

Law (1921) Department.
(Education)

Ordinary SERIES.

G.O. No. 1733

DATED 3- 12 - 1921

INDEXED

[Despatch Abstract.]

Kanara High School, Mangalore.

Land acquisition—registration of management—registration
under the Indian Registration Act—requirements not satisfied.

Law (Education) DEPARTMENT.

Received

Registered En 32473 1932-X-4.

Subject.

Land Acquisition -(South Kanara) - Mangalore -
 Extension - Canara High School.

ENCLOSURES.

No. 174Spare copies 1

Ref.C.No. 3472/Rev.19.

Station Mangalore. Dated the 26th October 19 21.From (Name) R. H. Ellis, Esquire, I.C.S.,(Designation) Collector of South Kanara.

To The Secretary to the Government of Madras,

Law (Education) Department.

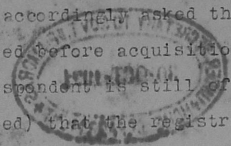
Sir,

1038 of 15-7-21.
G.O.No. 520, Law (Education), dated 4th April 21.

Agreeably to para 2 of the above G.O., I called upon the management of the school to get themselves registered if they had not already done so. The Correspondent replied that the management of the school was vested in a Board of Trustees under a deed of trust (a certified copy produced by him is enclosed for reference and return) which had been registered under the Indian Registration Act. I observed that only the deed had been registered under the Registration Act and that this was not such a registration of the Educational

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body as contemplated in the G.O. and accordingly asked the --
 management to get themselves registered before acquisition --
 proceedings were started. The Correspondent is still of ---
 opinion (copy of his letter is enclosed) that the registration
 already effected will meet the requirements of the G.O. and --
 further wishes the matter referred to Government unless I am -
 prepared to reconsider my view. As I do not agree with him,
 I solicit instructions on the point in question.



below

DESPATCHED
 27 OCT 1921

M. M. Ambekar
 For Collector. 27. x y

Copy of letter No. 54, dated 6-10-1921 from the Corres-
 pondent, Canara High School, Mangalore to the Revenue Divi-
 sional Officer, Mangalore.

With reference to your letter Reference No. 1012/Rev/21,
 dated 10th September 1921, I beg to submit that I find from a
 perusal of G.O. No. 665, Home (Education), dated 7th June 1920,
 that the order seems to provide for the legal incorporation of
 Associations or Societies before Government land can be alie-
 nated to them. I beg to point out that a body of Trustees ---
 (such as the Managing Board of the Canara High School forms)
 can incorporate themselves only under the Indian Registration
 Act. Under such circumstances, unless the order could be ---
 taken to mean that Government land cannot be alienated to a body
 of trustees, managing an educational institution, I submit, ---
 that registration under the Indian Registration Act would meet
 the requirements of the aforesaid G.O. No. 665, which would ---
 merely seem to contemplate due legal incorporation.

A registration copy of the Trust Deed under the provisions
 of which the school is managed, has been already submitted to -
 you along with my previous letter No. 27, dated 17-8-1921. For

the trustees to get themselves registered under any other
 Act than the Indian Registration Act, would be difficult,
 if not possible. In the light of the above submissions,
 I hope you will be good enough to reconsider your orders
 conveyed on the 10th September 1921. If, however, you --
 are not prepared to reconsider, I pray that you will -----
 kindly refer the matter to the Madras Government, as it --
 involves the decision of an important principle in the in-
 terpretation of the G.O. No. 665, Home (Education), dated --
 7th June 1920.

(True Copy)

M. M. Ambekar
 For Collector. 29. x

3

PAGES 4 TO 11

SUBSTITUTE FOR DETACHED ENCLOSURE.

Law Com. DEPARTMENT.

G.O. No. 1733, dated 3-12- 1921

FORWARDED TO THE Collector of S. Kanara

WITH The G.O. mentioned above.
G.O. No. , dated 1921
Enclosurement No 3790 B-1 of 12-12-21

DATE 14-12- 1921

EXAMINER'S INITIALS
DESPATCHER'S INITIALS

PAGES A TO 11

SUBSTITUTE FOR DETACHED ENCLOSURE

Lawson Department

CO. NO 1738 dated 3-12-1921

FORWARDED TO THE
Caretaker of S. Kansas

Commissioner No 2000 & 2001
with 1000

Date 10-12-1921

EXAMINER'S
INITIALS

Law (edu.) Dept

Grant - Land Acqⁿ - Kanara High School, Mangalore,
Registration of management.

[CN^o 3247 B]

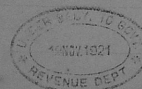
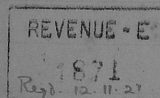
From the Collector of South Kanara, N^o. 3472 Rev/19,
of 26-10-21.

(3)

Please see G.O. N^o. 665, Home (Jr)
of 7.6.20, which requires the registration
of the management of educational institutions
applying for grants for the purchase or
acquisition of lands. In the ~~case~~ present
case the Kanara High School, Mangalore, is
managed by a Board of Trustees and the
trust deed has been registered under the Indian
Registration Act. The correspondent of the
School contends the registration would meet

(3)

the requirements of G.O. N^o. 665, of 7.6.20, while
what is required in the G.O. is registration
under one of the acts enumerated in ~~the~~
paras of note on page 2 of the notes to G.O.
N^o. 289 Revenue, of 2-2-20, apparently the
Indian Companies Act¹⁹¹³ or the Societies Registration
Act of 1960. To orders whether the Collector
may be asked to inform the Correspondent
accordingly. The remarks of the Revenue Dept.
may perhaps be invited too.



Ed. N^o. 3247 B-1
10-11-21

J.A.
24/11/21

J.A.
24/11/21

Revenue Sec

Revenue Dept

To Under Secy

Submitted that no

such cases have arisen till now in this department. The question is one for consideration in the law to be decided by the law officers of Government and Law (Edn) may be asked to consult them in the matter. Atten.



There have been no such

Cases in this department & Rev is therefore unable to advise

Re

17/11/21

Law (Edn) No

Law (Leg) Dept

Submitted that the Asst. Secretary, (Legislative), may be requested to advise in the matter.

With A.S. Kindly advise?

JA
21.11.21

JA
21.11.21

Law (Legislative) Department

The Indian Registration Act treats of the law relating to the registration of documents and not of associations or societies or other bodies of

Sp (6)

Revenue 40184/E/21

18/11/21

Ed 3578B

18.11.21

6

506 Def

26.11.21

Ed 3247 B-2

24.11.21

NOTES.

persons. Registration under the Act in no way affects the status of such bodies and does not satisfy the requirements of G.O.No.665 Home (Education) dated 7th June 1920.

As Secy

Assistant Secretary,
Law (Legislative) Department.
25th November 1921.

Ed 3618D

29.11.21

Transferred to Law (Edn) Dept

28/11

Law (Leg) Dept

A draft order is submitted.

JA
22.11.21

JA
1.12.21

2/12/21

JA
22.11.21

	Date.	Initials.
When received for Fair-copying		
When copied		
When examined	3/12	91
When signed		
When despatched		

Cross Refers
Land Acquisition

[illegible]

READ ALSO:—

C. No. 32478 From the Concortory S. Kauara, No 2472 Rev¹⁹ dated 26-10-1921

ORDER.

No. 1733 dated 3. 12. 1921

me

that the Indian Registration Act treats of the law relating to the registration of documents and not of associations or societies or other bodies of persons and

The Collector of
South Kanara is informed
that registration under the
Indian Registration Act does not
satisfy the requirements of
G.O. No. 665, Home (Gen), of 7.6.20.

DESPATCHED

To the Collector of
South Kanara. (900)

29.11.21

$\frac{1}{1 \cdot 12 \cdot 27}$
 $\frac{1}{2 \cdot 12 \cdot 27}$

When given for copying
When copied
When examined
When signed

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READ AGAIN G.O. No.
192

DATED

ORDER No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DETO.

PAPERS NOT FILED UP, BEING WANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.
F = Copy abstract only.
Q = Copy heading only.