G. O.

For [illegible]
[illegible]
Ganjam

Proceedings of the Madras Government, Revenue Department, 3rd April 1872.

No. 7. Read the following Proceedings of the Board of Revenue, dated 12th August 1871, No. 3,411:—

Read the following Official Memorandum from the Second Member of the Board of Revenue in charge of the Inam Department, to the Acting Secretary to the Board of Revenue, dated Madras, 3rd May 1871, No. 7.

Government Order, 29th June 1870, No. 963.
Letter from the Collector of the Godavery District, dated 3rd December 1870, No. 91, with two enclosures.
Do. from do. 8th December 1870, No. 95, with one enclosure, herewith sent, (to be returned.)

THE papers noted marginally refer to the settlement of Inams enjoyed by Village Service in the Godavery District.

2. The estimated establishment and cost as per sanctioned scheme is as follows:—

	Number.		RS.	
Heads of Villages and Munsifs	743	at	42,906	
Curnams...	743	,,	80,530	
Taliari	772	,,	37,056	
Vettie...	1,951	,,	93,648	
Nirganti	118	,,	5,664	
			2,59,854	
Add additional special provision			3,000	2,62,854

3. The estimated assets from all sources will stand as follows:—

Quit-rent of Curnam's Inams...	1,05,453	
,, of Munsif, etc.	1,362	
,, of Vetties' Inams	16,480	
,, of Barbers' do.	13,830	
,, of Chamars' or Chucklers' do....	3,787	
Total Quit-rent at $\frac{5}{8}$ths...	1,40,912	
Add assessment of fully assessed Inams, say ...	3,000	
Fees under the Act at 8 Pies per Rupee of revenue.	1,35,577	2,79,489

4. Thus there appears a surplus of Rs. 16,635.

	RS.
Quit-rent of Barbers' Inams	13,830
Do. of Chamars' do.	3,787
	17,617

5. But it seems to me that the enfranchisement of the Barbers' and Chamars' Inams and services should not be proceeded with for the reasons hereinafterwards stated. This relaxation would involve Rs. 17,617 and leave a small deficit of Rs. 982 (or less than half per cent.) on the whole sum required; so small a deficit may be met by savings accruing from fines, stoppages and other deductions incidental to a system of money payments.

6. It appears from the papers now before me that in the Godavery District the Barbers and Chamars perform occasional State service, such as conveying the village remittances and reports to the taluq office and the like service which are comprised amongst the duties of Vetties and Taliaries in other districts. The Collector alleges that the Inam lands attached to these offices were conferred on the

Barbers and Chamars in consideration of these occasional services, but no proof of this is adduced; and he would include the Inams and services of both in the general enfranchisement.

7. The Deputy-Collector would exempt the Barbers' Inams and continue this class of communal services. He would, however, enfranchise the Chamars. No special reason for this distinction is given, and it will be observed that the Chamars' Inams are comparatively small.

8. I would treat both in the same manner, and exempting both leave to the villagers these domestic servants. Both are recognised members of a village communal service throughout the country. Their daily duty is for the personal comfort of the villagers, while the State services which they are now called on to perform are occasional and casual, and there is nothing to distinguish their condition from that of similar village servants in all other districts. The Cess Act recognizes the Barber as a servant who is not to be affected by the measure it legalizes, and finally the whole measure of revising and curtailing the village services, and requiring the villagers to support them by a general cess, is novel and distasteful to the people; and I would deprecate the increased unpopularity which would be occasioned by depriving the people of their Barbers and Chamars. I propose to leave both classes of Inams unenfranchised.

9. One or two other points deserve notice and require decision.

10. Inamdars have been permitted, with the approval of the local officers, to throw up unprofitable excess of area beyond the original grant now found in their holdings; in other words they have been allowed to adjust their holdings to their wishes and means to this limited extent. Hitherto the fact that there was no actual payment of revenue has encouraged the retention of land, generally of inferior quality and often left waste, in excess of the original service holdings. This excess would now be subjected to full assessment, and the prospect has caused a desire on the part of some to relinquish the excess and content themselves with the limited original holdings. The reasonable wish has been properly met, with due observance of the general rules, by the Deputy-Collector. The relinquished excess has been thrown into the general stock of unoccupied lands available for future cultivation, and the moderate adjustments thus allowed will cause no ultimate loss to the State.

11. As respects the classification of "mamul wet" in the title-deeds the Deputy-Collector has properly followed the Revenue accounts in general; but some slight exceptions have been made in the upland taluqs where irrigation was found more than ordinarily precarious, and where the land would now be required to pay a wet assessment which could not be realized in average years. In these cases, notwithstanding the old classification as "mamul wet," the land has been entered in the title-deeds as dry, with proportionate assessment, and the condition, that if irrigated from Government sources full water cess shall be charged, has been added. Some instances of erroneous classification have likewise been rectified in the Delta Taluqs. The Collector approves of these necessary modifications, and I consider the settlement on the whole well judged and reasonable in this respect.

12. Some difference of opinion has, however, occurred between the Collector and Deputy-Collector in respect to the classification, as wet or dry, of certain

portions of service holdings in the Delta Taluqs. The Deputy-Collector has referred to the oldest accounts, and been guided by them in his classification. Wherever the old accounts show a field to have been registered originally as wet land it has been entered in the title-deed as "mamul wet." The Collector on the other hand contends that, although the land be so entered in the old accounts, inquiry shows that in some cases the whole of the land was not actually *cultivated* with wet crops until the anicut has been constructed, and he contends that land not so *cultivated*, however it may appear in the old accounts, should be treated as dry converted into wet and charged with water-rate accordingly. In the matter of some 400 Acres of old "mamul wet" land (as per accounts) this course has been pursued and water-rate charged, but the Deputy-Collector proposes to restore this erroneous taxed land to its original category.

13. The Deputy-Collector's proposal is, I think, the only equitable one. Poverty, imperfect water-supply, and other causes may have kept certain "mamul wet" land out of cultivation, or it may have been generally put under dry crops although there was a precarious supply of water. But there can be no doubt that had there been a revenue demand against it at the time it would have been enforced at the then assessed "mamul wet" rates; and now that an assessment is to be levied the holders are clearly entitled to have such lands brought under the class in which they stand in the earliest accounts. They will pay mamul consolidated wet rates and have water free. The extent is not large.

14. The last point to be noticed is, whether any attempt shall be made and restore to the hereditary families lands recently transferred to the existing and recently named office holders. A good deal of feeling has been manifested on this score in the district during the preliminary inquiry, and many petitions have been received claiming restoration.

15. It appears that, until within the last fifteen years, it had not been usual to confiscate the land attached to village offices when the office changed hands, and it was used by the hereditary families and improved and sub-divided as their own private hereditary property. Since then, however, it has become increasingly customary to transfer the whole of the land, which the accounts show as being attached to the office, to the actual office holders, and on the occurrence of any lapse to take away from widows and children and others, for a like purpose, any shares which they might have held as members of the service family without performing service. Many families have thus been dispossessed in whole or in part of their means of subsistence and of the labour of generations in the improvement of Service Inam land, which custom had encouraged them to deem family property. These holdings are now in the possession of existing office holders. The question is, shall they be restored to their proper heirs when the enfranchisement of service takes place.

16. There can be no doubt that such measures were within the power of Government if the land constituted the emoluments of the office, but much hardship has been caused and possibly no small injustice wrought by these transfers. As noticed by the Collector the future office holders will be fully remunerated in money. By enfranchising the land at five-eighths of the assessment in the names of the present office holders we shall confer, when such transfers have been made,

valuable landed properties which had been improved by others and bearing largely reduced revenue demand on persons who have no claim for such consideration. The Deputy-Collector is in favour of restoration, and the Collector is not opposed to it. I think that it were in every respect desirable if it can be effected.

17. I think that it can be effected if done prior to enfranchisement, and I would recommend that all land which has recently been so transferred should be restored to the hereditary owners as the persons most worthy of consideration. At all events all land that has not been forfeited in consequence of dismissal from office should, I think, be so dealt with.

18. Before carrying out the settlement I would wish to have these points carefully canvassed by the Board, and probably the orders of Government will be required on the subject of the proposed restoration of transferred Inams and shares of Inams.

Enclosure No. 1.—Government Order, dated 29th June 1870, No. 953, R. D.

Enclosure No. 2.

From J. FRASER, Esq., Collector of the Godavery District, to the Second Member of the Board of Revenue in charge of the Inam Department, dated Cocanada, 3rd December 1870, No. 91.

With reference to the Proceedings of the Board of Revenue noted in the margin* the Registers, Title-deeds, and other papers as per enclosed list connected with the Service Inams of seven taluqs as per margin† to be enfranchised which I have received from P. Chentsal Row, Special Deputy-Collector, are herewith submitted, with a request that the title-deeds may be returned for delivery to the holders of the lands after being sealed and signed.

* Dated 9th July 1870, No. 4,799, and 15th August 1870, No. 5,315.

† 1 Ramachendrapur.
2. Amalapuram.
3. Narsapuram.
4. Bheemavaram.
5. Tanuku.
6 Rajahmundry.
7. Peddapuram.

2. Copies of the Deputy-Collector's letters‡ therewith received, containing his observations on several points connected with the settlement of the Service Inams, are also forwarded for your information.

‡ Dated 27th October 1870.
,, 23rd November 1870.

3. The Barbers in this district perform Government service, such as carrying remittances to the Taluq Treasury, calling together men for Revenue and Magisterial purposes under the orders of the Village authorities. Their services are otherwise provided for to be performed by Vettians and Taliaries in the new scheme of Village establishments; their Service Inams were, therefore, included in the list of Inams to be brought under the present settlement submitted to the Board with the Collector's report§ and those lists have all been sanctioned. It is a fact that in the Village Cess Act No. IV. of 1864 the Barbers are exempted from its action like Washermen and Artizans. The services of the two latter classes are solely useful to the Village communities, but not to Government. Although the Act excludes the Barbers from its provisions the services rendered by them to Government in this district, unlike other districts, will have to be abolished. I therefore think it reasonable to enfranchise their Inams. The quit-rent chargeable on the Barbers' Inams in the whole district would amount to about 15,000 Rupees.

§ Dated 29th October 1866, No. 261, embodied in Board's Proceedings of 13th December 1866, No. 8,825.

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4. Chamars are certainly Shoemakers by profession. They perform service to Government by carrying village tappals, etc., and for which purpose the Inams were originally granted. They make shoes and sell them to the villagers and others for cash or kind. I am of opinion that their lands should also be enfranchised.

5. Relinquishments of portions of Service Inams made just before they were brought under the present settlement have been accepted by the Deputy-Collector, with the concurrence of the Acting Sub-Collector when in charge of the district. They were given up chiefly to evade the payment of assessment which may be charged on the excess. In the Board's Standing Order, dated 31st October 1866, No. XL., it has been ruled that when portions of enfranchised Inams are relinquished in whole survey numbers, a proportionate quit-rent must be deducted, but the Board will see that the present mode is different from this, and that it affects the amount of quit-rent to some extent.

6. In the upland taluqs the Deputy-Collector has, at the request of the Inamdars, classified certain lands which were classed by the Settlement Department as wet into dry on the ground that irrigation of those lands is not certain, and that wet cultivation was thereby abandoned in them. The Inamdars have, in such cases, agreed to pay full water-rate if they, in future, irrigate their lands. It may be presumed that they would not request that their wet lands should be classed as dry if they can grow wet crops by irrigation because they lose the benefit of the $\frac{5}{8}$ths of water-rate; I therefore see no objection to his doing so. In the Delta Taluqs he has likewise classed as dry a few Inams entered in the accounts as wet at the request of the Inamdars on the ground that the lands could not be irrigated.

7. In the Delta Taluqs about 400 Acres, which are entered in the accounts as dry converted into wet, and full water-rate levied on them, have been classed by the Deputy-Collector as usual wet on the ground that they were entered in the former accounts as wet. Upon full inquiry made by the Revenue authorities, as to whether they were actually cultivated or not by old sources of irrigation, these lands were considered to be dry converted into wet and charged with full water-rate since the anicut irrigation. The Deputy-Collector has now classed them as wet instead of dry, thereby giving benefit to the Inamdars $\frac{5}{8}$ths of the water-rate. I think such lands must, of course, be entered in the title-deeds as dry, leaving it to the Revenue authorities to levy full water-rate as usual on them separately.

8. Under orders of the Board of Revenue noted in the margin, Service Inams held by the non-working Curnams were made over to the working Curnams on the occurrence of lapses, although they have male or female heirs, latterly on the failure of male heirs only. Such Inams have now been enfranchised by the Deputy-Collector in the names of the working Curnams. These working Curnams are to be provided with money allowances in the new arrangement, and as these lands will, in future, become personal, all such lands may be ordered to be restored to, and enfranchised in the names of, the legal surviving heirs of the deceased non-working Curnams if the Board consider it fair.

Paragraph 4 of the Standing Circular No. 90.

9. In a few villages Curnams were dismissed and new persons, unconnected with the family of the dismissed, were appointed in the absence of competent persons in the family, or when the Revenue authorities thought that the punishment inflicted would be useless in case the brothers, cousins, or sons of the dismissed are appointed. As the newly appointed persons will remain in the new arrangement as Goomastahs on money remuneration, the Service Inams thus transferred may be ordered to be enfranchised on full assessment in the names of the dismissed village servants or their legal heirs if the Board see no objection to it.

10. The Deputy-Collector, P. Chentsal Row, is in favour of the heirs of the deceased non-working Curnams and dismissed working Curnams for the reasons stated by him in his letter and in the Registers.

ENCLOSURE 1 in No. 2.

From P. CHENTSAL ROW, Deputy-Collector, to the Collector of the Godavery District, dated Ramachendrapoor, 27th October 1870.

I HAVE the honour to forward, for your approval and submission to the Inam Commissioner, the English Registers, Title-deeds, Office Registers, and Vernacular Quit-rent Registers of the Inams in the taluqs of Nursapur, Bhimavaram, Peddapuram, and Rajahmundry.

1. Curnam.
2. Munsif.
3. Pettendar.
4. Shroff.
5. Naikvadi.
6. Barber.
7. Vetti and Vasa.
8. Chamar.

2. The classes of Inams brought under the present settlement are noted in the margin.

3. Unlike in other districts the Barbers in this district perform Government service, such as carrying remittances and collecting men for revenue purposes. The Inams held by them have been, therefore, enfranchised under the instructions of Mr. Horsfall, published in the *District Gazette*, dated 13th August 1870.

4. The Inams of other village servants and artizans, such as the Washerman, the Ironsmith, and the Carpenter have been left to be held on the existing tenure.

5. The village Barber is indeed as essential a servant to the village communities as the Carpenter or the Washerman, and I leave for the decision of yourself and the Board whether it would not be fair to leave the Barbers' Inam also unenfranchised. I may also mention that the village Barber is specially exempted from the Village Cess Act IV. of 1864.

6. The amount of quit-rent charged on Barbers' Inams in the taluqs under notice is shown in the margin, and I beg to annex the list marked A., containing the numbers of the title-deeds issued for their Inams, so that the deeds may be destroyed if it should be decided to leave the Inams on the existing tenure.

	RS.
Narsapur	1,851
Bhimavaram	1,226
Peddapur	1,015
Rajahmundry	1,440
Total...	5,532

7. The services performed by Chamars are the same as those rendered by the Vetties, although the term Chamar indicates a Shoemaker.

8. In preparing the title-deeds for the Inams of Barbers and Chamars, I have for obvious reasons slightly altered the phraseology of the title-deeds. Instead of saying "the Inam held for Barber's or Chamar's service now otherwise provided for," I have said "the Inam held for village revenue service now otherwise provided for."

9. In the course of the settlement several Inams have been thrown up. I have accepted the relinquishments and enfranchised the net extent retained by the Inamdars under the rules. This indulgence has enabled the Inamdars in some cases to throw up the excess chargeable with full assessment. For instance, if an Inamdar who was entitled to have 10 Acres had in his possession 15 Acres he was allowed to throw up 5 Acres, or more or less as he pleased, provided what he threw up was in whole revenue numbers and not portions of a revenue number. If the net extent retained contained no excess over and above the extent to which he was entitled according to the entries in the accounts, he was allowed to enfranchise what he retained on five-eighths, and if it contained excess it was duly charged for. This course has received the approval of Mr. Horsfall, with whom I consulted and obtained instructions during your absence from the district.

10. In the upland taluqs of Peddapur and Rajahmundry no teerwajasti has been ever collected on Inams. I have, therefore, adopted the survey classification of dry and wet. This course involves no sacrifice of revenue even if a few dry fields have been converted into wet prior to the survey, since the excess over and above the wet area entered in the accounts has been duly charged with water-cess and included in the quit-rents.

11. The Inamdars in the upland taluqs have in some instances requested me to have their wet lands classed as dry and assessed accordingly, and I have freely complied with their request, since the irrigation in the upland taluqs is extremely uncertain, and the high quit-rents now charged will have to be paid every year whether the lands are cultivated or not, while the case is different

as regards Government lands. Of course the Inamdars agree to pay full water-cess whenever their lands now classed as dry may be wetted under any Government source of irrigation.

12. In the Delta Taluqs of Narsapur and Bhimavaram the Inamdars have neither requested me, nor have I complied with their requests, excepting in rare cases where the lands could not be irrigated, to class their wet lands as dry. On the contrary the request was to class their dry lands as wet. In these taluqs, in which the collection of water-cess on Service Inams has been kept in abeyance, I have, as a rule, adopted the classification entered in the standard Bhubaud accounts of a date anterior to the construction of the anicut and the introduction of channels.

13. Mr. Horsfall at first doubted the propriety of classifying the lands into dry and wet in the Delta Taluqs with reference to the entries in the accounts, and considered that the average extent of cultivation prior to the introduction of the anicut channels should alone be treated as mamul wet, as has been done in the case of Zemindari lands; but he afterwards permitted me to pursue the course I have adopted, as he found that it was impossible to ascertain the average extent of cultivation in each Inam, and as he was further of opinion that such a settlement as he had at first contemplated would be highly unpopular and lead to the relinquishment of a large portion of Inam property.

14. I shall not here attempt to argue the justice of the course I have adopted in the classification of dry and wet, as it is sufficient to mention that this was the course adopted by the Inam Commission in the settlement of personal Inams, not only in this district but throughout the Presidency. Moreover, the classification of wet and dry is not of much consequence in the case of Service Inams, as the quit-rents are calculated on correct survey assessments and five-eighths of water-cess included in them, while in the case of personal Inams the assessments were less heavy and the quit-rent charged was only one-eighth.

15. The financial results of the settlement of the taluqs under notice are shown in the annexed statement marked B.

16. There is one more point of some importance which I beg to bring to your notice.

17. You are aware that within the last 12 or 15 years many Inams held by non-working Curnams have been put in possession of working men on the death of the incumbents. The heirs of such men now claim restoration of these Inams, since the reason for having annexed their Inams to those of working men was to increase the emoluments of the latter, and that reason no longer exists. The cries of these men are indeed very loud, and I should certainly advocate the restoration of their Inams if it were only possible to do so. What makes the condition of these men the more pitiable is that they were actually turned out of the possession of their lands with all their improvements and plantations, instead of these lands being simply fully assessed and the assessment made payable to the working men.

18. But the difficulty in effecting the restoration of the lands appears to be this. When the lands were transferred from the non-working to working men it was done under Regulation VI. of 1831 on the ground that the enjoyment of a Service Inam by any who did not render service was an alienation from the original purpose of the grant, and I fear it might be considered illegal to take any Inam from working men and give it to the non-working. If at all I think the Inams must be declared resumed and then re-grants made of them on ⅝ths to the heirs of these individuals from whom they have been taken. It may be doubted whether the Government can resume a Service Inam, as such a course is not provided for in Regulation VI. of 1831. But it is clear that if the Government cannot resume a Service Inam they cannot enfranchise it also.

19. Although I am decidedly in favour of restoring the Inams to the heirs of those from whom they had been taken, say at least within the last 12 years, still I have, in the absence of any definite instructions from the Board of Revenue, prepared the registers according to the present actual possession, and this course has also the approval of Mr. Horsfall.

20. There are some dismissed Curnams whose Inams have been transferred to the persons newly appointed. Of course the claims of the dismissed men for the restoration of their lands on ⅝ths are inadmissible. Wherever the lands, however, have been still under attachment, I have proposed to give them to the dismissed men on full assessment.

21. In some few cases the present Curnams do not belong to the old Mirassi families, they having been appointed as Curnams when the Mirassi Curnams were dismissed and when there were none of the Mirassi families who were competent to hold the office. I have allowed their Inams also to be enfranchised without reference as to whether they belonged to the Mirassi family or not. I should not omit to mention that in some cases they had but short enjoyment, but I do not think that that can be fairly made a ground for fully assessing the Inam.

22. In the taluqs of Peddapur and Rajahmundry there are a few villages which have not been surveyed, as the lands were covered with jungle. At first I thought of confirming the Inams in those villages with reference to the areas entered in the Revenue accounts, but in the course of my inquiry I found that such a settlement would be unsatisfactory, as the areas entered in the accounts are extremely indefinite. I have, therefore, after consulting with Mr. Horsfall, directed the Tahsildars to have the Inams measured. When the real area is known the assessment can be easily fixed and the allowable excess determined with reference to the rate of assessment and the results of survey in the neighbouring Government villages. I am not, however, sanguine that the measurements would be completed this year as the weather is unfavourable, but the Inams in these villages are neither numerous nor valuable and can be disposed of next year.

23. Lists of Inams decided in this settlement to be fully assessed and treated as Government lands are enclosed for submission to the Inam Commissioner.

(True Copy.)

(Signed) J. FRASER,
Collector.

Enclosure 2 in No. 2.

From P. CHENTSAL ROW, Deputy-Collector on Special Duty, to the Collector of the Godavery District, dated Vadapalli, 23rd November 1870.

I have the honour to forward the Registers and Title-deeds of the taluqs of Amalapuram and Ramachendrapuram.

2. In classifying Inam lands into dry and wet in the taluqs of Amalapuram and Ramachendrapuram according to the general principle upon which the classification has been made in the other taluqs, I was obliged to re-class as wet about 400 Acres of land on which water-rate is now being collected on the ground that the lands were not cultivated in Faslis 1272 to 1274. On this point I respectfully beg to refer you to my general remark appended to Book No. 1, Amalapuram taluq.

3. I have so prepared the registers that, in the event of your deciding that the lands now proposed by me to be re-classed as wet should continue to be classed as dry, the alteration may be easily made without a further reference to the accounts and title-deeds altered accordingly either here or in the Inam Commissioner's office. I have filled up columns 3 and 4 entirely according to the existing state of things, and shown the alterations I have proposed in the column of remarks.

4. A statement showing the financial results of the settlement is appended.

5. The quit-rent imposed on the Inams of Barbers in the taluqs is Rupees 6,619, as will be seen from the accompanying Statement A.

6. Lists of Inams to be fully assessed are also enclosed for submission to the Inam Commissioner.

(True Copy.)

(Signed) J. FRASER,
Collector.

Enclosure No. 3.

From J. FRASER, Esq., Collector of the Godavery District, to the Second Member of the Board of Revenue in charge of the Inam Department, dated Cocanada, 8th December 1870, No. 95.

With reference to the telegram, dated 18th November 1870, addressed by Kuchimanchi Venkanna, son of a non-working or Mirassi Curnam in the village of Amalapur, and your order thereon, I have the honour to forward, herewith, copy of a letter received from P. Chentsal Row Pantulu, Deputy-Collector, giving full explanation with regard to the claim of the petitioner.

2. It seems to me that the arguments used by the Deputy-Collector are based on two capital errors:—

1st.—That not land, but the assessment on land, was originally allotted for the support of various village offices.

2nd.—That such land may be treated as other ancestral property, provided that the assessment on it is paid for the support of the office. As to the first the Bhubund accounts in my office of Faslis 1204 to 1208 refer solely to land, *i. e.*, it is noted that so much land was allotted to various offices. Assessment of land as the emoluments of such are nowhere specially mentioned. Regulation VI. of 1831 refers to "emoluments derived from lands," a very different thing from the mere assessment of the land.

Regulation IV. of 1831 also excluding from jurisdiction of the ordinary Courts certain things, specially mentions grants of land revenue. It is to be presumed that if such only were intended by Regulation VI. of 1831 the same words would have been used.

Emoluments must, at the least, mean everything in the way of produce derived from the land, except only the mere share to re-pay the actual cultivator for his labour.

In this district, and indeed in the Northern Circars generally, the land itself has always been considered as the emolument, not its produce or assessment.

Government too in their Proceedings, Revenue Department, dated 3rd September 1859, No. 1,187, evidently are of this opinion—*Vide* specially paragraphs 3 and 4.

3. My own opinion founded on these orders among other things is that any Curnam, for instance, holds merely the life-rent of his Inam, and that any alienation of any part of it or of its emoluments, save during his own life-time, is illegal. This opinion I have always acted on hitherto, and up to the present moment I have been supported by both the Revenue Board and Government in doing so.

4. The Inam claimed by the petitioner has been registered by the Deputy-Collector in the name of the present actual holder, as has been done in all similar cases.

Enclosure 1 in No. 3.

From P. CHENTSAL ROW, Deputy-Collector, to the Collector of the Godavery District, dated Ellore, 29th November 1870.

I have the honour to forward a telegram sent to the Inam Commissioner by one Kuchimanchi Venkanna of Amalapur, which has been referred to me, with instructions to report the case for your orders.

2. Venkanna's father held 6 Acres of Inam land as a *Lopayakari* Mirassidar in the Kasba of Amalapur, and on his death in 1858 his *land* was made over under the then rules to his divided brother, the then working Curnam Somasundarudu, who is still alive, though his grandson Karpurasundarudu is the present working Curnam.

3. Venkanna now prays for the restoration of the Inam land held by his father on the ground that the Curnams will be hereafter paid in money, and all connection between Inam and Service removed.

4. There are many cases of this description, all of which must be settled on one general principle. Cases in which the Inams of non-working Curnams have been made over to working

men notwithstanding the existence of male issue are not many; but cases in which the Inams have been made over to the working men without regard to the claims of the widows, daughters, mothers, and divided brothers and nephews of the deceased, Lopayakaries are pretty numerous, though I am sorry I am unable to say at present their exact number and the extent of the Inam involved. It was not simply the right of collecting the Government assessment on the Inam land that was transferred from the non-working to the working men, but the land itself.

5. The question has, therefore, to be considered in two different aspects. Firstly, whether it is the land that forms the Inam, or whether it is simply the assessment due to Government on the land that constitutes the Inam. If the latter were the case the act of the Collector in dispossessing the owner of his land becomes at once illegal and the Inamdar will be entitled to the restoration of the land with damages, though his liability to pay full assessment on his land may be enforced; and if the former is the case it becomes entirely a question of grace, whether it would not be generous on the part of Government to restore the holders to their ancestral property which they have held for centuries, now that we do not want the lands for service any longer.

6. The general impression in this district is that it is the land that forms the Inam and not merely the assessment due on it. This is the impression of the Inamdars themselves of public in general and of all the Government officials. Land and Inam are accepted in the district as almost synonymous words. In the numerous instances in which the non-working Curnams have been dispossessed of their lands there has never been any such plea put forward as that the Government have no right to the land but only to its assessment.

7. Every Inamdar in this district is also the holder of the land. He can cultivate the lands himself or rent it to any tenant he pleases, and the Mirassi notion of the right in the soil being different from the right to the assessment does not exist in this district.

8. Up to a very recent date the Government was regarded as the supreme landlord, competent to dispossess any man of his land, unless it was held under a grant from itself. When an Inam was granted it was the land that was granted as Inam, and when it was resumed it was the land that was resumed.

9. Cases in which Carnikam Inam lands have been resumed by Zemindars and granted to others exist, though such cases are indeed very rare. For instance, the late Zemindar of Nuzavid dismissed the Curnam of Bhimadole in 1822, and made over his Inam land to a member of a different family whom he appointed as Curnam. The dismissed man, however, ultimately succeeded in regaining his office and its emoluments by an action in the Civil Courts. In claiming his Inam the dismissed Curnam never put forward the plea that the Zemindar had no right to take the land itself but only the revenue on it.

10. This is the theory of the relative rights of Government and the Inamdars in this district according to the notion of the people for the last many years; but whether the idea has sprung up from the unfortunate circumstance of this district having been long under the arbitrary rule of the Mussulmans and Zemindars who evinced but slight regard to private rights, or whether it is the real and correct notion it cannot be positively said. My own idea is that whether in this district, or any other district in the Presidency, the former rulers of the country always regarded themselves as the supreme landlords and freely exercised their rights whenever it was necessary for them to do so. All grants of Inams were originally for land itself. The best land in the village was given together with the crop according to the tenets of the Hindoo religion, and if any compensation was ever granted it was for the crop of the year. I shall not, however, dwell on this subject of the general and long pending question of Mirassi, but shall content myself in saying that the idea of Mirassi in the sense in which it is understood in the southern districts is quite foreign to this district.

11. In practice, however, the possession of the Carnikam lands was never interfered with by the ruling power. I can hardly mention more than two or three cases in the whole district in which men have been ever dispossessed of the Carnikam Inam prior to 1845, when the question of

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Inams and the rights of Government in relation to them commenced to attract the attention of the authorities.

12. Before 1845, if Curnams were ever dismissed, the Inam land was never interfered with
Some *Lopayakari* Mirassidar was appointed as the working Curnam and the Curnam dismissed
simply assumed the position of a Lopayakar[illegible]sidar. Carnikam lands are throughout divided
and sub-divided by all the members of the family just like any other real property, and men have
regarded Carnikam Inams as more permanent and less liable to interference than Personal Inams.
In this fancied security they have dealt with their lands, as if they had an indisputable birth-
right to them. They have improved their lands, dug wells, lent and borrowed money on them,
sold and purchased, and what not. They have in effect lived and died on them.

13. Whatever might be the theory of the right of Government to land as it originally existed
still the Government having conceded the right of people in the soil of the lands cultivated
by them so far as Government lands are concerned, and even as regards Inam lands in general, I
think it is only fair to extend the same concession to Carnikam lands also. I would even go
further. I would restore to all the Lopayakari Mirassidars from whom we have taken the lands
since 1845, and enfranchise them also on ⅝ths; the latter indulgence not being extended to those
Inamdars who were dismissed from service. This must be done as a matter of grace, and the
interests of the Government would not be thereby in the least affected, while it would give the
greatest satisfaction to the whole class of the Inamdars and even to all the people in the district.
The act of taking away the Inams of *Lopayakaries* and giving them to the working Curnams is
looked upon as the most iniquitous act of the Government; and the working Curnams to whom
the Inams have been granted were themselves originally reluctant to receive the Inam, though of
course their avarice does not now give them the will to part with the lands.

14. Although I have, in paragraph 18 of my letter, dated 27th October 1870, raised a few
legal difficulties in effecting the restorations, still practically I am certain that there will be no
real difficulty. One order from you that Inam lands taken from the dismissed men and *Lopaya-
karies* should be restored to them on full assessment or ⅝ths will suffice, and I can carry out the
order.

15. If land is to be regarded as distinct from Inam, and if the past orders of the Collectors
are to be regarded only to apply to Government assessment due on the lands, there will be no
difficulty whatever so far as the correction of the registers and title-deeds is concerned. The
lands might be restored and still the title-deeds left as they are, since our title-deeds confirm right
to Government assessment but not to the land itself. Should, however, the land be considered as
Inam, and the persons to whom it is to be restored are also to be allowed to enfranchise it, the
registers and title-deeds would require revision, and I can effect it in a month or six weeks at a
cost of about Rupees 800.

SUBMITTED for the orders of Government.

2. The Board approve of the proposal to leave the Barber and Chamar Inams
on their present footing. Madras Act IV of 1864 does not apply to these village
servants, and they render essential services to the village communities. The
expenditure and receipts are sufficiently balanced without the sum which would be
gained by enfranchising them.

3. The Board also approve of the permission to relinquish unprofitable
areas, (paragraph 10), and the modification of classification described in paragraphs 11 to 13.

4. The restoration of Inam lands recently taken from the families of hereditary village servants would be equitable in itself, but it is impossible in the pre-
sent state of the law, and there is no such injury done by not restoring them as
would justify recourse to the legislature

5. If the Inams are emoluments of office as seems to have been held, with the acquiescence of the people, for the last fifteen years, Regulation VI. of 1831 prohibits their separation from the off[illegible], and it would be contrary to law to take the Inams from the office holders *befo[illegible]chisement.*

6. If on the other hand the land [illegible] emolument of office, but only the assessment thereon, and this condition of things is recognized by the very fact that Government allow enfranchisement on a mere quit-rent, the land does not fall within the scope of Regulation VI. of 1831 at all, and the Collector cannot restore it, or deal with it in any way under that Regulation. In neither case could Government force the restoration without a special enactment. If the land is not an emolument of office it is not an Inam under either Regulation IV. of 1831 or Regulation VI. of 1831, and the Courts having full jurisdiction would prevent any summary ejectment either before or after enfranchisement. If it is an emolument of office the law forbids the restoration before enfranchisement, and after that Government have no power over the land.

No. 8. ORDER THEREON, 3rd April 1872, No. 541.

Miscellaneous.

THE Government concur in opinion with the Board that the Barber and Chuckler Inams in the Godavery District should remain unenfranchised from liability to service notwithstanding that certain menial services which have been hitherto required of the holders on behalf of Government will henceforward cease to be demanded. The requirement, however long its standing, has certainly been in excess of the original duties attaching to these village offices, which duties will continue to be demandable of the office-holders by the villagers, and the Inams constitute the emolument of the office and the remuneration for the performance of these duties.

2. The Government also approve of the permission given to relinquish unprofitable areas out of enfranchised Inams which are to be charged with a quit-rent of $\frac{5}{8}$ths full assessment. There is no more reason for requiring the holder of an enfranchised Inam to retain what he wishes to relinquish than for requiring an ordinary ryot to do so, when the relinquishment desired is in accordance with the rules as regards areas, but any revenue that may be hereafter derived from these relinquished areas will be an asset belonging to the Village Service Fund.

3. The Government approve the principles on which the classification of the Inam land has been adjusted. The case of the upland taluqs is clearly exceptional, and where irrigation is precarious, the entry of such "doubtful wet" land as "dry," subject to a water rate in the event of wet crops being raised by means of Government sources of irrigation, is reasonable.

4. But in the "delta" taluqs when the irrigation is nearly or quite certain, the old entries of "mamul nunjah" in the early accounts should certainly guide the decision as to the classification of the Inam lands for purposes of enfranchisement and assessment of quit-rent. That what was originally granted as customarily irrigated land in part of the remuneration assigned for the performance of certain duties has for a long period of time actually been destitute of irrigation, and

Incomplete copy

C. No. 2746

13

Bd. Lr. No. 3411.
d. 12 Augt. 71.

This is opposed to the principle laid down at the outset & to the practice in the Districts already revised. The trifling & occasional services which these men now render to the State will hereafter be performed by the new establishments - Things will then be abolished from all State duty & then Inams - which were the payment for such services will be enfranchised - The villagers can employ them as their private barbers & chucklers if they please - or may employ others. I see no reason to make an exception in the present case - J.D.S.

N.

A.J.A.

The Govt. concur in opinion with the Bd. that the Barber and Chuckler Inams in the Godavari District should remain unenfranchised from liability to service ~~chiefly~~ notwithstanding ~~that~~ certain menial services have been hitherto required of holders ~~them~~ on behalf of Govt. ~~The~~ will henceforward cease to be demanded. The requirement however long its standing has certainly been in excess of the orig. duties attaching to the village offices, which duties will continue &c

demandable of the officeholders by the villagers. and the Inams constitute the emoluments of the office & the remuneration for the performance of those duties.

The Govt. also approve of the permission given to relinquish unprofitable areas out of enfranchised Inams wh. are to be charged with a Quit rent of 5/8 full assesst. - There is no more reason for requiring the holder of an enfranchised Inam to retain what he wishes to relinquish, than for requiring an ordinary ryot to do so.

Yes - but the assessment - whenever realised - of these forms part of the V. S. Fund
J.D.S

When the relinquishment desired is in accord with the rules as ryotwari areas -
yes.

But any revenue that may hereafter derived from these relinquished areas will be an asset belonging to the village service fund -

The Govt. approve the principles on wh. the classifn. of the Inam land has been adjusted. The case of the upland taluks is clearly exceptional and where irrigation is precarious, the entry of such "doubtful wet" land as "dry" subject to a water rate in the event of water being raised by means of Govt. sources of irrigation is reasonable.

But in the "Delta" taluks where the irrigation is nearly or quite certain, the old entries of "[illegible]" in the early accounts shd. certainly guide the decision as to the classifn. of the Inam lands for purposes of enfranchisement & assessment of Quit Rent. That what was origly. granted as customarily irrigated land in part of the remuneration assigned for the performance of certain duties, has for a long period of time actually been destitute of irrign. & therefore of less value to the officeholder than was origly. intended - may be cause for the Govt. but can supply no reason for the holding advantages wh. were origly. conferred. and that

1

improvements in the state of the irrigation works have restored the land to its orig. position.

Next to deal with the Inam lands. The orig. attached to the office came gradually to be alienated to non-working members of the family in which the office was hereditary - however of late years resumed from these wrongful possessors and re-attached to the office. does not in the opinion of Govt. involve any cause for hesitation now that the Inam is in effect to be detached from the office - in those cases in which the office itself remains in the orig. family. The hereditary right in the office - and in what formerly constituted its emoluments will remain in the enjoyment of those persons entitled to it.

But the case is certainly somewhat different when the office with

emoluments have comparatively recently passed from the family which possessed the hereditary right - and those members had thro' a series of generations added value to the Inam by their labor and expenditure -

The cases which require consideration can be only those in which the misconduct of an individual under incapacity - or assumed complicity of his relatives compelled the transfer of the office away from the orig. family - and in these cases it certainly appears somewhat inequitable to disallow altogether any claim on their part to the land now that it will be freed from the condition of service. and to make it over in full right to the stranger office holder who will at the same time be fully remunerated for his services by a cash payment.

The proper course in the opinion of Govt. is to recognise the hereditary right of the orig. family in the office & the land notwithstanding this temporary displacement and to treat the actual incumbents right of possession ~~of the land~~ as merely temporary and terminating with his tenure of the office. The issue of the title deed would be suspended until opportunity offered for re-appointing a member of the right family to the post when the enfranchisement the deed would be given in his name.

The Govt. believe that the cases in question are so few that the adoption of this course will practically involve little inconvenience. but before directing its adoption they desire to have thereupon the opinions of the Bd. the Inam Commr. & the Collr. of the District.

26.8.76.

P.S. I presume the details of the re-organisation have been laid before Govt. & approved.

J.D.S.

I do not see how we can do this. We can only deal with matters as we find them. The ejected parties - if wrongfully ejected had their appeal. and our principle throughout is that the emoluments & office are inseparable. We cannot withhold title deeds till the last Inam dies - and if we enter into enquiries of this nature, the matter will be interminable. An village servant on dismissal necessarily & naturally forfeits the emoluments of office, no matter how long he or his progenitors may have enjoyed them. If no re-organisation were being carried out we should not think of re-instating the old hands - why should we do so now merely because we are enfranchising the Inam at a favourable rate

J.D.S.

A.P.

G. O.
Settlement of Villag
Service Inams & G

I would not disturb the existing condition of the
Barbers & Chucklers in the villages of the Godavery district.
We have no evidence that their Inams were given to
them village servants solely on account of the occasional
service they rendered to the State, such as going on
messages, carrying remittances &c &c. Their occupation
was mainly what their name indicates and they
appear to me on the same footing as the Village
Carpenter Blacksmith and Washerman.

I would therefore accept the Boards recommendation
and leave the Barber & Chuckler Inams on their
present footing.

I have felt much hesitation in arriving at
a decision on the question of restoring the Inam
lands recently taken from the families of
the hereditary village servants.

I observe that the Board doubt whether the Govt
can do this without a special enactment.

I have arrived at the conclusion that the Govt should adopt Mr. Robinson's recommendation.

In cases where Inam lands have long been held in division by the family and have been improved by their labor great hardship has followed the strict enforcement of Act XI. of 1851. — Still greater hardship has followed where the sharers in Inam land have lost all their rights by the actual office holder being removed for misconduct or incapacity and a stranger has been appointed

Under the former state of things this was inevitable but now the restoration of the Inam lands to the hereditary claimants will not operate hardly on the stranger office holders. They will in future receive an adequate money payment for the performance of their duties.

[illegible] that in cases

has had a fair trial and a right of appeal and we should not have touched these cases had it not been for the reorganization of the Village Ests. —

But until this new organization we were obliged to allot the Inam to the Office holder or he would not have been paid at all.

We are now in a position to pay the man who does the work and we can seize the opportunity of correcting our inevitable acts of severity.

I feel persuaded that the course recommended by Mr. Robinson and which, if it can be legally done, is approved by the Board will be regarded with much satisfaction by the Native community. and this consideration is of much weight with me.

I think the Govt should adopt this course and obtain a legal opinion whether the restoration of these lands can be made under the existing law or whether legislation is necessary. RIE

be further consideration and after perusing the former correspondence which has now been circulated, relating to the operations of the Inam Commission I agree in the opinion of the Board that the Harbour & Church Inams in the Godavery District should be left on their present footing. ~~[illegible]~~

I should like to have the other more difficult question of the restoration of the Inams to the families of the original lease holders since the office has been abolished discussed in Council. Is it certain that the remuneration under the new system will suffice for the office holder without the profit which he would derive from the land if it were continued to him at a 5/8^ths assessment.

B. F.

The proceeds of the franch^t
go to the L. S. fund
Suppose the shares of the lands were
returned to the old families on
full assess^t + add^l pay^t
made to the office holder

I still entertain the strong impression - indeed conviction - that pt. have decided that women - such as these - should be enfranchised - But I cannot trace the order - & time does not permit of further search. The question must therefore be decided on its own merit as if it now arose for the first time -

It appears that the

Barbers & Chandlers have always performed certain State services & have enjoyed certain Incomes - besides - of course - fees from the Ryots for the services they render them. From all State services they will now be relieved - the new Establishments performing these - I submit therefore that it is only reasonable that the ^State emoluments should cease too - the Incomes being Enfranchised at the possible rate in force -

I submit that [illegible] emoluments are [illegible] State [illegible]

I do not entertain any doubt that the Incomes were for the State services - the fees being for the Private services - The men will still be the Village Barbers - but [illegible] wages being for shaving the Ryots. Mr Robinson talks of the "unfavourability" of Enfranchising these Incomes - But neither Col. nor Deb (ch [illegible]) give the slightest hint of the kind!!

I agree therefore with

the Collr. that the Inams should
be enfranchised.

In saying that the estate would
be sufficient without the
items the Wd. forgot that the village
case – like the road case – depends
on the Sanad.

I do not understand
what the Inam Commr. had to
do with this matter – We sent
the Collr. one of his Deputies –
to help him – but Collr. & Wd.
have always managed the
business – J. D. S.

[illegible]

---

addresses from capital funds
No cause to be th[illegible]
Invest. of office
There shd. not be gift
of inherited devise
No reason why newcomers
shd. hold on $\frac{5}{8}$ assessmt.
The concession was in favor
of old occupants.

Cases.

Of Dismissed officials –
? To restore lands on full
assessmt.

Of change in [illegible] of
family
? To leave matters.

Of change in family
from incapacity
? To restore on full

assess? –

To compensate office
holders by additional
drawn from assessmt.

? Dispose salary
completely & to [illegible]
An [illegible] derived
from land & [illegible]
When assessed
with an [illegible] land & office
To treat each case
on its merits.

? Any limit of time

Why not?
Govt. has dealt with
the land as at their
disposal for remunern.
of service –
Has resolved dismissal
otherwise –
Why not recognise
old rights of [illegible]

Memo for Orders.

Referring to the remarks on the first para. of the accompanying Draft G.O. I beg to state that I have been thro' all the papers relating to the settlement of the Village Service Inams of the several Districts and I believe that the principle advocated by the Offg. Commissioner of the Bd. of Rev. & adopted in the Draft, so far from being opposed to that hitherto followed is perfectly consistent with it. In no district so far as I can find has recognition of

the Barbers & Chucklers
Enams as the endowment
of essential village domestic
offices included in the
Bara Balooti – been
resumed. In every District
it appears that these
were existent with the
other similar purely
Village Enams, as endowments
charged with the permanent
condition of service to the
villagers – and as
distinguished from ~~with~~ the
Enams attached to those
village offices designed
on them for service to
the State. which were enfranchised
from the condition of service
and charged with the $\frac{5}{8}$ assessment
as a Quit Rent which

the village service from
the officiating servants
& reward remuneration
by a money allowance

I submit that the
very names of the
Enams indicate that
they were the remuneration
for the constant service
required of the holders
by the villagers – rather
than for the casual &
trifling service required
of them by the State as
messengers on occasion
that the services to the
villagers cannot be
said to be "no longer
rendered or required"
that similar Enams
exist & have been
maintained elsewhere
throughout the country
from time immemorial
and that to enfranchise
these Enams in the

Podarry district from all obligation of service merely because a casual State service exceptionally required in this district from the holders will be no longer required, will have the effect of depriving the villagers of an inconvenient common privilege still recognised everywhere else & to throw on them an additional expense while depriving them of the power of claiming service.

The Colr.'s assertion that the Inams were granted for the exceptional service to the State is supported by no evidence, and is opposed to the rule everywhere else where the Barber & Chuckler Inams are classed with those of the Carpenter, the Blacksmith, Washerman, the Potter &c.

The effect of enfranchisement from the obligation of service will be to free the holders from all condition of tenure beyond payt. of Quit rent to the State, & to leave him at liberty to sell the lands to any outsider of any class.

It appears to me that it will be unjust to the villagers of the district & will place them at a disadvantage as compared with all other districts.

I do not think the position can be sustained that these were State grants for State purposes, and in the absence of proof I think the enfranchist. wd. be of very questionable legality.

As regards the latter part of the Draft G.O.

I do not wish to argue the claims of non-working members of the Official families — but I may mention that these have been recognised elsewhere. — ~~But~~ I admit the difficulty of dealing with the cases where possession of the land itself — though long alienated from the office — has recently been re-attached to it.

I request early orders as it appears that the change is in abeyance altogether pending disposal of the Hd. Res: of August last —

C.B.

4. Feb. 72

Mem

The reason for preference on 5/8 was the prominent [illegible] of the family of [illegible] officers.

This argument does not apply to the recent appts.

For orders

Urgent

Urgent

For early orders

5/4

19th april 72 R. 25.

Revenue Department

43

No. 541

Proceedings of the Madras Government.
dt 3rd April 1872

Read the following Proceedings of the Board of Revenue.

"Subs. g for orders of Govt. with remarks Proposals of 2nd Member of Board in charge of Inam Dept. relative to settlement of Village Service Inams in Godavery District —— } (N. E. 12th Augt 1871 No. 3411)

The Govt. concur in opinion with the Board that the Barber and Chuckler Inams in the Godaveri District should remain un-enfranchised from liability to service notwithstanding that certain menial services which have been hitherto requi of the holders on behalf of Government will hencefor cease to be demanded. The requirement, however long its standing, has certainly been in excess of the origina

Inte

duties attaching to these village Offices, which duties will continue to be demandable of the Office holders by the villagers and the Inams constitute the emoluments of the office and the remuneration for the performance of these duties.

The Govt. also approve of the permission given to relinquish unprofitable areas out of Enfranchised Inams which are to be charged with a quit rent of $\frac{5}{8}$ full assessment. There is no more reason for requiring the holder of an Enfranchised Inam to retain what he wishes to relinquish than for requiring an ordinary Ryot to do so, when the relinquishment desired is in accordance with the rules as regards areas, but any revenue ~~that~~ may be hereafter derived from these relinquished areas

areas will be an asset belonging to the village Service Fund.

The Government approve the principles on which the classification of the Inam land has been adjusted. The case of the upland taluks is clearly exceptional and where irrigation is precarious the entry of such "doubtful wet" land as "dry" subject to a water rate in the event of wet crops being raised by means of Govt. sources of irrigation is reasonable.

But in the "Delta" taluks where the irrigation is nearly or quite certain, the old entries of "Mamul Nunjah" in the early accounts should certainly guide the decision as to the classification of the Inam lands for purposes of Enfranchisement and

assessment

assessment of quit rent -

That what was originally granted as customarily irrigated land in part of the remuneration assigned for the performance of certain duties, has for a long period of time actually been destitute of irrigation and therefore of less value to the office holder than was originally intended, may be cause for regret, but can supply no reason for with-holding advantages which were originally conferred now that improvements in the state of the irrigation works have restored the land to its original position.

The Govt. will dispose of the somewhat complicated question of the transfer in late years of

Service Inam lands from "Non working Missidars". or from the families of displaced or deceased office holders. by separate orders &c. will be very shortly issued.

Meanwhile in these cases. Enfranchisement will be suspended.

Ind Copy &c. to the Board of Rev. 3 Sepr 1872