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17.6.38

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	931 Revenue	Press ~~Mis.~~
Dated	6th September	1892.

Not to be folded or roughly handled

6TH SEPTEMBER 1892, No. 931, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—the following letter from H. BRADLEY, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 27th July 1892, Ref. on No. 2402-P. :—

With reference to the order of Government, dated 22nd October 1891, No. 1002, I have the honour to report that Kerala Varma Tampuran, No. 2 in the list given in paragraph 2 of my predecessor's letter, No. 886-P. Genl., dated 27th August 1891, printed in the Government Order, died on 26th March 1892.

2. His share of the malikhana is claimed by (1) No. 1, Valia Udaya Varma Tampuran and (2) by Nos. 3, Cheria Udaya Varma Tampuran, and 4, Rama Varma Tampuran jointly. The former appears to have no claim, although the head of the family, to any part of the share of the deceased. His share was separately set apart on the death of Kunhiandi Rani in G.O., dated 7th November 1870, No. 1718. The balance of the malikhana was divided between the sons of Kunhiandi Rani and Kunhammu Rani. No. 2, the son of Kunhiandi Rani, is dead and his share should, I think, be divided between the sons of Kunhammu Rani, Nos. 3 and 4. These gentlemen have agreed that the sum of Rs. 1,400 available after the payment of the Valia Tampuran's share shall be divided as follows :—

No. 3, Cheria Udaya Varma Tampuran	...	...	...	...	Rs. 900
No. 4, Rama Varma Tampuran	...	...	...	...	500
					<u>1,400</u>

3. This arrangement is in accordance with the agreement, dated 15th Tulam, 1041, M.E., between the members of the family, which provided that Rs. 1,400 should be set apart annually for the expenses of Kunhammu Rani and her two sons, of her sister's son, Kerala Varma Tampuran, and for other expenses of the Kovilagam.

4. In this connection I would venture to draw attention to the constant complaints which come up with regard to the payment of these malikhanas. At the death of every member of the families a dispute arises which has to be settled by an order of Government. It would be more satisfactory, I think, to pay the whole allowance to the head of the family and leave him to apportion it amongst the other members, or to lay down a distinct apportionment of the share in each malikhana as is done in the cases of the Zamorin Maharajah Bahadur and the Palghat Rajahs. In the smaller allowances it would be probably more convenient to pay the whole sum to the head of the family and leave the distribution to him, which course is in accordance with Malabar law and usage.

ORDER—dated 6th September 1892, No. 931, Revenue.

Miscellaneous.

The Collector's recommendation in paragraph 2 of his letter read above is approved and sanctioned.

2. The Government considers the suggestion in paragraph 4 to be impracticable. It has generally ordered the payment of the allowance to the head of the family, but exceptions to the rule must be allowed when it appears that the head of the family abuses his position and attempts to deprive his co-sharers of their just rights. Otherwise, a certificate under the Pensions Act will have to be granted to enable the parties to obtain redress in a Civil Court, but this procedure while giving no real relief to the Collector, who must still make some enquiry into each case before recommending the grant of the certificate, will put the parties to unnecessary expense. The alternative proposal to lay down a rule of distribution once for all is equally unworkable. The allowance is the property of the whole family and no principles have been laid down for its division among the members thereof.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Collector of Malabar.
„ the Accountant-General.
„ the Commissioners of Land Revenue.

Exd. A. Aubert.

50 Copies.

Gobt. of {1892} Madras.
REVENUE.

Issued

Recd.

Encl.

G.O., 6th September 1892, No. 931.

SEPTEMBER.

Malikhana pension.

The recommendation of the Collector of Malabar for the payment of the — due to certain members of the Chirakal Kovilagam directly to them, approved and sanctioned with remarks.

Revenue Department
Collector's Office
Calicut, July 27, 1892.

Y
From,

H

Y
To,

C. A.
Secy

Esqre

of Malabar

Esqre

Government, Revenue Depart

Sir,

With

to the order of Government

n^o 1002 dated

22, 1891, I have the honor

to report that

Karma Tampuran, n^o 2 in the

list given in p

of my predecessor's letter,

n^o 886 P. G. L.

August 27, 1891, printed in the

G. O. dated

26, 1892.

2 -

by (1) n^o 1, K

the malikhana is claimed

n^o 3, Cheri

Karma Tampuran and (2) by

Karma Tam

ra Tampuran and K Rama

have no

The former appears to

family, to

though the head of the

deceased.

of the share of the

was separately set apart

on the death of Kumbhundi Rani in 1718 dated November 7, 1870. The balance of the malikhana was divided between the sons of Kumbhundi Rani and Kumbhamma Rani. No. 2, the son of Kumbhundi Rani is dead and his share should, I think, be divided between the sons of Kumbhamma Rani Nos. 3 and 4. These gentlemen have agreed that the sum of Rs 1400 available after the payment of the Valia Tampuran's share shall be divided

No 3. Cheria Udaya Varma Tampuran	— 900
No 4. Rama Varma Tampuran	— 500
	1400

3. This arrangement is in accordance with the agreement dated 15 Tulam 1041 M.E. between the members of the family which provided that Rs 1400 should be set apart annually for the expenses of Kumbhamma Rani and her two sons, of her sister's son, Kerala Varma Tampuran and for other expenses of the Kovilafam.

4. In this connection, I would venture to draw attention to the constant complaints which

come up ¹⁰⁰² regard to the payment of these malikha as. At the death of every member of the familie, a dispute arises which has to be settled by an order of Government. It would be more satisfactory, I think, to pay the whole allowance to the head of the family and leave him to apportion it among the other members, or to lay down a distinct apportionment of the share in each malikhana as is done in the cases of the Zamorin of Malabar, the Maharajah Bahadr and the Palghat Rajahs. In the smaller allowances, it would be probably more convenient to pay the whole sum to the head of the family and leave the distribution to him, which course is in accordance with Malabar law and usage.

I have the honor to be
Sir

Your most obedient servant.

Wm. P. R. S.
Sg. Collector

Revenue (1892) Dept.

22-10-71
7-11-70
27-4-91

From

The collector of Malabar.

The Secretary to Government
Revenue Department
Madras.

Dated July 24. 1892.

Ad 1st August 92

W

Enc. —

11/15 92

Malikhanas recipients

Reports the death of Kerala Vama
Tampurau of Cherakkal, one of the
— and recommends the payment
of the malikhanas allowances due to
each family to the head of it.

REVENUE DEPARTMENT

Current No 5766 of 1892

From the Collector of Malabar

Dated 27 July 1892 Ref. M. 1892. 2402
P. 92.

FOR ORDERS.

In the current read above, the collector of
Malabar reports the death of Kerala
Vama Tampuran, one of the three
persons among whom a certain malik-
hanas allowance was ordered to be divided
by G.O. of 22nd October 1891 No 1402. In
the share of the allowance drawn by the
deceased is claimed by two ones
(the other malikhanas-holders refuse
to agree) & by an uncle who is the
head of the family. As this latter
never paid the shares due to the other
regularly, a deduction of Rs 1400 has
been made from his allowance in G.O. of
7 November 1890 No 1718 & he continues
to enjoy the balance. The collector's
recommendation to leave him out
altogether appears to be fair. The
two claimants propose to re-divide

the whole allowance including the
as follows. - Rs 900 to the eldest
Rs 500 to the second
2. Orders are required on the general
account raised in part of the amount.
The Collector refers to the constant
complaints which come up to him
of non-payment of the Malikhana
by the head of the family presumably
to the disputes arising on the death
of every member. He proposes to
pay the whole allowance to the
head of the family leaving him to
apportion it among the other members
or to effect a distribution of the
allowance once for all. The first
option of the Collector's suggestion
is precisely the policy followed
in the past but exceptions to the
rule have been allowed, when the
head of the family abused his
position and attempted to deprive
the co-shares of their just rights.
No 108 of 9 December 1857 No 1279 &

and 28 January 1879 No 212).
The Collector's proposal is to allow
exception whatever to the rule.
The just claims of the co-shares
ignored by the head of a family
require consideration by some public
authority. If the Collector is to be
relieved of responsibility, they may
be allowed to go to a civil court.
But this will cause delay & put the
parties to unnecessary expense.
Besides, a certificate under the Seal
of the Collector will be needed to give the civil
court jurisdiction in the Collector's
will have to make some enquiry
into the case. It follows that there
will be no real relief to the Collector
while the change will be prejudicial
to the parties.

3. The alternative proposal to make
an arrangement once for all appears
to be impracticable. The allowance
is the property of the whole family
& no principles have been established
for its division among the members.

FOR ORDERS.

ture of Every division must therefore be brought about by a voluntary arrangement among them or forced upon them by the Government. In the latter case, in order to prevent injustice, the Collector will have to inquire in what manner the allowance was divided by them & so on. It follows from this that every case must be decided on its own merits & as every division must be temporary, a redistribution will have to be effected when any member dies.

4. In these circumstances it appears best to leave matters as they are. After all there are only 79 persons receiving Malikhana allowances. Orders are requested.

9/9/92 I agree. the Collector's proposal is impracticable. The Collector's recommendation in regard to the allowance was in question. Any I think is accepted.

Ch
22/8

approved
JHS
9/11/92

C. No 6766 of 1892

FOR ORDERS.

Re. certain Malikdoms allowance
in the Malabar District.

C. No 6766 of 1892

The Malabar District

C. 22/1

Read C. No. 6766

Mr. G. O. of 6th Sept. 1892, no. 931.

The Collector's recommendation in
para. 2 of his letter read above is approved
and is actioned.

3. The Govt considers the suggestion
in para 4 to be impracticable. It has
generally ordered the payment of the
allowance to the head of the family,
but exceptions to the rule must be allowed
when it appears that the head of the
family abuses his position and attempts
to deprive his co-sharers of their just
rights. Otherwise, a certificate under the
revenue act will have to be granted to

the parties to obtain redress in a
Civil Court, but this procedure while
giving no real relief to the collector, who
must still make some enquiry into each
case before recommending the grant of
the certificate, will put the parties to
an unnecessary expense. The alternative
proposal to lay down a rule of distribu-
tion once for all is equally unworkable.
The allowance is the property of the whole

family and no principles have been
and now
Established for its division among the
members thereof.

66
579

To the Collector of Malabar
" Accountant General
" Commissioners of Land Revenue

[Signature]
20/9

List.
From Orders.

C. No 6766 of 1892

Re: certain Malikkane allowances
in the Malabar District

Print
119

G. Govt 6 Sept. 1892, no. 931

131
8-9-92

12-10-11

20/3/11

16-11-12

27-3-13

19-5-15

27-9-15

22/11/15

12.8.25. II

23-1-26-II

~~15-4-29-III~~

2-8-32 I

21-12-33 I