

Bombay Castle, 5th May 1885.

Memorandum from the Commissioner, S. D., No. 3260, dated 15th September 1884—Submitting for orders copy of the following letter No. 3009, dated 1st August 1884, from the Collector of Dhárwár :—

"It was decided by Government Resolution No. 1892, dated 10th April 1874 that devasthán allowances not exceeding Rs. 5 should not be resumed, although the holders had not applied for payment for more than six years. I beg to enquire whether this rule is still in force. It is not included in the rules under the Pensions Act, 1871, as last published, and it is contrary to Rule XI., which is of general application."

the Commissioner quoting the opinions expressed by the Commissioners, C. D. and N. D., on the very point now raised by the Collector, Mr. Middleton; and stating as follows :—

"4. Under the provisions of Rule 13 (1), devasthán allowances of Rs. 5 and under are disbursed through the village pátils only in cases where there are officiating hereditary pátils but where there are only stipendiary pátils the allowances are disbursed to the recipients direct from the táluka treasury. In the former case Government have ruled\* that the disbursing officers need not trouble themselves any further after the sum is once paid from the táluka treasury to the pátils. Rule 11 cannot, therefore, be held applicable to such allowances; but in the latter case, namely, where the petty allowances are disbursed direct from the táluka treasury, Rule 11 applies, and if the holders allow the *nemnaks* to remain in arrears for upwards of six years it may fairly be presumed that the holders and the village community do not care for their continuance, and they may, in that case, be struck off the books."

\* Government Resolution No. 1892, dated 10th April 1874.

Memorandum from the Commissioner, C. D., No. R-4719, dated 9th October 1884.

Memorandum from the Commissioner, N. D., No. 3666, dated 28th October 1884 :—

"In returning these papers the undersigned begs to state that as Government Resolution No. 1892 of 10th April 1874 made no distinction between hereditary and stipendiary pátils, devasthán allowances not exceeding Rs. 5 were invariably paid to the pátils in all districts, but under Rule 13 of the Rules under the Pensions Act, such allowances are only to be paid through the pátils in villages in which there is an officiating hereditary pátil.

"2. In this Division, there are no stipendiary pátils in Ahmedabad, Kaira and Broach, and no inconvenience or difficulty is likely to arise from the alteration of the former rule. But the undersigned is of opinion that as the old rule worked well no change was called for, and he would suggest that Rule 13, cited above, should be amended."

Memorandum from the Commissioner, C. D., No. R-1589, dated 26th March 1885 :—

"In reply to memorandum No. 7845, dated 3rd October 1884, from the Acting Under Secretary to Government, Revenue Department, forwarding for remarks memorandum No. 3260, dated 15th September 1884, from the Acting Commissioner, S. D., on the subject of the application of Section 11 of the Pension Rules to small devasthán grants under Rs. 5, the Commissioner, C. D., has the honour to intimate his concurrence in the views expressed by Mr. Moore in his aforesaid memorandum.

"2. To make the matter clear Government might perhaps, if advised by the Remembrancer of Legal Affairs, frame a rule providing that Section 11 applies in cases where devasthán allowances under Rs. 5 are disbursed to actual recipients."

RESOLUTION.—Rule II. of the old rules under the Pensions Act published in Government Resolution No. 4068, dated 16th July 1873, ran as follows :—

"All such pensions or grants exceeding Rs. 5 per annum shall be paid to recipients direct from the huzur or táluka treasuries; but those of Rs. 5 per annum and under shall be paid through the pátils of the villages in which the institutions entitled to receive them are situated."

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Subsequently, however, on a representation from the Collector of Ratnágiri, who pointed out that there were no hereditary pátils in his district and that it would be dangerous to entrust others with the disbursement of the allowances, Government in their Resolution No. 2878, dated 6th June 1874, ordered the following addition to be made to the Rule II. above quoted :—

“If there be no hereditary pátils, the payment of allowances up to Rs. 5 per annum should be made from the táluka treasuries.”

By their Resolutions Nos. 1892 and 2960, dated respectively 10th April and 11th June 1874, Government divested themselves of all responsibility as regards these petty allowances after they were once disbursed from the táluka treasury to the pátils. The Resolutions last mentioned read in connection with the ruling laid down in Government Resolution No. 2878, dated 6th June 1874, make it sufficiently plain that Government intended to apply the orders contained in those Resolutions to hereditary pátils alone. It is thus clear that Rule XIII. of the new rules under the Pensions Act given at pages 169—176 of the General Compilation of the Rules in force in the Revenue Department does not introduce any innovation in the old practice as supposed by the Commissioner, N. D., but that it is simply a redraft of the old Rule II. with the addition subsequently sanctioned by Government.

2. Now in cases where the allowances are paid to hereditary pátils a case requiring the operation of Rule XI. of the Pension Rules is not likely to occur as Government divest themselves of all responsibility as regards the allowances after they are once disbursed. But when there is no hereditary pátíl in the village in which a religious institution is situated, the payment of any grant pertaining to it, whether it exceeds Rs. 5 or not, is to be made under the rules at the treasury of the district or táluka in which the village is situated. In such cases Rule XI. of course applies, and under it any pension or grant, whatever be its amount, for payment of which no application is duly made for more than six years, should be struck out of the books, and all arrears forfeited.

3. The rules as explained above are sufficiently clear and no alterations or additions appear to be necessary.

J. MONTEATH,  
Under Secretary to Government.