I. Number of pages 16
II. Date of repair 1/12
III. Initials of Reference

M.R.O. 1—82 400—99-11-30

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	4647	Press / Mis.
Dated	29th July	1890.

Not to be folded or roughly handled

NOTE FOR THE ~~UNDER SECRETARY.~~ Registrar

C. nos 10017 of 89
728 – 4571 of 90
regarding superchiseement
of P.S. Mams in North
West.

Please look up the question of the extent to which the Mams in N. West consisted merely of the assignment of the revenue; I can find nothing definite in Pelly's Volume on the point but gather that the Mams were for the most part originally grants of land. If that be so the question can only concern those cases in which the office has passed from the old Mirasi families and the lands are not in the enjoyment of the office holders there were by comparatively few I imagine. C.C.
11/7

NOTE FOR THE SECRETARY.

I have read through Pelly's volume & have also made enquiries in the Inam Commissioner's office, but have not been able to find out the extent to which the V. S. Inams in North Arcot consisted merely of the assignment of the revenue. It would, however, appear from Pelly's volume that the village servants in N. Arcot were remunerated only in two ways, i.e., by grants of Inam land & by grain fees (vide para 2 of Mr. Pelly's letter dated 11th July 1862 No. 1333 at page 613, Part II of the Volume). There would, therefore, appear to be no cases in which the Inams consisted of the assignment of the revenue merely.

2. The following seem to me to be all the possible cases:

The man actually enjoying the land maybe

(1) a member of the mirasi family & also hold the office,

I want to see the [illegible] 2 Aug 89 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

The papers are [illegible]

(2) no member of the minor family & yet holds the office,

(3) a member of the minor family but not holds the office,

(4) neither a member of the minor family nor the office-holder.

The first case presents no difficulty & the Inam must have been registered in the name of the ~~minor~~ occupier of the land who is rightly enjoying the abatement of assessment allowed on enfranchisement.

In the second case, the fraud which enfranchises the Inam in the name of the occupier when there are other heirs belonging to the minor family who are entitled to consideration (vide Bo. 4th Oct/87 No. 967 - no copy of this order is available here; also a copy having been put up with Current Number upto 005.). The 3/8th Amt with for to settle the office-holder & the minor member, according as the Inam is registered in the name of the former or the latter.

The third case is that referred to by the Collr in his ltr under reply. Here the minor member is entitled, according to Govt rule above referred to, & therefore the Inam registered in his name & he is rightly enjoying the abatement of 3/8th of the assessment.

In the 4th case that there is no shadow of reason why the occupier of the land should have it registered in his name or Inam & he allowed a remission of the assessment. He thus paying the full assessment to the office-holder until enfranchisement - & has no claim to any remission of it thereafter. It is in regard to this last class of cases in the Madura District that the Govt has declined to allow any abatement of the assessment (vide Bo. 2nd Aug. 1892 No. 4879 minute this is at 005.). How many cases of this kind there are in the Madura District, we have no material to know, nor can any be ascertained from the Collector.

A
22/7

3

REVENUE DEPARTMENT.

No. 4571

From Board of Revenue (Land Revenue)

Dated 24th June 1892

FOR ORDERS.

The system of enfranchising at 5/8ths has been allowed in a great many districts. I believe there has been a great deal of discussion as to whether favourable enfranchisements should be allowed or not (though I cannot find any such discussion in the papers put up) so that the policy (though probably a mistaken policy) was the result of mature discussion & deliberation. This policy was in full force when the Inam Settlement of Village Service Inams in N. Arcot took place. The settlement officers must have expounded it on innumerable occasions. The people must have known of it. The title deeds originally distributed must have confirmed this knowledge & 4/5 of them are still in the hands of the people. The property

This paper furnishes the information called for in connection with C. No. 11017 of 1889 & 728 of 1890 which are now circulated for orders with the original letter thereon.

The question for decision is whether the Fasli Order enfranchising the Village Service Inams in Arcot can be set aside and the Inams be forfeited. If it is admitted on all hands that the Inams in this District consist of the Fasli Inam family & the right to receive the assessment is vested in them according to enfranchisement & to make a

present to existing office holders, many of whom are not connected with the old Mirasi families of 3/8th of the assessment for all time. The question was fully discussed in respect of the Inams in Coimbatore & Madura, which are of a similar character. As the Title Deeds had already been distributed in Coimbatore it was decided that nothing could be done to remedy the mistake. Vide GO 21 March/90 no 263. As regards Madura the Title Deeds had not been distributed and it was ordered that Enfranchisement should not be extended to cables in which the remuneration for the office consists merely of the assignment

must have been transferred ~~changed hands~~ in many cases. There is no necessity for a change of Policy in N Arcot, for, as a recent Note has shown, the funds in N Arcot are amply sufficient for the Revision of the Village Service. I think we have gone too far in N Arcot. (as it has been decided we have done in Coimbatore) to change the Policy there. Nothing can be done – at all events without legislation – in the 415 cases in which title-deeds have been retained, & it would be hard to make the men who have given up their title deeds suffer whilst those who have refused to give them up go scot free. Legislation would be a sheer destruction of rights of property, & these rights will in many cases have passed away by sale &c to parties who have nothing to do with the Service or the enfranchisement

JG
14/7

This paper was marked to the Hon Mr Ir Garstin but does not appear to have been seen by him, as he was absent at Bangalore

This order was I think passed before the Govt. had seen the High Court's judgment in the Coromandel Inam case. That judgment I cannot find in these papers. I shd. like to see it before disposing of these papers

JAG
17/7/90

of the assessment on land which is at the time of Enfranchisement in the possession of a stranger i.e. neither an office holder nor a Ghari Ensaldar. Vide GO d. 2 Aug 1889 no 4879.

In the case of N Arcot the Title Deeds were distributed but were recalled in 1887. It is now reported that of 3622 title deeds delivered to the parties 3207 have been returned & 415 are kept by the holders, the aggregate amount of Quit rent liviable in each case being Rs 34457 & Rs 5398 respectively. The Govt has ruled in its order dated 30 Dec/89 no 1019 that the issue of a Title Deed completes the Enfranchisement, as regards those Inams for which the Title Deeds have not been recovered nothing can be done and as I

pointed out in my previous note it would be hard to deprive those who obeyed the requisition of the benefit which those who disregarded it will enjoy.

The Honble Mr Gaustin proposed that an act should be passed enabling the Gov^t to cancel all the Title Deeds which have been erroneously issued in cases in which the assessment constitutes the Inam, but it is respectfully submitted that such an measure would be regarded as a breach of faith and an act of confiscation & would probably be disallowed by the Gov^t of India even if it passed the local Legislative Council. This is not a case of the Inam Commissioner having exceeded his powers, but of a change of policy on the part of Gov^t and it is submitted that it would be a very extreme measure to pass an act to rem[illegible] is now regarded as a [illegible]

FOR ORDERS.

Re. the Enfranchisement of 'Iron' inams in North Arcot.

The Honble Mr Grose

The Honble Mr Gaustin

[illegible]

— at the time when the action was taken was in accordance with orders.

[illegible] 11/7

REVENUE DEPARTMENT.

No. 4571

From

Dated 18 .

FOR ORDERS.

Seen JG 21/7

With reference to the Honble Mr Grose's remarks, the papers relating to the enfranchisement of Village Service Inams at 5/8th of the assessment will be found at the pages in Pelly's Volume marked with red tape, see especially paras 13 & 14 of G.O. d. 22 March/61 no 673 (page 177) and G.O. dated 26 April/61 no 939 (page 180) also para 23 of Mr Pelly's letter dated 30 May/63 (page 235).

It was at first proposed to reserve so much of the Inam lands assigned to

the remuneration of the Village officers as might be required to afford suitable provision for the office according to the schemes of revision [illegible] and to place these lands in the possession of the incumbent for the time being, the remainder of the Inams being enfranchised at one half of the assessment. It was pointed out that this rule would operate hardly on cosharers not holding office who would be compelled to give up their shares of the Inam in order to provide remuneration for the office holders and also that whenever a change of incumbency took place it would be hard to compel those who had held the land & improved it to give it up to another. On these grounds it was decided to enfranchise the whole of the Inam land at 5/8th of the assessment two thirds was the rate at first fixed but

was reduced to 5/8th in consideration of the liability of the Inamdar to pay the Village Service Cess. It will be seen that the grounds on which enfranchisement at a favorable rate was decided upon had no reference to the case of Tiwa Inams or those in which the assessment on the land merely constituted the Inam and that it was a mistake to apply the principle of enfranchisement to such Inams, the full assessment might without injustice to anyone have been imposed and credited to the Village Service Fund. How the mistake arose I cannot say - I am not aware of any order of Govt. expressly directing the treatment of Tiwa Inams in this manner and if information is required on the point a reference must be made to the Inam Commissioner.

Surely the action of the Inam Commr in their respect was as much "ultra vires" as in the Commandel case. It is a mere euphemism to call it a mistake. [illegible]

[illegible]

I think we had better make it because if we make any change [illegible] [illegible] [illegible]

I thank so gy

FOR ORDERS.

It is submitted however, that the mistake is past remedy now & that the utmost which can be done is not to repeat it in districts which have not yet been dealt with.

Enfranchisement of Tiwa Mams in North Arcot.

Guijan & Vizagapatam are I think the only districts in which the question is an open one.

With reference to the Hon'ble Mr Garstin's remarks the High Court judgment in the Coromandel case is attached with G.O. dated 2 April 1890 223; The ground of the High Court decision that the Title Deed in this case might legally be cancelled by Govt was that the Mam Commissioner had confirmed the Mam as a personal one in ignorance of the orders of Govt that the grant was a Service one. The Commissioner's action was ultra vires but such is not the case in respect of the enfranchisement of the Tiwa Mams in the districts hitherto dealt with. The question was fully discussed with reference to the Coimbatore Mams and it was decided to take no action.

The Hon'ble Mr Grose
The Hon'ble Mr Garstin
C.S.

? There is the point to be decided — I think it was ultra vires in his action 11/7/90 the last [illegible]

See Hon'ble Members remarks on the note for orders with G.O. dated 2 April 1890 22

7

REVENUE BOARD OFFICE. MADRAS.

Proceedings of the Board of Revenue

(Land Revenue),

Dated 24th June 1890.

No. 4018 Mis

READ the following letter from the Collector of North Arcot dated 13th June 1890 No. 2708 Rev. Gl.

With reference to Board's Proceedings dated 13th March last No. 1723 Mis, I have the honor to state that out of 3622 Title Deeds delivered to the parties 3207 have been returned and 415 are kept by the holders. The aggregate amount of quit rent leviable in each case is Rs 34487-10-7 and Rs 5398-[illegible] respectively.

+ G.O. 1837 / 17-3-90

Resolution

Submitted to Government with reference to its official memo dated 10th March 1890, No. 48.

(True Copy & Extract)

A.G. Cardew

To
The Secretary to Government R.D.
Copy to Collector North Arcot.

Ag. Secretary.

Revenue Department

1890.

Board of Revenue

(Land Revenue),

MADRAS.

No 4571

To

The Secretary to Government

R. D.

4647
29 July 90

Proceedings, dated 24 June 1890
No. 4018 Mis. ~~Routine.~~

Rec'd 26 June

Subject.

Submitting to Govt letter from Collector of N. Arcot furnishing the information required regarding distribution of Sale-deed for village service Inams in the Dt.

Recd 30/7

To the Comm. of Sec. Inam Comm.

G.O. No 4647 of 29 July 1890

The Board is requested to ascertain what will be the effect in Lorth Arcot of applying the rule laid down for Madura in the G.O. 2 Aug 89 No 4879 namely of levying the full assessment in cases in which the remuneration for the office consists merely of the assignment of assessment on land which at the time of Enfranchisement is in the possession of a stranger i.e. neither an office holder nor a Shiri Mirasidar. The number of cases of this nature and the amount of quit rent involved should be stated.

2 The Inam Commissioner will quote the authority for extending the concession of Enfranchisement at a favorable Quit Rent to such cases.

12/7
or 17/7

29/7

MISCELLANEOUS SERIES.

REVENUE DEPARTMENT.
G.O., DATED 29 July
1890,
No. 4647

When given for copying

[Despatch Abstract.]

Passing orders on
Board's Proc: regarding the
distribution of Title-deeds
for Village Service Inams
in North Arcot &c-

MISCELLANEOUS SERIES.

REVENUE DEPARTMENT.
G.O., DATED
1889.
No.

When given for copying

[Despatch Abstract.]