M.R.O. 1—80,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 190 Press ~~Mis.~~ —

80–82

Dated 11-2-1870 N.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
11th February 1870.

Read the following :—

No. 80. Proceedings of the Board of Revenue, dated 2nd August 1869, No. 5,636.

Read the following letter from the Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 8th July 1869, No. 205.

With reference to the Board's Endorsement, dated 21st April 1869, on the accompanying petition,* addressed to Government by Manikia Row Janganah Row, ex-Zemindar of Repalli, praying that the allowance of his deceased mother may be re-added to his allowance, as it formed part of the amount originally granted to him, I have the honour to refer the Board to their Proceedings noted in the margin. It appears from it that the Board supported the petitioner's cause, and recommended that the allowance should be treated on the same principle as that of the Sattenapalli Zemindar, but the Government rejected the petitioner's request in their Order, No. 1,293, dated 12th June 1861, stating that the petitioner's estate of Repalli was smaller than the estate of Sattenapalli.

* No. 20, dated 18th December 1868.

No. 2,248, dated 2nd May 1861.

2. Petitioner argues, that if in the case of Sattenapalli, with a peishcush of Rupees 1,20,000, pension was granted to the Zemindar's family, amounting to Rupees 520,† then in regard to Repalli, with a peishcush of Rupees 92,000, his pension ought to be Rupees 400 in proportion, whereas he only asks for himself the Rupees 50 a-month which his mother enjoyed during her life-time, in addition to Rupees 250 a-month, his present allowance.

	RS.
† To Venkatagopal Row	300
,, Kondal Row	160
,, China Venkuboyama	60
	520

Enclosure No. 1.—Petition.

Submitted to Government, with reference to their Endorsement on Petition No. 20 of 1869.

2. Petitioner, the ex-Zemindar of Repalli, in the Kistna District, prays for a re-consideration of an Order of Government, dated the 18th June 1861, No. 1,213.

3. In that Order, the Government declined to continue to petitioner the pension of Rupees 50 per mensem, which had recently lapsed on the death of his mother. Petitioner relied on the alleged parallel case of the ex-Zemindar of Sattenapalli in the same district, whose mother's pension was continued to him on her demise.

4. The Government remarked that this was done in accordance with an arrangement which had for its object to place the Sattenapalli Zemindar "in a relative position with the proprietor of the *smaller* estate of Repalli," who received the same pension, Rupees 250, but to whom for that reason it was not intended to extend the same indulgence.

No. 81. Proceedings of the Board of Revenue, dated 23rd October 1869, No. 7,892.

Read the following letter from the Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 3rd September 1869, No. 271.

In continuation of my letter, No. 227, dated 27th July last, reporting the death of Manikia Row Janganah Raw, ex-Zemindar of Repalli Estate, and recommending that his allowance, less one-fourth, may be continued to his son, I have the honour to forward translation of his son's petition, No. 844, praying that no reduction may be made on the grounds therein stated, for the favourable consideration of the Board.

2. He alludes in the petition to several cases of ex-Zemindars in this district, who have been favoured with full allowances so long as there are lineal male descendants in the family, and requests that he may be treated with the same consideration, as his father's pension was already curtailed by Rupees 50 paid to his mother, having been resumed by Government after her death, and as the sum of Rupees 300 originally granted to his father was already too small for the support of the family.

3. He further states that the present collections of the estate are a great deal larger than the peishcush formerly paid to Government, and that the pension granted to the widow of *Vasireddi Lakshmipati Naidoo* is not parallel to his case.

Enclosure No. 1.—Translation of an Arzi.

In their Proceedings of the 21st August 1869, No. 6,301, the Board recommended Government to continue a reduced pension to the son of the late ex-Zemindar of Repalli, and Government passed orders accordingly in Government Order, dated 18th September 1869, No. 2,603.

2. In adopting the Collector's proposal that the pension should be reduced, the Board overlooked the peculiar circumstances of the case, and they now resolve to lay the matter again before Government.

3. Without going into the history of the conditional surrender of the Guntoor Estates, the subsequent sale for arrears of revenue, and the final order of the Court of Directors that they should not be restored, it will be sufficient to refer to the despatch of the Court, No. 1 of 1849, in which the whole subject is reviewed. In paragraph 13, the Court, though refusing to increase the allowances granted to the ex-Zemindars, accept the proposal of the Madras Government that they should be settled on the proprietors and their lineal descendants (in the male line) excluding adoptions.

See also G. O., 25th May 1866, No. 1,255.

4. The minor, Venkatagopal Row, is a son of the late ex-Zemindar, and in accordance with the declared intention of Government at the time the estate was finally resumed, his father's pension should be continued to him in full.

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5. In the petition, submitted with the Collector's letter, the minor remonstrates against the refusal of Government to continue the pension of Rupees 50 which lapsed on the death of his grandmother. The subject is now before Government.

Board's Proceedings, 2nd August 1869, No. 5,636.

No. 82. Order thereon, 11th February 1870, No. 190.

Miscellaneous.

The Government are constrained to adopt the same conclusion as that at which the Board have arrived in their Proceedings, dated 23rd October 1869, No. 7,892. The terms of despatch No. 1 of 1849, from the late Court of Directors, do not appear to warrant any deduction from the sanctioned stipends in the case of the five ex-Zemindars to whom the despatch applies, as long as they are represented by lineal descendants in the male line. The ex-Zemindar of Repalli (now a minor) is therefore entitled to a pension of Rupees 250 per mensem.

2. There is, however, some doubt whether the ex-Zemindar ought to inherit the pension of Rupees 50, formerly enjoyed by his grandmother by virtue of the same despatch. The Government resolve to give the ex-Zemindar the benefit of this uncertainty, as they are of opinion that the provision for the family was intended to be Rupees 300 per mensem.

3. The pension of the ex-Zemindar of Repalli is therefore now fixed at Rupees 300 per mensem. Of this sum Rupees 50 should be paid to his step-mother, in accordance with present arrangements, but at her death it will lapse to the head of the family.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
,, the Accountant-General.

Exd. F. R. Bantleman.

It appears to me that the view taken of this case by the Board of Revenue in their proceedings of the 23d October 1869 is the correct view. I am unable to deduce from the Court's Despatch of the 31st January 1869, any other inference than that the Court intended that the allowances there sanctioned should pass from heir to heir by lineal descent in the male line without diminution. I would pass an order in conformity with the Board's view.

The question whether the Petitioner is entitled to the allowance of Rs 50 per mensem which was resumed on the death of his grand mother is a little more complicated but I am disposed to think that this allowance ought to have

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Govt. of (1870) Madras.

original

REVENUE.

To

THE BOARD OF REVENUE,

&c. &c. &c.

Dated February 11th.

No. 1. Encl.

G. O. 11th February 1870, No. 190.

FEBRUARY.

Nos. 80–82.

[illegible] of [illegible] in [illegible] District.—His pension fixed at Rupees [illegible] per mensem, [illegible] of which to be paid to his step-mother.

15/11/20

9/6/20

See C. No. 1401 of 1871

prepared by the late Zamindar
and consequently by the Petitioners.

A.J.A.

3rd Decr/69

I agree with Mr. Arbuthnot

In their Pro: dated the 18 September last, this Govt. disposed of a comm. from the Bd. of Rev: by accepting their recommendation in regard to the amount of pension proper for continuance to the son of the late Ex Zemindar of Napully. The Bds comm. was not one of a few words or lines. It went at length and with apparent care, into the subject reported on, and the Govt. with the facts submitted in that comm., had simply to agree in the Bd's view by an order of assent to what they suggested in their para 8. —

The Rev: Board now address the Govt. on the same subject and declaring that in August last they overlooked "the peculiar cir.s of the case" recall their former recomm.n state that a despatch from the late Court of Dirs: intimated that pensions of the kind under notice should be continued to the "lineal descendants of the original recipients of the allowance, and therefore that the stipend to be assigned to the son of the late Ex Zemindar should not be reduced below what his late father was enjoying.

Another point for decision is whether 50 Rs. was lapsed on the death of the grandmother of the Ex-Zemindar's son should be wholly continued to the latter or be subject to a deduction of 25% as first advised ^ & decided by the Govt.:—

^ by the Bd.:–

The Board's strange admission that in an important case of this character, they overlooked circs. which were patent from their records and which must have been ascertainable from the papers available in their hands when they were considering the subject, is little creditable to them.— Had they represented that on further consider., they had changed their views, the matter would have been intelligible enough. [illegible] the Bd. is now differently constituted to what it then was.

It does not appear to me that the late Court of Directors contemplated a continuance without reduction of the pensions they reluctantly agreed by their despatch of 1849 to assign to the [illegible] Zemindary— Such a course would have been opposed to the general principle inculcated by them that a reduction shall as a rule follow a lapse.

I am therefore of opinion that the Govt. properly passed their order dated

Ap
Rohilk: Lad:
No. 2609 and
that the B. shares
were not altered
any good reason
for modifying
it.
18 Novbr

Rev. Dept.

Memo. for orders on No. 3421 & 3929.

In their Proceedings dated 23rd October 1869. No. 7892, the Board recommend that G. O. dated 18th Septr. 1869, No. 2603, which was passed in accordance with their representation and by virtue of which a reduced allowance was granted to the minor son of the late Zemindar of Repalli, may be reconsidered on grounds hereinafter stated.

2. From 1847 to 1849 the state of the Guntoor Zemindaries,

was brought prominently before the notice of Govt.- The grossest mismanagement and fraud, on the part of the Zemindars had for a long time prevailed, and the result was that in Despatch No 1 of 1849, the Court of Directors sanctioned the resumption by Govt. of five Guntoor Estates - One of these was the Repalli Estate. At the time the Court wrote, the five Zemindars were in receipt of allowances from Govt, totalling Rs 34,800. The Govt. in laying the case before

the

the Court had recommended that this sum should be increased to a Lakh, but the Court in their Despatch alluded to above declined to increase the allowances owing to the "faithless and fraudulent conduct" of the Zemindars.

3. The Board now consider that the terms of Despatch No 1 of 1849 bind the Government not to decrease

the allowances, of which the Zemindars were in receipt in 1849 so long as there are lineal descendants in the male line. Whether the Board are correct is the question which now awaits the decision of Government.

4 On reference to paras 13 and 14 of [×]Despatch No 1 of 1849, the Government will observe that the terms of the Despatch are by no means definite. In para 13, the Court re-iterate at length the proposition of Mr. Elliott & the Govt. to the effect that allowances totalling a lakh of Rupees instead of Rs 34,800 should be made to the five Zemindars and to their lineal heirs. In para 14, they decline to accede to this proposition, stating that they "would "not feel justified in "granting out of the general "revenues of the country "a larger allowance than "that which is now "assigned for the maintenance of the zemindars", and that they "feel that they go to "the utmost limit "of indulgence in permitting

[×] This Despatch which is the most important paper in the case is tied round with red cord, in order that it may be easily distinguished from the other papers.

"them to retain their "present allowances."

Para 14 contains nothing as to lineal heirs

5 The Board took the provision for lineal heirs on to the scale of allowances sanctioned by the Court of Directors for the Zemindars. Certainly paras 13 & 14 when coupled together may lead the reader to infer that it was the intention of the Court that the same allowances should be retained by the Zemindars' heirs, and that that intention was not adequately

adequately expressed. But on reading the Despatch through, I am inclined to think that the omission was designed and that the Court intended to leave the Govt. some latitude in the matter of continuing the sanctioned allowances to the heirs. It is clear that the Directors were startled by the tale of peculation and mismanagement on the part of the Zemindars which was imputed to them, & it seems equally clear that unwillingness to disturb a scale of allowances already settled by the Madras Government was their only reason for not reducing the Zemindars' stipends. In the last para of their Despatch they write as follows. "The "practice of pensioning "dispossessed Zemindars, "a practice almost, if not quite "unknown under the Bengal Presidency, must be discontinued".

6. Besides this, the Board apparently forget that

that

that if the Despatch is to be construed as settling a fixed allowance on the lineal heirs, it must also be construed as prohibitive of any allowance to heirs other than lineal. Now it so happens that the widow of the Vasseredy Zemindar (one of the five estates to which the Despatch applies) is at present in receipt of a monthly stipend of Rs 750 out of the Rs 1,200 which was allotted to her deceased husband. If the tenor of the Despatch be adhered to, she must be deprived of her allowance.

7. Moreover, the Despatch alluded to has already been ignored once. The sanctioned allowance was Rs 300, of which Rs 50 went to the Zemindar's mother. In 1861 the mother's allowance was resumed: but if the Despatch, as read by the Board, had been adhered to,

it would have been inherited by her lineal heir. (Vide Mr. C. G. Master's memo written on the occasion, dated 1st June 1861, No. 1129 in which nothing whatever is said as to the Despatch)

8. On the other hand it must be premised that the Government have on one occasion defined the Despatch in question as granting the allowances to the Zemindars and their lineal descendants. Vide G. O. dated 25th May 1866, No. 1255. But it was on this very occasion that the Government acted in a manner contrary to the spirit of the Despatch, for they granted three-fourths of the deceased Zemindar's pension to one other than a lineal heir.

9. The decision at which the Government may arrive with reference to Board's Proceedings, dated 23rd October 1869

1869, No. 7,892, will also apply to Board's Proceedings dated 2nd August 1869, No. 5636. Embodied with these Proceedings is a letter from the Collector of Kistna reporting on a petition from the Ex-Zemindar of Repalli in which the latter remonstrates against the resumption of his mother's allowance of Rs 50 at her decease, which was sanctioned by G. O. dated 18th June 1861, No. 1,213. The Ex-Zemindar has since died but his son is to a certain extent the inheritor of his cause.

10. It is submitted that G. O. dated 18th September 1869, No. 2,603 even if it be opposed to the tenor, which is more than doubtful is certainly not opposed to the letter of Despatch No. 1 of 1829, and that on the grounds hereinbefore stated,

there is no necessity for
modifying or cancelling
the said G.O.

Memo

Regarding pension enjoyed by late Ex-Zemindar of Repally in Kistna Dist.

Cy

Under the Collr's orders [illegible] [illegible]

2 18 Nov/07 [illegible] R15

Revenue Department

No. 190.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 11th ~~January~~ February 1870.

Read the following. Proceedings of the Board of Revenue.

Submg. for orders Collector's report on Petition from Ex-Zemindar of Repalli in Kistna Dt., praying for continuance to him of pension of 50 Rs per mensem enjoyed by his deceased mother.	H. E. 2nd Augt. 1869. No. 5636.
Submg. Collector's letter forwarding translation of a petition from the son of the deceased ex-Zemindar of Rapally praying for continuance to him in full of the pension enjoyed by his father.	H. E. 23rd Oct. 1869. No. 7892.

I would take the responsibility & confirm the Draft.

The Govt. are constrained to adopt the same conclusion as that at which the Board have arrived in their Proceedgs. dated 23rd Oct. 1869. No. 7892. The terms of Despatch No. 1 of 1849 from the late Court of

Directors do not appear to warrant any deduction from the sanctioned stipends in the case of the five Ex-Zemindars to whom the Despatch applies as long as they are represented by lineal descendants in the male line. The Ex-Zemindar of Repalli (now a minor) is therefore entitled to a pension of Rs. 250 per mensem.

2. Whether the Ex-Zemindar ought by virtue of the same Despatch to inherit the pension of Rs. 50 which was formerly enjoyed by his Grandmother is a question which admits of grave doubt. The Govt in their Proceedings dated 8th Nov. 1845, No 1295 fixed the pension of the then Ex-Zemindar at Rs. 250 and that of his mother at Rs. 50, and no provision was made that the former should inherit the quota of the latter, on her decease. It was the scale of allowances involving this arrangement which was sanctioned by the Court of Directors. The Govt, however, consider that the benefit of this uncertainty should be allowed to the Ex-Zemindar and that the lapsed pension of Rs. 50 should henceforth be added to his allowance.

3. The pension of the Ex-Zemindar of Repalli is therefore fixed at Rs. 300 per mensem. Of this

The wording of this para: is [illegible] opposed to the decision which it conveys. ~~[illegible]~~

On further consideration I entertain more doubt as to the propriety of reversing the orders passed by the Govt. in 18[illegible]. [illegible] it might be well to refer the question through

2. There is however some doubt whether the Ex-Zemindar ought to inherit the pension of Rs 50 formerly enjoyed by his grandmother by virtue of the same despatch. The Govt resolve to give the Ex-Zemindar the benefit of this uncertainty as they are of opinion that the provision for the family was intended to be Rs 300 per mensem.

[illegible] wishes to [illegible] Secretary of State sum Rs 50 should be paid to his stepmother in accordance with present arrangements, but at her death it will lapse to the head of the family.

Hr

14 Folios B of Rev with an Enclo Despt 12
6 — " Acctt Genl

33

[illegible]

Petition of [illegible]

members of [illegible]

[illegible]

Concurred

[illegible]