within the limits of my jurisdiction, after deducting the reservations aforesaid, only eight instances now remain in which it would be possible to apply any new rule. These consist of eight small surinjams in the Sattara territory, and they are the only cases undisposed of. I think it would be better to deal with these few remaining cases precisely in the same way as all the other surinjams have been treated, and thus preserve uniformity in disposing of the whole. There are some thirty-three cases elsewhere which require revision, but only revision; and in revising these it would not be advisable in any way to alter the terms under which the original decisions were passed, even if passed erroneously. I may add that, of the aforesaid thirty-three cases, only twenty were marked off as hereditary, and these only it will be necessary to correct."

The cases here referred to by Lieutenant Colonel Etheridge in effect are all within the fourth of the exceptions suggested in paragraph 6 of your letter under reply, and the proposed rules would not, I am desired to state, be applicable to them. This Government has, in a Despatch* recently addressed to Her Majesty's Secretary of State, suggested the application of analogous rules to minor cases arising within this Presidency whenever it is decided to depart from the rules which govern decisions in surinjam claims. A copy of the Despatch is enclosed for the information of the Government of India.

* No. 84 of the 28th September 1867.

3. But to return to the circular. It being held applicable only to Chiefs and Jaghirdars beyond the regulations, it seems to this Government that the rates for nuzzerana contemplated by the Government of India, are moderate and equitable. Some modification, however, suggests itself in the exceptions.

4. The second exception, the Governor in Council thinks, should be omitted. Nearly all the Chiefs attached to this Presidency pay some tribute, and if this exception remains good, the rule, I am to observe, will at once become a dead letter. There is no reason why the payment of tribute should bar a demand for nuzzerana on special occasions; the nuzzerana being of course leviable only at the rate of the net income less the tribute payable.

5. The first, third, and fourth exceptions seem proper; but His Excellency in Council would omit the second clause of the fourth exception, because, when the British Government

makes grants, it makes them specifically in favor of certain persons, and with the remainder in a certain line. At the time of grant, if so disposed, Government can extend the grant to collaterals; but if this extension be not then deemed proper from the merits of the case, there can be no grounds for any general rule for such extension subsequently, either with or without nuzzerana.

6. I am to add, in conclusion, that it is not quite clear from the rules whether adoption (in cases in which no sunnud has been granted) is to be permitted as a matter of course to every Chief, even where there is no blood relation to be adopted, or whether the rules are merely intended to lay down the procedure for cases in which blood relations are adopted, leaving cases in which other adoptions are proposed for Government sanction to be dealt with on their merits as they arise. The Governor in Council would be glad to have this doubt cleared up.

No. 84, dated 28th September 1867.

From—The Government of Bombay,

To—The Secretary of State for India.

In paragraph 2 of Sir Charles Wood's Despatch No. 12, dated 2nd June 1865, Her Majesty's Government expressed a wish to receive a further communication from us on the general question involved in the correspondence submitted with the case of Sudasheo Row Bulwant Mehendlay, namely, the levy of nuzzerana on successions to surinjams, either by adoption or direct inheritance.

Collection No. 1, to letter from Bombay Government No 5 of 1865, dated 28th February.

2. In obedience to this wish, we now beg to forward, with our remarks, copy of an endorsement by the Revenue Commissioner, Southern Division, dated the 6th May 1865, and of the memorandum by Major (now Lieutenant Colonel) Etheridge, Alienation Settlement Officer, therewith submitted, bearing on this important subject, together with copy of a letter from the Revenue Commissioner, Northern Division, dated the 1st March 1865 (No. 450A.), dissenting from the proposals made by Lieutenant Colonel Etheridge.

3. The first point to be kept prominently in view in the consideration of the papers now submitted is, that the proposals of the Alienation Settlement Officer diverge very widely from the original subject of discussion, which was simply whether nuzzerana should be levied on successions to surinjams, and if so, at what rates.

4. Colonel Etheridge, it will be seen, proposes an entirely new settlement for surinjams, analogous, so far as it can be, to that which has been successfully adopted for inames. But there does not appear to us to be any real analogy between the two systems; and, for the reason stated in the letter of the Revenue Commissioner, Northern Division, No. 450A. (referred to above in paragraph 2), we are not disposed to recommend the adoption of his suggestions.

5. We need hardly state that the chief reason in favor of a summary settlement for inams was to relieve the thousand inamdars whose titles were unadjudicated from a state of uncertainty regarding the fate of their holdings. This object was attained by offering them a perfect title on their consenting to pay a certain portion of assessment hitherto exempted. But in regard to surinjams, the circumstances are quite different. With the exception of forty-eight cases,* which yet remain to be reported on, and seven which await the issue of final orders, the whole of this important class of holdings have been inquired into and adjudicated; what remains, Colonel Etheridge will, we are informed, have no difficulty in submitting for our decision shortly. The whole of the surinjams will then have been settled under the rules in force, and no surinjamdar will remain in doubt or uncertainty as to his holding, so that the chief ground on which a summary settlement of inams was based, is entirely wanting here.

Sattara.		
* On April 1st ...	... 18	
Since reported	... 4	
		14
Other Districts.		
On April 1st ...	... 36	
Since reported ...	... 2	
		34
TOTAL	...	48

6. Moreover, Her Majesty's Government, in the most recent Despatch* received by us on the general treatment of surinjams, has expressed a very decided opinion that the rules hitherto observed in determining claims to the continuance of these holdings, should be adhered to. And here we would take the opportunity of stating that the letter from this Government to which the Despatch of Sir Charles Wood, quoted above, was a reply, had not so wide a scope as to disturb the existing rules. It simply advocated a liberal relaxation of rule in cases calling for exceptional treatment. This principle was only partially admitted by Her Majesty's Secretary of

* No. 38 of 15th December 1865.

State in regard to the past, from a feeling of reluctance to re-open cases long since decided; but it was fully admitted in regard to all cases remaining for decision.

7. As we may, therefore, rely on these receiving liberal consideration whenever we make a representation in favour of a relaxation of the rules, we do not consider that any new rules or new system will be required; and we are of opinion that the adoption of such a scheme as that suggested by Colonel Etheridge would unsettle rather than settle the minds of those who have, for a long series of years, been accustomed to the existing system.

8. There remains then for consideration the original question of nuzzerana on succession to aurinjams.

9. When Lord Elphinstone first proposed the imposition of a nuzzerana on all unadjudicated surinjams, a large number of such cases remained for decision; but, as will be seen from the figures given above, the undecided cases are now reduced to a very small number, and it does not seem to us that special orders are required for them.

10. In our opinion, therefore, a system of nuzzerana is no longer applicable to cases of direct succession under the rules; but whenever the rules are relaxed, nuzzerana may, we think, very properly be levied and we would lay down a rule that a nuzzerana of one year's* proceeds should be levied on successions conceded on relaxation of rule to adopted sons, and fifty per cent., or half a year's proceeds, on all successions conceded on relaxation of rule to collateral or direct heirs.†

* This is in accordance with the rate approved in Despatch No. 17 of 23rd May 1862, in the case of Rustia.

† Including cases in which a half pension for life is changed for confirmation, hereditarily, of the pension or surinjam.

11. At this late stage of our proceedings we cannot adopt the nuzzerana system to a greater extent than we have above suggested. It would certainly not be equitable to demand nuzzerana in adjudicated cases on succession under the rules, and, as already stated, the unadjudicated cases now remaining are too few to require special treatment.

12. In Sir Charles Wood's Despatch of the 18th April 1860, No. 22 (paragraph 25), Her Majesty's Government sanctioned the levy of a nuzzerana on the succession of natural heirs as a part of Lord Elphinstone's proposals. But, as stated above, the proposal of Lord Elphinstone for imposing nuzzerana on lineal succession under the rules was restricted to *unadjudicated* cases, and it is to such lineal successions that the sanction of the Secretary of State must be held to be limited. Nuzzerana was proposed by Lord Elphinstone to be levied in adjudicated cases also, but only when some relaxation of the rules was conceded. This, Her Majesty's Secretary of State appears to have understood as a proposal to concede adoption generally on payment of a stipulated nuzzerana, for the Despatch in reply disapproved of the unconditional concession of adoption. But the intention of Lord Elphinstone really was to impose nuzzerana only if, owing to special circumstances, adoption or other relaxation of rule were permitted; and it is this very proposal which we now advocate as the future rule, while we would abandon the proposition for nuzzerana on unadjudicated cases as being no longer appropriate.

Vide paragraph 54 of his Minute quoted in the accompanying memorandum of Major Etheridge.

13. Owing, in some measure, to the misapprehension of Lord Elphinstone's intentions, and also to the doubts entertained as to the proper scale of nuzzerana, and partly owing to the attempt to merge the question of nuzzurana into a scheme for a new settlement of surinjams, no little confusion has been caused, and the proceedings of this Government, subsequent to the Despatch of Her Majesty's Secretary of State of the 18th April 1860, have not led to the elucidation of the subject, which can be only cleared up by going back to the original propositions of Lord Elphinstone's time, and observing how the divergence from the original scheme has arisen. This we have endeavoured to do, and to state how far the scheme is now appropriate and applicable to the existing state of things.

14. In concluding, we would mention that we have been furnished with a copy of your Despatch* to His Excellency the Governor General of India in Council regarding the levy of nuzzerana on successions to Political Jagires and Chiefships (to which, however, the surinjam rules are inapplicable); and in accordance with a request made by His Excellency in Council, we shall, in due course, communicate our opinion to the Government of India on the subject of this fresh reference. Meanwhile we forward the present Despatch to clear up the doubts arising out of former correspondence.

* No. 74, dated the 30th April 1867.

Political Department

Proceedings of the Madras Government
Read the following

No. 797.

FROM

E. C. BAYLEY, ESQ.,
Secretary to the Government of India,

To

THE SECRETARY TO THE GOVERNMENT OF
Fort Saint George

Home Dept.
Revenue.

SIMLA, *the* 11th *August* 1868.

SIR,

I AM directed to forward the accompanying copy of a Resolution, recorded in the Foreign Department, No. 580, dated the 5th June last, and of its enclosure, on the subject of the levy of Nuzzerana on Successions to Native States, Chiefships, and Political Jaghires, and to request that His Excellency the Governor in Council — — — — — — — — will favor the Government of India in this Department, by an early date, with a Return of the estates in the Madras Presidency, which are not held on a political tenure, and which, therefore, have not been included in the list furnished to the Foreign Department in compliance with the instructions contained in paragraph 3 of its Resolution.

2. The Government of India, it will be seen, is generally in favor of exempting these estates from the payment of Nuzzerana, except in special cases, such as those indicated in general terms in paragraph 4 of the Resolution. The Return should, therefore, be accompanied by a report of all the exceptional circumstances connected with any of the estates, which would render it expedient to treat such estates specially, and make them liable to the payment of Nuzzerana.

I have the honor to be,
SIR,
Your most obedient Servant,

/Signed/ E. C. Bayley
Secretary to the Govt. of India.

Order thereon 28 August 1868 No. 190

Communicated to the Board of Revenue, with a request that the Return called for by the Government of India may be furnished with as little delay as practicable.

/True Extract/

Chief Secretary

No. 1111.—8-8-68.—65.

To The Revenue Department

Recorded
2 Sept 1868

Revenue 1868. Dept.
Pro of Govt for September

No. 2808.

Proceedings of the
Govt. Political
Departs.

Dated 28th August
Received 31st " 1868.

No. 194

Communicating to
Rev Bd. letter from Govt.
of India requesting a
Return of the Estates in
the Madras Presy.
which are not held
on a political tenure.

No. 2319.

A. 57 & 58

RECORDED.

3° Sept 68