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CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

MADRAS RECORD OFFICE

Government of Madras

Revenue

DEPARTMENT

CO NO. <u>427</u>	FILE NO. <u>151</u>
<u>18</u>	
Dated <u>12.5.44</u>	By <u>2</u>

Not to be filed in 2011 folder

*Proceedings of the Madras Government, Revenue Department,
5th April 1876.*

to inquire again into the matter, and on your informing me of that having been done, I also will appoint an official on the part of this Government.

Purport of a Report from the Judicial Department, His Highness' Government, dated 17th October 1875.

From a perusal of the record in the case of Saïd Akbar Kadiri and Saïd Awlia Kadiri versus Raja Narrainappa Rao, Zemindar, it appears that the said Zemindar with 150 followers and the Police Jawans of the British Government attacked the houses of the complainants at 7 o'clock in the morning, turned their women out of the house, and treated them with indignity and plundered their property. On the Nizam's Police Jawans interfering, they were threatened with being arrested and imprisoned. When the petitioners complained they were informed that a joint investigation of the matter will be held by officers appointed on the part of the British and His Highness' Government, and that the petitioners should refer their complaints to the said officers. Thus Abdul Manam on the part of His Highness' Government and Mr. MacCartie, Assistant Collector, on the part of the British Government, were appointed to inquire into the matter. From the proceedings held by these officers, it is apparent that no notice was taken of the petitioners' complaints in the matter of the alleged decoity and ill treatment of their women. The officers of the Commission have inquired into the right of ownership of the village of Baravancha; but there is no doubt that the village in question belongs to the Mushaikhs (priests) by the virtue of the Sanads granted by Asif Jah in 1159 Hijri (A.D. 1740). The boundary stones of the village, moreover, bearing the representations of the Sun and Moon have never been interfered with since they were first set up and the possession of a piece of the village land on the north by the opposite party is due to fact of the Jaghiredars having granted the same to the father of the Zemindar in consideration of an annual money-payment of Rs. 1,500. If all the lands of Baravancha belonged to the defendant, how was it that he never, during all this long time, utilised them by cultivating them or planting gardens? If, again, all the lands belonged to him, it is difficult to understand why he had only the northern portion of it in his possession and not the whole. With reference to the statement made by the Zemindar that he obtained the lands on lease from the British Government in the year 1802, it may be asked how it is that the whole village of Baravancha is not in his possession, for if he had been illegally deprived of it during all these seventy-three years, he would certainly have complained about the matter. The truth is that the village of Baravancha is a Makass village. In the papers produced by the complainants the boundaries are clearly defined. If these boundaries were not correctly described the British Police would have been posted to the village in the same way as they are posted in the Zemindar's jurisdiction.

With reference to the complaints made by the Mushaikhs against the Taluqdar and Mr. MacCartie, it is submitted that the matter is one which should be inquired into by His Highness and the Madras Government. Mr. MacCartie has, however, introduced several irrelevant questions into the discussion, and his decision is not satisfactory. So, also, in the decision passed by Abdul Manam in which Mr. MacCartie subsequently concurred. It seems advisable, therefore, that the matter should be re-investigated.

ENCLOSURE No. 4.

From the Resident at Hyderabad to His Highness the Nizam's Minister, dated 23rd December 1875, No. 3,220.

In reply to your letter, No. 2,059, dated 15th September 1875, requesting that arrangements may be made for re-investigating the dispute regarding the proprietorship of the village of Baravancha, I beg to state that before addressing the Madras Government in the matter I should like to be informed whether any inquiry has been made into the charge brought by Saïd

*Proceedings of the Madras Government, Revenue Department,
5th April 1876.*

Awlia Kadiri and others against Saïd Abdul Manam of his having received bribes. If the Taluqdar has been found guilty, the grounds on which I could ask the Madras Government to nominate another officer to institute a fresh inquiry into the matter would be much strengthened.

ENCLOSURE No. 5.

From His Highness the Nizam's Minister, to the Resident at Hyderabad.

With reference to your letter, No. 3,220, of the 23rd ultimo, inquiring, &c., I beg to forward, for your perusal, a further report from the Judicial Department, from which it will be seen that the charge of bribery preferred by Saïd Awlia Kadiri and others is against Mr. MacCartie as well as against Saïd Abdul Manam. If you consider that the charge should be inquired into as against both these officers I quite concur with you; but such an inquiry would take up considerable time, and I should, therefore, feel obliged if, as requested by me in my previous letter, a fresh investigation into the matter of the ownership of the village of Baravancha could be arranged for by the appointment of another officer on the part of the British Government to undertake it conjointly with one on the part of His Highness' Government.

Purport of Report from the Judicial Department, His Highness' Government, dated 29th December 1875.

No inquiry has been made into the charge of bribery brought against Saïd Abdul Manam. The complaints of corruption made by the petitioners in this case are against Mr. MacCartie as well as against Saïd Abdul Manam. The petitions on the subject must be either in the Resident's or in the Minister's own Office.

(True Copies.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

Ed. F. R. Bantleman.

REVENUE DEPARTMENT,
FORT ST. GEORGE,
5th April 1876.

No. 477.

No. 39.

To

THE PR

Miscellaneous.

am directed by His Grace in Council to acknowledge your letter, No. 2,719, of the 3rd March instant, replying to my letter of the 5th March 1874, No. 313, in which this Government intimated its acceptance of the settlement made by the Joint Commission in the matter of two of the boundary disputes existing between the Hyderabad Territory and the Madras District "Kistna," and inquired whether His Highness the Nizam's Minister was prepared to acquiesce in the adjudication arrived at.

2. You state that the Zemindar in whose favor the proposed settlement runs, is denounced by the other side as having bribed both the arbitrators, one of whom is a Civilian attached to this Presidency. You observe that an imputation of this kind is not uncommon in such cases, and that you regard it in the present instance as altogether undeserving of attention. You, however, suggest that, in view of the course that has been taken in the case—alluding apparently to the extent to which the complaint has been entertained in His Highness the Minister's catcherry—a new Commission should be appointed, composed, as before, of a representative of either Government; that the petitioners be called to prove their allegations of corruption; and that, their failing to do so, the original settlement be declared in force, unless the new Commission see grounds for disturbing it.

3. His Grace in Council desires me to say that he regrets his inability to agree to these proposals. The petitioners complain that the decision would have been in their favor, if the Zemindar had not resorted to bribes. Let them, then, prosecute the Zemindar, who is a British subject, in the Courts of the Kistna District; if he is convicted, it will be good ground for a fresh investigation into the matter of the disputed boundary; if, on the other hand, he is acquitted, the settlement proposed should stand good, seeing it is impeached solely on the ground of its partiality, induced by the corruption alleged. To arraign the Zemindar before a mixed Commission would be futile, a judicatory of that kind not being recognised as a Criminal Court by the laws of British India.

I have the honor to be,
Sir,

Your most obedient servant,

(Signed) D. F. CARMICHAEL,

Secretary to Government.

Ed. F. R. Bantleman

CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES

Original

No. 961

From Asstt President Hyderabad
Dated 3 March 1876.

FOR ORDERS.

The dispute was referred to a arbitration by the Government and a joint decision came to which was accepted by the Madras Government as per the 1st clause of the Hyderabad Minute it is called by no name but "or satisfactory" and the term failure of justice is not to be taken.

It is therefore quite clear that no decision will be made except in accordance with the foregoing conclusion. The Minister wishes to refer the question before the next Commission to be appointed in respect of and before any investigation of facts charge of bribery made against the Commission. He has also to make the same.

The President seems to be of the opinion that a new Commission

Hyderabad

GOVT. OF HYDRABAD

REVENUE.

THE ASSISTANT, HYDRABAD

Hyderabad

Hyderabad

Hyderabad

Hyderabad

Hyderabad

Commissioner be appointed
to investigate the criminal
charges with power to alter
the award if they see reason
to disturb it.

I don't see that this
can be done. If a Commissioner
be appointed, it must be
to try Mr. McClellan on
a charge of bribery for the
thing he did in the way
proposed? and by a
joint Commission, the option
is to be a regular subject?
Clearly not.

I would tell the
Reviser that we cannot
revert to the proposal.

W.H.
W.H.

The decision of the
1st Commission - should be
advised to. unless found

to have been obtained by

unjust means -
it is alleged that a decision
was given by the

the decision -
to them any later. It is
not such a charge
can be proved or disproved
in any way (not by the

W.H.

W.H.

FOR ORDERS.

N^o 2718/1875/76

From,

The Asst. Resident
Hyderabad.

To,

The Secretary to the
Government of
Madras.

Fort Saint George

3rd March 1876

Sir,

With reference to your letter N^o 313
of the 5th March 1876 intimating the
receipt of a report regarding the decision
arrived at in two cases which had been
investigated by the arbitrators appointed
on the part of the Madras and the
Mysore Governments
respectively to settle certain boundary
disputes, and enquiring whether the

Hyderabad

His Highness's Government were prepared to accept the said decisions, the offg. Resident has the honor to state for the information of His Excellency the Governor in Council that a reference on the above point was duly made to His Highness's Government on receipt of your letter and under reply 2.

Several petitions were subsequently received by Mr. Saunders from Merchants Saiad Awha Kadri and Saiad Akbar Ali Kadri Jagirdars of Baranancha, one of the villages the boundary dispute of which had been concluded, representing that Subedar Saiad Abdul Munim the arbitrator appointed on the part of His Highness the Miran's Government must have in the first instance recorded his opinion in favor of the petitioners, in reference both to the terms of the Sanads and to the

the petitioner's prescriptive rights over the said village; but subsequently on receipt of a diamond ring and other articles of value from the Zamindar concerned had modified his original judgment and awarded the lands under dispute to the party from whom the illegal gratification had been received and that Mr. McCarthy the investigating officer appointed on the part of the Miran's Government had expressed his concurrence in the same judgment in being similarly influenced by the Zamindar.

3. On the above representation being forwarded by Mr. Saunders for the consideration of His Highness the Miran's Government a reply was received from the Khairat Ali Sahib Jagir of C. P. to the effect that from the

the proceedings in the case, the village
of Baravaneha evidently formed the Jagir
of the Mashaike above named in
accordance with the terms of a sanad
dated 1159 Hijri (A.D. 1744) granted
by His Highness Asif Sah Bajwa ul
Mulk; that the boundary stones of the
village bearing the representations of
the sun and moon have never been
interfered with since they were first
set up, and that the possession of
a portion of the village land on the
north by Jamindar was due to the
fact of the Jagirdars having granted
the same to the father of the party
in question in consideration of an
annual money payment of Rs. 1500.

On the above grounds
His Highness's Minister considered
the decision arrived at by the two
arbitrators to be clearly an erroneous
one.

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one, and suggested the propriety of a
fresh Commission being appointed for
the re-investigation of the case in
question, as well as of the remaining
boundary disputes between villages of
the Kistna District and His Highness's
the Nizam's Territory.

5. As, however, the Minister
had said nothing as to what notice
if any had been taken of the charges
of bribery and corruption preferred
by the Jagirdars against Salukdar
Sa'id Abdul Manum, a further re-
ference had to be made to him on
that point in reply to which a com-
munication had been received from
Sir Salar Jung in which he stated
that no special inquiry has been
made into the allegation against
the Salukdar, and that as both
that officer and Mr. McCarthy are
accountable

accused of corruption, the conduct of both should be investigated; but ^{as} this would take time and as there has been a failure of justice, it is desirable that a fresh Commission should be appointed as previously suggested.

6. In now forwarding the information of His Excellency the Governor in Council English translation of the correspondence which has passed on this subject between his predecessors and His Highness the Nizam's Minister, Sir R. G. Meade desires to express his regret at the great delay that has occurred in dealing with this matter. It is in no way clear to him that the allegations of the Jagirdars should have been suffered to interfere with the settlement proposed by the Commission; and he is unable to explain why

why this office should have become the Channel for transmitting the petitions containing those allegations to the Nizam's Minister. Such imputations are not uncommon in such cases, and require to be accepted with caution: and the attempt in this instance to include the British representative Mr. Farthy, in the accusation leads the offg. Resident to regard the allegation as altogether undeserving of attention.

7. With reference, however, to the course that has been taken in the case since the receipt of your letter of 14th 78. dated 5th March 1878, the offg. Resident recommends that the Jagirdars be called on to substantiate before a new Commission; composed of a representative from Hyderabad and the British District

Y. la. 1860. 7. 10.
The cat. 1860. 7. 10.
The cat. 1860. 7. 10.

(A) your most Loyal Servant
 Wm. A. R. R.
 1st Lieut. & President

Q

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No 658³ dated 11th March 1874

With reference to previous correspondence
ending with your letter No 2860 of the 14th September 1888
on the subject of the appointment of a joint com-
missioner to settle the boundary dispute existing
between certain villages in Hyderabad territory
and others in the British District, as well as to
inquire into the right over the village of Bar-
wanah, I beg to enclose for your perusal copy
of a letter No 318 of the 5th December received
from the Secy to the Govt of Madras intimating
settlement by Subahdar Abdul Rahman and the
Officer appointed by the British Govt of two of the
boundary disputes in question stating that their
decision is considered satisfactory by the Madras
Govt and inquiring whether H. Hs Govt accepts it
also whether the same arbitrators should meet
again about 1st April next to investigate the
remaining cases as well as settle the question
of the right over Barwanah. In your favouring
me with an expression of your opinion on the two
points above referred to, I will communicate

Handwritten signature

the case to the Madras Govt.

From

Resident

To

H. H. the Mysore Minister
No 2036 D/19 August/74

I beg to forward for enquiry into the truth of the allegations therein contained, a petition received from Saiad Anbia Sadvi and Saiad Akbar Ali Sadvi and others Jagirdars of Baravanchea representing that Saiad Abdul Manan Talukdar Talukdar District in the first instance settled the matter relating to the right over the village of Baravanchea equitably and in accordance with the proofs of prescriptive enjoyment but afterwards having accepted illegal gratification in the shape of a diamond ring and other valuable articles from the Zamindar of the British side, he modified his decision in contravention of the proofs of prescriptive enjoyment. By this modified decision the petitioners say their rights have been set aside and the lands under dispute made over to the Zamindar. They further enquire to be made as to whether the petitioners representations are true or not and if true from the result.

Support of Petition presented to the Resident by Saiad Anbia Sadvi and Saiad Akbar Ali Sadvi and other Jagirdars of the village of Baravanchea dated 13th August 1874.

States

States that on a previous petition presented to them regarding certain lawless and oppressive acts on the part of Baravanchea on the part of the Zamindar of the British side, orders were issued by the British Govt to the Collector of Bellary and by the Mysore Govt to Abdul Manan the present Talukdar of the Talukdar District to enquire into the matter. The Talukdar in the first instance settled the dispute in accordance with the laws as well as prescriptive title and with due regard to the old boundary stones then existing but was afterwards brought over by the Zamindar with a bribe of certain articles of worth several thousands of Rupees viz a diamond ring, a necklace and earrings set with gems and a pair of gold embroidered shawls. In the same way the Zamindar secured the collusion of the Collector also the result is that the decision finally passed sets aside the Saiad and work of prescriptive enjoyment. Thus notwithstanding the previous facts established by no amounting to Rupees 5000 caused by the Dakait and other atrocities committed by the Zamindar, no steps have been taken in our possession from time immemorial in accordance with the laws & have been made over to the said Zamindar. We have thus been altogether deprived of our rights in which we were solely dependent. It behoved the Collector and Talukdar to have first inquired in the presence of the Panchayat convened on the spot, into our complaints of Dakait and outrage and our rights in our possession of lands which are

are

are ours according to the Sanads and documents
proving our prescriptive title, and then to have decided
our case. They however did not take our case into
consideration at all, and passed a decision depriving
us of our rights. This matter is well known to the
inhabitants of Ulora, Bizzwada and Kondapalli Mr
Kuntakallu in making these statements will be
fully ascertained if a second enquiry is held. Thus
we hope you will in justice to us kindly order the
authorities of that locality to institute, so that this
case may be decided with due regard to the old
documents and Sanads in our possession.

Chrom. 1848. Printed

To
The President of Hyderabad
No 3950 D/15th September 1896

With reference to your letter No 688
of 1st March and No 2036 of 19th August 75 on the subject
of the village of Baravanchara. I beg to enclose for your
information a report received from the Judicial
Department of M. H. Co's from which you will see
that the point discussed arrives at by the officers ap-
pointed by the Madras and M. H. Co's are by no means
correct or satisfactory, and that it is advisable that
a fresh inquiry should be made. I should therefore
be obliged by your arranging for the nomination
of a British Officer to enquire again into the matter
and on your informing me of that having been done,



I also will appoint an official on the part of
this Govt.

Purpose of a Report from the Judicial Dept. H. H.
Gove dated 17th October 1876

From a perusal of the record in the case of Sayad Akbar Kadir and Sayad Amir Kadir versus Rajah Narayappa Rao Gammidar, it appears that the said Gammidar with 150 followers and the Police jawans of the British Govt. attacked the houses of the complainants at 4 o'clock in the morning, turned their women out of the house and treated them with indignity and plundered their property. On the Mysore Police jawans interfering they were threatened with being arrested and imprisoned. When the petitioners complained they were informed that a joint investigation of the matter will be held by officers appointed on the part of the British and M. S. Govt. and that the petitioners should refer their complaints to the said Officers. Now Abdul Karim is the head of M. S. Govt and Mr. McArthur Asst. Collector on the part of the British Govt. were appointed to inquire into the matter. From the proceedings held by these Officers it is apparent that no notice was taken of the petitioners complaints in the matter of the alleged Dakhil and ill treatment of their women. The Officers of the Commission have enquired into the right of ownership of the village of Baravancha, but there is no doubt that the village in question belongs to the Machharkh (privately by the owner).

of the lands granted by Akbar in 1559. The boundary stones of the village moreover bearing the representations of the Lion and Unicorn have never been interfered with since they were first set up and the possession of a piece of the village land on the North by the opposite party is due to fact of the garden having been granted the same to the father of the Zamindar in consideration of an unusual money payment of Rs 1500. If all the lands of Baranichar belonged to the Defendant how was it that he never during all this long time enlarged them by cultivating them or planting gardens? If again all the lands belonged to him it is difficult to understand why he had only the northern portion of it in his possession and not the whole. With reference to the statement made by the Zamindar that he obtained the lands on lease from the British Govt in the year 1805, it may be asked how it is that the whole village of Baranichar is not in his possession for if he had been illegally deprived of it during all these 25 years he would certainly have worn himself about the matter. The truth is that the village of Baranichar is a Madras village, and the lands granted by the Government to the defendant are clearly defined. If these boundaries were not correctly described the British Police would have been sent to the village in the same way as they are sent in the garden and forest.

With reference to the complaints made by the Zamindars against the Talukdar and Mr. Maclellan it is submitted that the matter

is one which should be inquired into by H. H. and the Magistrate. Mr. Maclellan has however introduced several irrelevant questions into the discussion and his decision is not satisfactory. So also is the decision passed by Abdul Mannan in which Mr. Maclellan subsequently concurred. It seems advisable therefore that the matter should be re-investigated.

From President

To

H. H. the Magistrate
No 3220 D/23rd December/75

In reply to your letter No 320 of 15th September regarding that arrangements may be made for investigating the dispute regarding the boundaries of the village of Baranichar. I beg to state that before addressing the Madras Govt on the matter I should like to be informed whether any inquiry has been made into the charge brought by Sarad, Akbar, Kader and others against Abdul Mannan of his having received bribes. If the Talukdar has been found guilty the grounds on which I could ask the Madras Govt to nominate another officer to undertake a fresh inquiry into the matter would be much strengthened.

From

H. H. the Magistrate

To

President at Andover

With

With reference to your letter No 3220 of
the 23rd ultimo inquiring if I beg to forward for
your perusal a further report from the Judicial
Deputy from which it will be seen that the charge
of bribery preferred by Saïad India Katni and
others is against Mr. Inland as well as against
Saïad Abdul Manan. If you consider that the charge
should be enquired into as against both these officers
I quite concur with you, but such an enquiry would
take up considerable time and I should therefore
feel obliged if as requested by me in my previous
letter a fresh investigation into the matter of the
ownership of the village of Baraamacha could be
arranged for by the appointment of another officer
on the part of the British Govt. to undertake it
separately with one on the part of the Govt.

Enclosed I forward from the Judicial Deputy the
Office December 1876

No enquiry has been made into the
charge of bribery brought against Saïad Abdul Manan
the complaints of corruption made by the petitioners
in this case are against Mr. Inland as well as
against Saïad Abdul Manan the petitions on the
subject must be either in the Residents or in the
Governor's own office.

(Two translations)

Chengero

Off. Secy. Govt. Comm.

Aug 61/76

5th March 1876-78

Received 1876-78
No 961

From The Asstt. Resident
Hyderabad

Dated 3rd }
Recd 6: } March 1876
No 1 } No 27/19

No 477 5 April 1876

Forwarded with a copy to Mr. S. A. Little N. 313 of 5th March 76 on the settlement of 2 of the boundary disputes between Hyderabad and the Nizam's State, translations of certain correspondence between the late Asstt. Resident and the Nizam's State, and having that the Nizam's Government be called on to prove before a new Commission their allegations of corruption against the late Commission.

Copy to Mr. S. A. Little N. 313 of 5th March 76

8.13 March 76: N. 313 of 5th March 76

Copy to Mr. S. A. Little N. 313 of 5th March 76

No 477

Rev. Secy. N. 313 of 5th March 76

To the President,

Hyderabad

Sir. I am directed by His Grace in C. to acknowledge your letter No 27/19 of the 3rd March inst, replying to my letter of the 5th March 1876, No 513, in which his Grace intimated its acceptance of the settlement made by the Joint Commission in the matter of two of the boundary disputes existing between the Hyderabad territory and the Nizam's district 'Kistana', and inquired whether His Highness the Nizam's Minister was prepared to acquiesce in the adjudication arrived at.

2. You state that the Zamindar in whose favor the proposed settlement runs, is ~~well~~ denounced by the other parties as having bribed both the arbitrators, one of whom is a Britisher attracted to his Party. You state that an imputation of this kind is not uncommon in such cases, and that you regard it in the present instance

as altogether
warranting of a mention.
You however suggest that, in view
of the course that has been taken in
the case - alluding apparently to
the extent to which the complaint
has been entertained in H. H. the
Minister's entreaty - a new
Commission should be appointed, composed,
as before, of a representative of
either Govt.; that the Patwaris
be called upon to substantiate before
his tribunal their allegations of
corruption, and that, on their
failing to do so, the original Settlement
be declared in force, unless the new
Commission see grounds for disturbing
it.

3. His Grace's refusal to
agree to his inability
to agree to these proposals. The Patwaris
complain that he declines to have
him in their favor, if the Zamindar
had not resorted to bribes. Let him,
then, prosecute the Zamindar, who is a
British subject, in the Courts of the

Rishta district; if he is convicted,
it will be good ground for a fresh
investigation into the matter of the
disputed boundary; if, on the other
hand, he is acquitted, the settlement
proposed is to stand good, seeing
it is impeached solely on the ground
of its partiality, induced by some cor-
ruption alleged. To arrange the
Zamindar before a Magistrate
Commission will be futile, as a
judiciary of that kind is not being
recognized as a Criminal Court
by the laws of British India. ~~not to be regarded~~

5th April 1876