Revenue (1898) Department.

PRESS SERIES.

G.O., No. 315

Dated 26-5-98

[Despatch Abstract.]

Allowance

Sanctioning the continuance, in the name of Haji Sala Mulla Khan, the eldest son of the deceased Abdullah. Heah, of an —— of Rs. 10:- per annum granted for Mohurram and Urs and requesting the Collr. of Tinnevelly to report hereafter, the occurrence of each Lapse to Govt. for orders as to the continuance of the pension.

BACK PAPERS.

Department.	Date.	G.O.	No.	Department.	Date.

FUTURE PAPERS.

Department.	Date.	G.O.	No.	Department.	Date.

old paper sent 14/3/1898

Revenue (1898) Department.

CURRENT No. 2019

Order

From The Collector of Tinnevelly

Dis No. 157 Acc of 1898

Dated 11th March 1898

Received 13

Registered 14

Enclosures 2 ~~one~~

Spare copies

SUBJECT

Reporting on certain points raised by government in regard to the yearly allowances enjoyed by Abdullawish great grandson of Etbarkhan and recommending the Continuance of the allowances to his descendents.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Statement given by the undersigned persons residing in the Tamenilly Cust
before the Tahsildar on 3-3-98

Muharram festival is not done for tamash but it is celebrated in vie
to perform the fatheha and other ceremo
Corresponding to "thitha" in commemorate
of Imam Hasaratho Imam Asan
Imam Hussain, the grandsons of ou
prophet Muhammed Rasoolalla - Th
died in the month of Muharram. So
is considered by Muhammadans
be Conducive to salvation to perform
those ceremonies in that month. This is
being celebrated in all the Districts from
time of former Governments - The inam
of Rs 155-13-8 granted by the Governm
being inadequate for grand celebrat
of the festival, about Rs 200 is spent
addition by the inamdars from their
own pockets. And in places where
inam is allowed for this purpose the
festival is celebrated at the cost of the
Muhammedans in general - It is a
sin to stop this festival. The inam
question is allowed for the care

1898
2079

Puncha called "Aramanai Peer"
and the building in the Centre of the
town wherein this Puncha is set up
was granted by the Nabób. It is quite
necessary that the festival should
be Continued - Hoji Salamullakhan
has been conducting the festivity -
We request that he may be allowed
to Celebrate it as usual.

We say that the Muhammedans
could be Considered sinners if the
main is discontinued & the festival
stopped.

True translation /

Deputy Collector

10-3-98

No.

From

Robert. B. Clegg Esquire
Acting Collector of the
Tinnevelly District,

To

The Secretary to Government,
Revenue Department,
Madras.

Sir,

I have the honour to submit the following
with reference to G.O No 667 Miscellaneous dated
ultimo Calling on me to explain (1) why the allowa
for 'Moharam' and 'Urusi' came to be treated differen
from those for 'Bakrid' and 'Ramzon' (2) how these
allowances granted to Abdullameah Conditionall
came to be entered in the accounts in the name of th
'Trustee for the time being' and (3) why on the death
Abdullameah the Case was not reported to Gover
-ment.

2. With reference to the first of these points, I ha
to state that it will be seen from para 12 of Board
Proceedings No 206 dated 8th May 1851 read in E.M
621 dated 24th June 1851, that the allowances for
'Moharam' and 'Urusi' as well as those for 'Bakrid'
'Ramzon' were entered in statement No 1 of the Re
Collector of this district as forming 4 of the items
the Sundry charges on the Chuttram Fund constitute
by Etbarkhan.

3. When Government, at the instance of the Collec

d Board passed orders to register the allowances in
name of Etbarkhan's grandson, it called for the
me of that grandson for Communication to the
dit office - In informing Government that the
me of that grandson was Hal Mohomed Nathadkhan,
Then Collector pointed out in para 3 of his letter
195 dated 30 September of the same year (1851),
at though these 4 allowances in pursuance of
order of government of 24th June 1851 were
gistered in the name of Hal Mahomed Nathadkhan,
the allowances for 'Bakrid' and 'Ramzon' were
Fasli 1260 in the enjoyment of 10 persons noted
him in a list appended to that letter and solicited
orders whether the registry ordered in E. Mc. C of
th June 1851 should be Continued in the name of
al Mahomed Nathadkhan or in thename of the
persons referred to by him. On the recommendation
the Board, government first decided, vide para 2
E. Mc. C 1043 dated 21st October 1851, that the
gistry should be Continued in Hal Mahomed
Nathadkhan's name, but subsequently in para 5
f E. Mc. C dated 23d June 1853 Sanctioned the
payment to the 10 individuals named by the Collector
in his letter of September 1851 quoted above.

4. Then in 1868, at the request of 5 of these individuals,
ow living at the time, the Collector proposed to the
oard the Commutation of the allowances into a lump
um which was accepted and the lump payment
made as directed in Board's Proceedings No 163
dated 6th March 1868.

5. It will be seen from the above that though
government treated all these allowances alike in
the first instance in June 1851, yet in that many
separate proposals were made with reference
2 allowances for 'Bakrid' and 'Ramzon' and
disposed of as stated above.

6. As to the observations of government in the
latter part of para 1 of the G.O under reply, that
in the two letters quoted therein these 2 allowan
(for Bakrid
Ramzon) wer
held to be life
grants, I beg to
state that the question as to whether these grants are
life or hereditary ones does not ever appear to have
been finally decided either by the Board or by Govern
A perusal of paras 8 and 9 of Board's Proceedings No
dated 8th May 1851 will show that to the Board's
enquiry as regards the nature of these 2 grants
it was reported by the Collector that the lapsing or
continuing of the grants under the Chuttram Fund
could not be determined with reference to any sanad
of grant, as none was forthcoming, but that the
practice was to lapse or continue them at the Collector
discretion.

* i. Para 2 of Mr Silvers's (Collector of Tinnivelly) letter to Board No 489 dated 15th November 1862.
ii statement appended to Board's Proceedings No 1634 dated 6th March 1868.

7. Again in para 13 which deals with the particular

owances under discussion, the Board at the
stance of the Collector reported to Government in
unobjectable terms that it had no objection to
tinue all the 4 allowances to the "lineal descendants
the grandson of Etbarkhan". It is true that govern-
ent in para 8 of the G. of C. No. 621 dated 24th June 1851
ved them to continue to the life of that grandson,
t Government did not then decide it finally that
grant is a life grant, liable to lapse on the demise
that grandson; but with a view evidently to
ose of the recommendation of the Collector and
ld referred to above as to continuing the grants,
ired for a report on his demise on the points
ted therein.

8. From the above the nature of the grants cannot be
regarded as having been finally decided, as
idently assumed by Mr. Silver in para 2 of his
letter quoted in the margin of para 6 above. The
sequent references to them in the Collector's letters
ed in the latter part of para 1 of the G.O
der reply, as life grants are inaccurate-
for does the Commutation of the allowance for
Bakreid' and 'Ramzan' as described in paras 2 & 4
the expressed desire of the then surviving claimants,
made at a time when the nature of their claim
was not ascertained and decided upon, alter their
character so as to be deemed life grants.

9. With reference to the 2d question referred to in para 1 * of the G.O under reply, as to the nature of the allowances, I submit that it will be seen from Board's Proceedings No. 3136 dated 25th November 1878 that according to the desire of the Secretary of state all cash payments for religious and charitable purposes have been Commuted into benzy deductions and in compliance with the directions Contained in Board's Proceedings adverted to above, this office in its No. 352 dated 18th June 1880 submitted to the Board a statement of yeomiehs for Commu-tation which was approved and Sanctioned by the Board in its Proceedings No. 11469 miscella-neous dated 19th October 1880. The allowances for 'moharam' and 'urusi' were included in the Sanctioned list, but the fact that the allowances were subject to the conditions above referred to appears to have been lost sight of at the time; and from that time they are being paid by deductions from benzy, and these benzy deductions are, as pointed out in this office Disposal No. 835 of 97 read at the head of the G.O under reply, entered in the accounts in the name of the "Trustee for the time being".

* 3d in the 4 Govt. numbered order.

* Vide also Correspondence ending with Board's Proceedings No. 713 dated 20th February 1897.

Abdulkerimah as such trustee was getting these payments in the past. He died on 19th December 1894.

10. Had these 2 grants, owing to their unsettled nature, been excluded from the statement of Co-

payment referred to in para 9 above, a watch might have been kept over these payments as to the period of their limitation, but the orders of the Secretary of State having been peremptory as regards all cash payments for religious purposes there was probably no alternative but to include them; but a note ought to have been made regarding their nature. Thus Abdullamiah's claim appears to have been entered in the accounts in the name of the Trustee for the time being.

11. As to the 3d question of the omission to report to Government on the demise of Abdullamiah on 19th December 1874 as directed in Ec. Mc. C of 24th June 1851 I submit that the omission is to be regretted. It was due (1) to the absence of any remarks in the accounts to check the period of these payments under the present system as described in paras 9 and 10 above and (2) to the remoteness of the date of the order of Government under which the report was due.

12. With reference to the question raised by Government in para 3 of G.O No. 205 dated 26th March 1897 and para 8 of Ec. Mc. C No. 621 dated 24th June 1851 I beg to report as follows on the 3 points touched in the latter order.

i. The Tinnevelly Tahsildar on close enquiry reports that the surviving members of Ebarkhan's family at the time of the demise of his great grandson (Abdullamiah) on 19th December 1874 were the three sons of the latter (a) Haji Salla Mullah Khan Sahib (b) Gullam Usmankhan Sahib and (c) Mahomed Asadullankhan Sahib; of these the 2d is insane and the 3d Consents to registry in the name of the first;

ii. The Service for which these allowances are paid is being kept up;

iii. As for the importance attached by the Mahomedan Community to these services, the Tahsildar reports that "he is satisfied by personal "enquiry that they attach great importance to "the services and even go so far as to think that "a cessation of the same would be a sacrilege "according to their notions. He also submits a statement taken from 27 different mahomedan gentlemen of Tinnevelly as to their opinion on the subject - which is herewith forwarded in original with a translation in English. In these circumstances I recommend the Continuance of the allowances in question to the descendants of Abdullamiah.

13. With reference to the penultimate para of the G.O under reply I regret I have not been able to trace among the records of this office

a copy of the Ex. Mr. C dated 23d June 1853, of which even the Board does not seem to have received a copy (vide para 4 of Board's Proceedings No. 1634 dated 6th March 1868). It appears however from the records of this office that a copy was communicated to the then Civil Auditor (now Accountant General) and a copy may be available in his office.

* Not 2nd May as entered in the L.O under reply.

I have the honour to be,
Sir,
Your most obed. Servt
Robert Bellyse
Actg Collector
11.3.98

13 MAR 98
REVENUE DEPARTMENT

4/3/98
Copy Sent
4.3.98

Revenue (1898) Department.

CURRENT No. 3438

15 Abstracts

From The Collector of Tinnevelly.

Order

No. 1243 Mis / Acc 1898

Dated 5th May 1898

Received 8 "

Registered 10 "

Enclosures Nil

Spare copies Nil

SECY. TO GOVT. MADRAS
X REVENUE DEPT.

SUBJECT

Regarding Early orders as to the payment of the Mohurrum feast allowance granted to the descendants of Ebarkhan for Fasli 1306, as the feast is to come off on the 23rd instant

BACK PAPERS.

G.O.	No.	Department.	Date.
G.O.	267		98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Tinnevelly DISTRICT COLLECTOR'S OFFICE,

No. 5th May 1898.

FROM

Robert. as. Clegg Esqre
A.g COLLECTOR OF THE
District, Tinnevelly.

To

THE SECRETARY TO GOVERNMENT,
Revenue DEPARTMENT,
Madras.

SIR,

With reference to G.O 667. mis dated 9.2.98 and this office reply thereon (Dis No 157 acct of 98 dated 10.3.98) on the quest of continuing the allowance of Rs 155:13: granted to the descendants of Etbarkha for performing the Mohurrum feast in the Tinnevelly Town, I have the honor to solicit the early orders of Government as to whether I may pay, as usual, the allowance due for Fasli 1308.

2. Haji Sulla Mulla Khan, the Surviving descendant of Etbarkhan and the present recipient of the allowance claims the allowance due for fasli 1308. He prays for

Daily

Early payment of the allowance to enable him to make the necessary arrangements for the conduct of the feast which is to come off by the 23rd of the current month.

I have the honor to be,
Sir,
your most obedient servant

D. Stubbs
for Collector

AKK
5-5-98

Revenue (1898) Department.

CURRENT No. 358

16

3

Order

From The Accountant General Madras.

No. 1C / 59

Dated 14 May 1898

Received 16 " .

Registered 16 "

Enclosures

Spare copies

SUBJECT.

Stating that the copy of Extract from the minutes of Consultation d. 23-4-98 required by him is not traceable in the records of this office.

BACK PAPERS.

G O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Correspondence

O

5

Department.

Fort St. George,

Accountant-General's Office,

14th May 1898.

No 12/59

From

J. Hesketh Bigge Esqre

ACCOUNTANT-GENERAL to the

GOVERNMENT OF MADRAS,

To

The Under Secretary to Government,

Revenue Department

Sir,

for 5th

With reference to your Memo. No. 2079, dated the 5th May 1898, I have the honour to state that the copy of Extract from the minutes of consultation dated 23rd June 1853 required by you is not traceable in the records of this office

I have the honour to be,

Sir,

Your Most obedient Servant

C. D. L. Jacob

Chief Superintendent

14/5

(189) Department.

From

The Accountant-General

Madras,

To

The

No

Dated

Received

No

Subject.

0/18 4,000—19-7-97.

Revenue (1898) Department.

CURRENT No. 3/1805

17 Abdulla

Tel:

From

Rajie Salamulla Khan Sahib,
Tennenilly.

Order

No.

Dated 19 May

Received 19

Registered 19

Enclosures T.O. pass for 1 Rs:
Returned

Spare copies.

SUBJECT.

Requesting orders by wire to the Collector of Tinnevelly for payment of amount allowed for celebration of Mohurrum.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

INDIAN TELEGRAPHS. Monthly Number. 1701

Code Class. D

To (Office) Contramund From (Office) Limmaville

Words.	Day.	Hour.	Minute.	Official Instructions.
35/4	19	13	30	Repeat

To (Person) Secretary to government Revenue Department From (Person) Inspector Hogie

Molassas commences 22nd inst- please wire collector for payment of amount allowed for Celebration

Pass for 2 ladies and Ayah

Rs

Received from LN. Sent to LN.

At Hrs. Mts. by At Hrs. Mts. by

Telegraph Master.

CONTACAMUND 19 5 99

32 Word Form. F.C.1.

G P—No. 494 T—27 4 16—4000000

.. Read letter from the Collector of Tinnevelly, dated 11th March 1898, No. 157. (C.No. 2079)

Secretary:

With the current read above the Collector of Tinnevelly submits the report called for in G.O.No 667 mis d/ 9.2.98. The case regarding the pension ~~fmr~~ which forms the subject of the Collr's. present report and the circumstances that led to the reference are set forth in the note* ~~attached~~ above to which reference is solicited. The following is a brief summary of the note.

2. In sanctioning the contin nce to one Ibrahim Khan of an annual allo ance of Rs.84 ~~per annum~~ enjoyed by his deceased father Hal Muhammad Nathadu Khan, the Gott raised the question whether another allowance of Rs.267-4-8 which from E.M.C:s.Nos. 621, d/24th June 1851 and 1043, d/21st Oct. 1851 appeared to have been registered in the name of the deceased, should be continued reduced or abolished. In reply to the

flag R

* This note should be stitched with G.O. 667 mis d 9.2.98

* para 3 of G.O. 205 26.3.97 flag J

@ flag G
* flag N

C 21/5/98

above reference the Collr.reported that although in the E.M.C's.quoted it was ordered that the allowance (Rs.267-4-8) should be registered in the name of Nathadu Khan, a portion of the allowance amounting to Rs.192-2-1 (for Moharam and Urusu) was transferred to one Abdullah Meah on the latter establishing his superior claim before the Civil Court and the Govt. and that on the death of the said Abdullah Meah in December 1895 the allowance was continued to his son Haji Sala Mulla Khan (The remaining sum of Rs.75-2-7 viz. the allowances for Bakrid and Ramzan were transferred in 1853 from Nathadu Khan to the actual performers of the service and were in 1868 commuted into a lump sum) As it did not however appear that the sanction of the Govt.had been obtained to the continuance of the allowance of Rs.192-2-1, the Collr.was again asked to state on what authority the pension was continued to Haji Sala Mulla Khan. The Collr's. reply will be found under G.O.667 Mis.d/9-2-98; he stated that the allowance which was subsequently commuted into beriz deductions (in which form it is being paid now) is entered in the taluk accounts in the name of " the trustee for the time being" and that as is usually done in such cases on the death of any trustee, the necessary change in the taluk accounts consequent on the death of Abdulla Meah was made with the sanction of the Divisional Officer.

The Collr's.report did not however meet all the difficulties of the case and as some doubtful points still remained the Govt.called for a further report with special reference to the three questions mentioned in para 2 of G.O.667 Mis. d/9-2-98. The current now received forms the Collr's.reply. The several questions raised by the Govt.and the Collr's.replies thereto are detailed below.

3. First. "Why the allowances for Moharam and Urusu came to be treated differently from those for Bakrid and Ramzan - viz. why, while the allowances of Rs.75- for Bakrid and Ramzan were commuted in 1853 into a lump sum on the ground that

* letter in G.O 5743 Mis 8.11.97 flap.

please see para 1 of the Collector's letter in B.P 1634 6.3.68 in the volume put up. p. 1542

⊗ G.O 5743 Mis 8.11.97 flap K

flap R

* G.O 667 Mis 9.2.98 flap R

⊗ B.P 1634 6.3.68 in the Vol. put up. p. 1542

they were life grants, the allowances of Rs.192-2-1 for Moharam and Urusu were continued on Abdullah Meah's death to his son.

In reply the Collr draws the attention of Govt. to para 13 of the Board's Progs. in E.M.C.No.621 d/24th June 1851 and states that Mr.Silver's statement in para 5 of his letter No.489,d/15th Novr.1862 that the allowances for Moharam and Urusu were life grants and Mr.Puckle's statement in the remarks column of the table in B.P. No.1634,d/6th March 1868 that the allowances for Bakrid and Ramzan were also life grants were both inaccurate and that the inaccuracy of those statements does not alter the nature of the grants.

It is submitted that this view of the Collr.is ~~right~~ correct. Para 13 of the B.P. in E.M.C.No.621 d/24th June 1851, runs as follows:- " It is observed that the allowances for Moharam feasts are paid to the grandson of Eitbar Khan and the allowances for Bakrid and Ramzan to the town Cauzy. The Board see no objection t all these allowances being registered in the name of the grandson of Eitbar Khan to be continued to him and to his lineal descendants subject to the conditions attached to the tenure of these allowances respectively." The Govt.passed the following order thereon, " He (the Govr.in Council) also authorizes the allowances for Moharam and those for Bakrid and Ramzan amounting in all to Rs.267-4-8 per annum to be registered in the name of the grandson of Eitbar Khan and continued to him until his death-when the case will be reported for orders with specification of the family left and whether the service is or is not kept up and importance attached to it by the Muhammadan community."

It is submitted that the omission in the above order of the Govt. to mention expressly that after the death of the grandson (Nathadu Khan) the pensio should as recommended by the Board, be continued to his lineal descendants does no indicate any intention on the part of the Govt.to discontinue the allowance, if possible, after the death of Nathadu Khan; or ~~on the contrary the fact~~

States that as the allowances for Bakrid and Ramzan were transferred in 1853 to the actual performers of the Service, the fact that those allowances were of the same nature as those for Moharam & Urusu was lost sight of when the former were commuted into a lump sum in 1868; he also

* flap G

⊗ in P.C. No. 1022 / 11.6.63 flap P.

* in the volume put up. f. 184-

* Nathadu Khan

para 8 of E.M.C. No. 621 / 24.6.51 flap G

The Govt clearly considered the grants & the grants the continuance of which

on the contrary the fact that the Govt. called for a report after his death would seem to show that it was apparently the intention of Govt. to continue the allowance in case it was reported that the service was kept up and that importance was attached to ~~it~~ the services by the Muhammadan community.

was entirely in their good pleasure. S/Z

There is nothing, it is submitted, peculiar about the fact that in sanctioning the registration of the allowances the Govt. called for a report after the death of Nathadu Khan. In the case of Muhammadan religious service yeomiahs it is understood that in order to entitle a person to succeed it should be shown each time that the service is being efficiently kept up and that importance is attached it by the Muhammadan community concerned. The order of Govt(if any) wherein this principle is laid down cannot be traced; but the existence of such a rule is shown by the fact that in reporting on religious service allowances it is usual for Collrs. to furnish particular information on the two points mentioned above.

It was in pursuance of this principle, it would appear, that the Govt. called for a report after the death of Nathadu Khan; the mere fact therefore that the continuance of the pension after Nathadu Khan was subject to a report does not, it is submitted, raise any presumption that it was the intention of the Govt. to make it a life grant. The same conclusion may also be arrived at by considering that service yeomiahs are as a rule ~~perpetual~~ contenuable on condition of service.

Prima facie every inam grant is a life grant & revocable - S/Z Mde Go. 9/7/90 No 40 (D)

In the case under consideration, the Collr. reports in para 12 of his letter that the services are being kept up and that the Muhammadans concerned attach great importance to them. It is therefore submitted that the Govt. may accept the Collr's. recommendation (in para 12 of his letter) that the allowance of Rs 192-2-1 be continued to the descendants of Abdull Meah. Such continuance will of course be subject to the usual conditions.

In such kind govt should make the grant hereditary or perpetual. The orders of Govt on its renewal on each lapse should be taken MM 12/5/96

4 The second question raised by the

t.was " why on the death of Abdullah
h the case was not reported to Govt.
directed in G.O.No.1022,d/11-6-63."
reply the Collr.regrets the omission
d states that it was due (1) to the
osence of any remarks in the accounts
o check the period of these ~~statements~~ allowances.
2) to the remoteness of the date of the
order of Govt.under which the report was
due.

5 The third question referred for
report was " how the allowances for
Moharam and Urusu which were granted to
Abdullah Meah conditionally came to be
entered in the accounts in the name of
"the trustee for the time being." The Collr.
reports that when uhder the orders of the
Secy of State the cash payments for reli-
gious and charitable purposes were commuted
into beriz deductions, the allowances under
consideration (those for Moharam and
Urusu) were also so commuted, that at the
time the fact that a special report was
called for in respect of these allowances
was lost sight of and that as in the case

these allowances were also entered in the accounts in the name of "the trustee for the time being."

The Collr.may, it is submitted, be told that in future on the occurence of each lapse in respect of this pension, the sanction of the Govt. ~~xx for the~~ for its continuance should be obtained(a report being submitted in the usual tabular form).

2

8/5

x 667 mis 9.2.98 (Flag R) 12/5

With reference to para 3 of the G.O. the Collr.states that the copy of the E.M.C.d/23.6.53 is not available in his office. But as the nature of the allowances under consideration seems sufficiently clear from the records in the office and as the E.M.C.called for would seem to refer merely to the transfer of the allowances for Bakrid and Ramzan from Nathadu Khan to the actual performers of the service and is not therefore likely to throw any light on the nature of the allowances, it is submitted that the order on this case need not be delayed for want of a copy of the E.M.C.(which has however

x please see para 3 of the Collector's letter in B.P 1634 6.3.68 in the volume put up. f. 1541

been called for from the Accountant-General's Office.). The Agt has since replied that the Enc. is not available in his office (vide C no. 3589).

Secy

From para 8. of Rect. No 621 of 24-6-51 Hyc
It seems clear that the
[illegible] of Rs 267-4-8
was not intended
to cease at the death
of Nathadin Khan.
The commutation + of
part of his allowance
viz that for Bakrid & Rangan
amounting to Rs 75-2-7 in 1865
for a lump sum was
therefore ordered under
a misapprehension.
The allowance of Rs 192-2-1
(the balance for Mohurram
+ Zuroor) may it
therefore be continued
~~to the descendants of~~
~~Abdulla Moah.~~ to be
paid to Haji Salar
Mulla Khan who
was in receipt of it
till Govt interfered
with G.O. 205 of 26.3.97. Hyc J
The Collector asks
early orders as the
Mohurram approaches

Hm. 12.5.98

It may be continued but each lapse should be reported to Govt for orders. 21/5/98

Clerk see
Superintendent
Submitted on
Paper in the
Office in Wake

'98

By the Govt B.P. 1634 of 6.3.61 in vol. p. 154

Dft telegram today
There is a reply per
wire by the Peti which
must be taken
Mr
26/5/98

Read again G.O. 205 P.
26.3.97

5743 A
8.11.97

667 A
9.2.98

C Nos. 2079 of 1898.A
3438 of 1898.P

(Dis Nos. 157 acc of 1898 & 1243 acc of 1898
dt 11.3.98 & 5.5.98 respectively
C No. 3589 of 1898.A & letter dt. 19.5.98
C No. 3645 of 1898.P)

(Telegram from ~~Haji~~ Hajee Sala
mulla Khan Sahib Tinnevelly
dt 19.5.98)

P.S.
Order No. 315 of 26th May 1898.

In the circumstances
reported by the Collector in his
letter dated the 11th March 1898
No 157 acc. read above, the Govt is
pleased to sanction the con-
tinuance of the allowance of
Rs 192-2-1 per annum
granted for mohorum and
urus, in the name of
Hajee Salamullakhan, the
eldest son of the deceased
Abdullah moah. The follg
telegram with a despatch from the Collector
2. the Collector should,
in future, report the occ
-rence of each lapse to Gu
a.

*. Telegram deferred private
"Govt 1243 fifth instant
continuance allowance
Rupees 192 annas two
pie one Haji Salamullakhan
sanctioned"

been called for from the Ground

for
~~said take~~ orders as to the
Continuance of the pension.
3. The petr will be referred
~~to the~~ Collector of Tinnevelly for orders.

(for orders) 26.5.98

26/5/98.

To the Collector of Tinnevelly
To the A.G.
To the petr (para 3).

Desp 15.6.98

30/3.

MC
26/5/98.

Government (1898) of Madras.

REVENUE.

Recd. } 1898. Enclosures
Regd. } Spare copies

G.O., No. 315, 26th May 1898.

MAY.

Allowance.

Sanctioning the continuance, in the name of Haji Sala Mulla Khan, the eldest son of the deceased Abdullah Meah, of an — of Rs. 192-2-1 per annum granted for Moharram and Urus, and requesting the Collector of Tinnevelly to report, in future, the occurrence of each lapse to Government for orders as to the continuance of the pension.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—again G.O., No. 205, Revenue, dated 26th March 1897.

Abstract.—Sanctioning the continuance of the monthly yeomiah allowance of Rs. 7 per mensem, enjoyed by the late Muhammad Nathadu Khan to his son Ibrahim Khan, and requesting the Collector of Tinnevelly to report whether the separate allowance of Rs. 267–4–8 enjoyed by the deceased on account of certain Muhammadan festivals should be continued, reduced or abolished.

Read—again the following G.O., Mis. No. 5743, Revenue, dated 8th November 1897 :—

Read—the following letter from A. W. B. HIGGENS, Esq., Collector of the Tinnevelly district, to the Secretary to Government, Revenue Department, dated 18th October 1897, Dis. No. 749-Acc. :—

In reply to paragraph 3 of G.O., No. 205, dated 26th March 1897, regarding the yeomiah allowance of Rs. 267–4–8 sanctioned to Hal Muhammad Nathadu Khan on account of certain Muhammadan festivals, I have the honour to submit the following report.

2. Hal Muhammad Nathadu Khan was the illegitimate grandson of Fowzdar Muhammad Etbar Khan, in whose name the above allowance was registered as per orders quoted in the margin, * subject to the condition that the case should be reported for orders with specification of the family left and whether the service is or is not kept up and any importance attached to it by the Muhammadan community. The grant was for the † marginally-noted items.

* E.M.C. No. 621, dated 24th June 1851.
„ No. 1043, dated 21st October 1851.

† No. 1, Rs. 155–13–8 (for the celebration of the Moharram feast).
No. 2, Rs. 36–4–5 (for performing Urus in the Vaikankarai pallevasal).
No. 3, Rs. 37–9–4 (Bukreed).
No. 4, Rs. 37–9–3 (Ramzan).

3. After the death of the original grantee Etbar Khan there were disputes with regard to the yeomiahs and in 1848 one Abdullah Meah, the great-grandson of Etbar Khan obtained a decree of the Civil Court in his favour for yeomiah No. 1 or the allowance for Moharram. Agreeably to this decision the allowance of Rs. 155–13–8 was paid to Abdullah Meah who continued to celebrate the Moharram from 1851. Again, in 1862 Abdullah Meah put forward his claim to the aforesaid yeomiah No. 2 and to two other service yeomiahs and after a lengthened enquiry they were continued to Abdullah Meah under the orders of Government, No. 1022, dated 12th June 1863. From that time he was drawing yeomiahs Nos. 1 and 2 referred to in paragraph 2 *supra* till his death on 19th December 1895, when they were transferred in the name of his eldest son Haji Sala Mulla Khan who is now in receipt of them in the shape of beriz deductions.

4. Items Nos. 3 and 4, viz., the allowances sanctioned for Bukreed and Ramzan were all along in the enjoyment of Hal Muhammad Nathadu Khan, but were commuted in 1868 by the Board of Revenue on the recommendation of the then Collector of the district in accordance with the rules prescribed for commutation of pensions (Board's Proceedings, No. 1634, dated 6th March 1868).

5. It would thus appear that out of the yeomiah allowance of Rs. 267–4–8 referred to in the Government Order, Rs. 75–2–7 have been commuted by the Board of Revenue and the remainder, Rs. 192–2–1, is paid to a descendant of the original grantee by beriz deductions. As the services are kept up, the allowance of Rs. 192–2–1 may, I submit, be continued.

Order—Mis. No. 5743, Revenue, dated 8th November 1897.

The Collector of Tinnevelly is requested to report on what authority the allowance of Rs. 192–2–1 enjoyed by Abdullah Meah was transferred on his death to his eldest son Haji Sala Mulla Khan.

(True Extract.)

(Signed) G. STOKES,
Secretary to Government.

To the Collector of Tinnevelly.

Read—again the following G.O., Mis. No. 667, Revenue, dated 9th February 1898 :—

Read—again G.O., No. 205, Revenue, dated 26th March 1897.

Read—again G.O., No. 5743, Revenue, dated 8th November 1897.

Read—the following letter from R. B. CLEGG, Esq., Acting Collector of the Tinnevelly district, to the Secretary to Government, Revenue Department, dated Tinnevelly, 27th November 1897, Dis. No. 835–Acc. :—

In reply to G.O., Mis. No. 5743, dated 8th instant, I have the honour to report that the allowance of Rs. 192–2–1, granted for the benefit of religious institutions and commuted into beriz deductions, is entered in the accounts in the name of *the trustee for the time being*, which phrase is wide enough to cover any one succeeding to the trusteeship.

2. On the death of any trustee his heir or heirs are invariably reported by the Tahsildar to the Divisional officer and on his sanction being obtained his or their names are entered in column 2 of the taluk account No. 10. This procedure is in vogue in this district regarding these allowances and has the formal approval of the Board of Revenue in its Proceedings, No. 2918, Routine (Land Revenue), dated 24th September 1894.

3. The aforesaid allowance under reference was therefore transferred to the present recipient Haji Sala Mulla Khan by the then Head Quarters Deputy Collector.

Enclosure.

Proceedings of the Board of Revenue (Land Revenue), No. 2918, Routine, dated 24th September 1894 :—

Read—the following letter from B. MACLEOD, Esq., B.A., Barrister-at-Law, Acting Collector of Tinnevelly, to the Secretary to the Commissioners of Land Revenue, dated 19th September 1894, Cur. No. 1426-Gl. :—

I have the honour to request the instructions of the Board on the following subject.

2. There are in this district "Ivudittam," "Personal" and "Darmadayam" inams which are disbursed direct from the treasury. On the death of the incumbents of personal allowances and of the trustees who are in receipt of inams granted for the support of charities, tabular reports are submitted to the Board for the recognition of their heirs to succeed to the right to receive the allowance.

3. The allowances granted for the benefit of religious institutions and commuted into beriz deductions are entered in the accounts in the name of the trustee for the time being and this phrase is wide enough to cover any one succeeding to the trusteeship. The heirs of the deceased trustees in such cases are invariably reported by Tahsildars to the Divisional officer and on his approval being obtained their names are entered in column 2 of the taluk account No. 10. The same thing may be done in respect of the succession to Ivudittam "Darmadayam" cash inams which are similar in nature and for the disbursement of which a separate register is maintained in the taluk. If the Board should agree in this view, tabular statements reporting to the Board the succession in such "Ivudittam" cases may be dispensed with for the future.

4. As regards "Ivudittam" personal grants, the Collector may be permitted to receive, as usual, reports from Tahsildars regarding the succession and to dispose of them himself, an effective check by the Board, Government and the Accountant-General being provided by the annual submission by the Collector of the memorandum of corrections due to casualties or other causes among the present incumbents, prescribed in paragraph 2 of Board's Proceedings (Land Revenue), No. 175, dated 25th April 1894. This suggestion, if approved, will curtail work both in this and the Board's office, the Board exercising its check annually instead of in individual cases as they arise.

Resolution—No. 2918, Routine, dated 24th September 1894.

Recorded with reference to Board's Proceedings, No. 373, dated 1st September 1894, and No. 394, dated 15th September 1894.

(True Copy and Extract.)

(Signed) L. M. WYNCH,
Secretary.

To the Collector of Tinnevelly.

Order—Mis. No. 667, Revenue, dated 9th February 1898.

It is not clear how the allowances (Rs. 155-13-8 + Rs. 36-4-5) for Moharram and Urus which were granted to Abdullah Meah in G.O., No. 1022, dated 11th June 1863, on condition that on his death, the case should be reported for orders with full particulars, as required in paragraph 8 of E.M.C. No. 621, dated 24th June 1851, came to be entered in the accounts as payable to "the trustee for the time being." It would appear from paragraph 2 of the then Collector Mr. Silver's letter to the Board of Revenue, dated 15th November 1862, No. 489, printed in Board's Proceedings, No. 9, dated 5th January 1863, that that officer was of opinion that these allowances were *life grants*. Moreover, the statement in Board's Proceedings, No. 1634, dated 6th March 1868, seems to show that the other two allowances for Bakreed and Ramzan, which were also originally registered in Nathadu Khan's name, were treated as *life grants* and that five of the recipients then living were allowed to commute their shares into single lump payments.

2. The Collector is therefore requested to explain (1) why the allowances for Moharram and Urus came to be treated differently from those for Bakreed and Ramzan; (2) why, on the death of Abdullah Meah, the case was not reported to Government as directed in G.O., No. 1022, dated 11th June 1863; and (3) how the allowances for Moharram and Urus which were granted to Abdullah Meah, conditionally, came to be entered "in the accounts in the name of the trustee for the time being."

3. The Collector is also requested to furnish a copy of the Extract from the Minutes of Consultation, dated the 23rd May 1853, which is referred to in Board's Proceedings, No. 1634, dated 6th March 1868, as it cannot be traced among the records of the Government office.

(True Extract.)

(Signed) G. S. FORBES,
Ag. Secretary to Government.

To the Collector of Tinnevelly.

Read—the following letter from R. B. CLEGG, Esq., Acting Collector of the Tinnevelly district, to the Secretary to Government, Revenue Department, dated Tinnevelly, 11th March 1898, Dis. No. 157-Acc.:—

I have the honour to submit the following report with reference to G.O., Mis. No. 667, dated 9th ultimo, calling on me to explain (1) why the allowances for "Moharram" and "Urus" came to be treated differently from those for "Bakreed" and "Ramzan"; (2) how these allowances granted to Abdullah Meah, conditionally, came to be entered in the accounts in the name of the "trustee for the time being"; and (3) why on the death of Abdullah Meah the case was not reported to Government.

2. With reference to the first of these points, I have to state that it will be seen from paragraph 12 of Board's Proceedings, No. 206, dated 8th May 1851, read in E.M.C., No. 621, dated 24th June 1851, that the allowances for "Moharram" and "Urus" as well as those for "Bakreed" and "Ramzan" were entered in statement No. 1 of the then Collector of this district as forming 4 of the items of the sundry charges on the Chuttram fund constituted by Etbar Khan.

3. When Government, at the instance of the Collector and Board passed orders to register the allowances in the name of Etbar Khan's grandson, it called for the name of that grandson for communication to the Audit office. In informing Government that the name of that grandson was Hal Muhammad Nathadu Khan, the then Collector pointed out in paragraph 3 of his letter, No. 195, dated 3rd September of the same year (1851), that, though these four allowances in pursuance of the order of Government of 24th June 1851 were registered in the name of Hal Muhammad Nathadu Khan, yet the allowances for "Bakreed" and "Ramzan" were till fasli 1260 in the enjoyment of ten persons noted by him in a list appended to that letter and solicited orders whether the registry ordered in E.M.C., of 24th June 1851, should be continued in the name of Hal Muhammad Nathadu Khan or in the name of the ten persons referred to by him. On the recommendation of the Board, Government first decided (*vide* paragraph 2 of E.M.C., No. 1043, dated 21st October 1851), that the registry should be continued in Hal Muhammad Nathadu Khan's name, but subsequently in paragraph 5 of E.M.C., dated 23rd June 1853, sanctioned the payment to the ten individuals named by the Collector in his letter of September 1851 quoted above.

4. Then in 1868, *at the request of five of these individuals*, then living at the time, the Collector proposed to the Board the commutation of the allowances into a lump grant which was accepted and the lump payment made as directed in Board's Proceedings, No. 1634, dated 6th March 1868.

5. It will be seen from the above that though Government treated all these allowances alike in the first instance in June 1851, yet in that very year separate proposals were made with reference to the two allowances for "Bakreed" and "Ramzan" and disposed of as stated above.

6. As to the observations of Government in the latter part of paragraph 1 of the Government Order under reply, that in the two letters * quoted therein these two allowances (for Bakreed and Ramzan) were held to be life grants, I beg to state that the question as to whether these grants are life or hereditary ones does not ever appear to have been finally decided either by the Board or by Government. A perusal of paragraphs 8 and 9 of Board's Proceedings No. 286, dated 8th May 1851, will show that to the Board's enquiry as regards the nature of these two grants it was reported by the Collector that the lapsing or continuing of the grants under the Chuttram fund could not be determined with reference to any sannad of grant, as none was forthcoming, but that the practice was to lapse or continue them at the Collector's discretion.

* (i) Paragraph 2 of Mr. Silver's (Collector of Tinnevelly) letter to Board No. 489, dated 15th November 1862.
(ii) Statement appended to Board's Proceedings, No. 1634, dated 6th March 1868.

7. Again in paragraph 13 which deals with the particular four allowances under discussion, the Board at the instance of the Collector reported to Government, in unmistakeable terms, that it had no objection to continue all the four allowances to the "lineal descendants of the grandson of Etbar Khan." It is true that Government in paragraph 8 of the E.M.C., No. 621, dated 24th June 1851, allowed them to continue to the life of that grandson, but Government did not then decide it finally that the grant is a life grant, liable to lapse on the demise of that grandson; but with a view evidently to dispose of the recommendation of the Collector and Board referred to above as to continuing the grants, called for a report on his demise on the points noted therein.

8. From the above the nature of the grants cannot be regarded as having been finally decided, as evidently assumed by Mr. Silver in paragraph 2 of his letter quoted in the margin of paragraph 6 above. The subsequent references to them in the

Collector's letters quoted in the latter part of paragraph 1 of the Government Order under reply as life grants are inaccurate. Nor does the commutation of the allowance for "Bakreed" and "Ramzan" as described in paragraphs 2 to 4 at the expressed desire of the then surviving claimants, made at a time when the nature of their claim was not ascertained and decided upon, alter their character so as to be deemed life grants.

9. With reference to the second * question referred to in paragraph 1 above, I submit that it will be seen from Board's Proceedings, No. 3136, dated 25th November 1878, that, according to the desire of the Secretary of State, all cash payments for religious and charitable purposes have been commuted into beriz deductions and in compliance with the directions contained in Board's Proceedings adverted to above, this office in its No. 352, dated 18th June 1880, submitted to the Board a statement of yeomiahs for commutation which was approved and sanctioned by the Board in its Proceedings Mis. No. 11469, dated 19th October 1880. The allowances for "Moharram" and "Urus" were included in the sanctioned list, but the fact that the allowances were subject to the conditions above referred to appears to have been lost sight of at the time; and from that time they are being paid by deductions from beriz, and these beriz deductions are as pointed out in this office disposal No. 835 of 1897, read at the head of the Government Order under reply, entered in the accounts in the † name of the "trustee for the time being." Abdullah Meah as such trustee was getting these payments in the past. He died on 19th December 1894.

* Third in the Government Order.

† *Vide* also correspondence ending with Board's Proceedings, No. 713, dated 20th February 1897.

10. Had these two grants, owing to their unsettled nature, been excluded from the statement of cash payment referred to in paragraph 9 above, a watch might have been kept over these payments as to the period of their limitation, but the orders of the Secretary of State having been peremptory as regards all cash payments for religious purposes there was probably no alternative but to include them, but a note ought to have been made regarding their nature. Thus Abdullah Meah's claim appears to have been entered in the accounts in the name of the "trustee for the time being."

11. As to the third question of the omission to report to Government on the demise of Abdullah Meah on 19th December 1894, as directed in E.M.C. of 24th June 1851, I submit that the omission is to be regretted. It was due (1) to the absence of any remarks in the accounts to check the period of these payments under the present system as described in paragraphs 9 and 10 above; and (2) to the remoteness of the date of the order of Government under which the report was due.

12. With reference to the question raised by Government in paragraph 3 of G.O., No. 205, dated 26th March 1897, and paragraph 8 of E.M.C. No. 621, dated 24th June 1851, I beg to report as follows on the three points touched in the latter order:—

(i) The Tinnevelly Tahsildar on close enquiry reports that the surviving members of Etbar Khan's family at the time of the demise of his great-grandson (Abdullah Meah) on 19th December 1894, were the three sons of the latter (*a*) Haji Sala Mullah Khan Sahib, (*b*) Gullam Usman Khan Sahib and (*c*) Muhammad Asudullah Khan Sahib; of these the second is insane and the third consents to registry in the name of the first;

(ii) The service for which these allowances are paid is being kept up;

(iii) As for the importance attached by the Muhammadan community to these services, the Tahsildar reports that "he is satisfied by personal enquiry that they attach great importance to the services and even go so far as to think that a cessation of the same would be a sacrilege according to their notions." He also submits a statement taken from 27 different Muhammadan gentlemen of Tinnevelly as to their opinion on the subject which is herewith forwarded in original with a translation in English. In these circumstances I recommend the continuance of the allowances in question to the descendants of Abdullah Meah.

13. With reference to the penultimate paragraph of the Government Order under reply I regret I have not been able to trace among the records of this office a copy of the E.M.C., dated 23rd ‡ June 1853, of which even the Board does not seem to have received a copy (*vide* paragraph 4 of Board's Proceedings, No. 1634, dated 6th March 1868). It appears however from the records of this office that a copy was communicated to the then Civil Auditor (now Accountant-General) and a copy may be available in his office.

‡ Not 23rd May as entered in the Government Order under reply.

Read—letter from the Collector of Tinnevelly, dated 5th May 1898, Mis. No.1243-Acc.

Abstract.—Soliciting the early orders of Government as to the payment of the Moharram feast allowance granted to the descendants of Etbar Khan for fasli 1308, as the feast was to come off on the 23rd May.

Read—letter from the Accountant-General, dated 14th May 1898, No. 59-I.C.

Abstract.—Stating that the copy of extract from the Minutes of Consultation, dated 23rd June 1853, is not traceable in the records of his office.

Read—telegram from Haji Sala Mulla Khan Sahib, Tinnevelly, dated 19th May 1898.

Abstract.—Requesting communication of orders by wire to the Collector of Tinnevelly for payment of amount allowed for celebration of Moharram.

Order—No. 315, Revenue, dated 26th May 1898.

Miscellaneous.

In the circumstances reported by the Collector in his letter, dated the 11th March 1898, No. 157-Acc., read above, the Government is pleased to sanction the continuance of the allowance of Rs. 192–2–1 per annum granted for Moharram and Urus, in the name of Haji Sala Mulla Khan, the eldest son of the deceased Abdullah Meah. The following telegram will be despatched to the Collector of Tinnevelly:—

Your 1243, 5th instant. Continuance allowance Rs. 192–2–1 Haji Sala Mulla Khan sanctioned."

2. The Collector should, in future, report the occurrence of each lapse to Government for orders as to the continuance of the pension.

3. The petitioner will be referred to the Collector of Tinnevelly for orders.

(True Extract.)

(Signed) G. STOKES,
Secretary to Government.

To the Collector of Tinnevelly.
„ the Accountant-General.
„ the Petitioner (paragraph 3).

Exd. Shaik Karim.

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Memorandum to G. No.

LETTER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH RUTS.

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