

Secy (Edu) (1926) Department.

mi SERIES.

G.O. No. 1596

DATED 20.8.1926

[Despatch Abstract.]

Grants - Building - Mortgage deeds - Exemption from stamp
duty and registration fees - Negatived.

BACK PAPERS.

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

FURTHER PAPERS.

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

C.F. 30-5,452-8-8-28.

EDUCATION DEPARTMENT.

Received.....192 Registered.....192

Subject.

L. Cu 1669A
11/5/25

Law (Edu) Dept

1669A-1713-5-25
Referred to the Director of Public Instruction for early return
(Ref. No.)

Signature

ENCLOSURES.

No.....

No.

Spare copies.....

Station 118 Armenian Street, Madras. Dated the 7th May 1925.

From (Name) Dr. S. Swaminadhan.

(Designation) President, Madras District Educational Council.

To The Secretary to the Government of Madras,

Law (Education) Department.

Sir,

Unlike other districts, school buildings in the crowded parts of the City of Madras cost large amounts of money and the Madras District Educational Council notes with gratitude the Government have at last begun to take a liberal view of applications for building grant in this district. In almost every instance when the time comes for the payment of building grant the Manager tries to escape the provisions contained in Ch. II of the statutory rules under Sec.42(2) of executing a mortgage bond in favour of the Council by applying for special exemption to Government. My Council is of opinion the heavy stamp duty and registration charges are really the factors that prevent the execution of ordinary mortgage bonds and the

consequent application to Government for exemption.
The Government are aware that under the Co-operative Societies Act promissory notes and mortgage bonds are exempted by Government from the liability to pay stamp duty and registration fees and the Madras District Educational Council at its meeting held yesterday unanimously adopted a resolution that the Government be requested to grant a similar exemption in the case of aided schools in respect of mortgage bonds regarding building grants under Ch. II referred to above.

I have the honour to be,
Sir,
Your most obedient servant,

President, Madras District Educational Council.



C.F. 18,658-3-01-23.

LAW (EDUCATION)

DEPARTMENT.

Received



Registered

192

Subject.

District Educational Council, Madras - Mortgage deeds for building grants - exemption from stamp duty and registration fees -

ENCLOSURES.

No.

R.C. No. 1120-B/25.

Spare copies

Station Madras, Dated the 26th June, 1925.

From (Name) R.C. GRIEVE, Esq., M.A., F.R.G.S.,
(Designation) DIRECTOR OF PUBLIC INSTRUCTION.

To The Secretary to the Government of Madras,
LAW (EDUCATION) Department.

Sir,

Law (Education) Endorsement No. 1649 A-1 dated 13-5-25 on letter dated 7-5-25 from the President, District Educational Council, Madras.

Resubmitted to Government.

2. I support the proposal as it would be a popular step and not an expensive one to Government.

A Rama Ray
for Director of Public Instruction.

M.R.P. 29/6.

have.

Building grants - Mortgage

duty and registration fees -

264 June 1925

The D.D. is requested to report the probable loss of revenue under (1) stamp duty and (2) registration fees that will be caused to Govt. in case the proposal reads in his end.

The estimate should be based on the average of the expenditures incurred under the above heads by managers of private educational institutions in a period of three normal years when there was no embargo on the payment of building grants.

8 AUG 1925 By

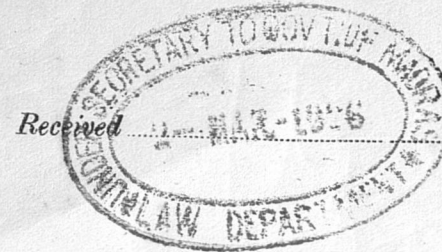
DESPATCHED

ME 509 25 SEP 1925 19

Remains after six weeks

LAW (EDUCATION)

DEPARTMENT.



Received

13-1-1926

192

Registered

23

1926

Subject.

Submitting statement showing the expenditure incurred under stamp duty and registration fees during the years 1922-23, 23-24 and 24-25.

ENCLOSURES.

No.

R.O.C. No. 1120 B/25

Spare copies

Station Madras Dated the 25th February 1926 192

From (Name) R. Littlehailes Esq., M.A.,

(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras

LAW (EDUCATION)

Department.

Sir,

With reference to Government Memo No. 1649 A-2, dated 7th August 1925, I have the honour to submit herewith a statement showing the expenditure incurred under (1) Stamp duty and (2) Registration fees during the years 1922-23, 1923-24 and 1924-25.

2. The average expenditure incurred under the above heads amounts to Rs 210/- and Rs 64/- respectively which may be considered the probable loss of revenue to Government.

I have the honour to be,

Sir,

Your most obedient servant,

A. R. M. A. Ray

for Director of Public Instruction.

P.R.K. 26/2

District	Stamp duty		Total	Registration charges			Total
	1922-23	1923-24	1924-25	1922-23	1923-24	1924-25	
1. Ganjam	...	0 12 0	3 0 0	...	...	...	...
2. Vizagapatam	...	270 0 0	270 0 0	...	41 8 0	41 8 0	41 8 0
3. Godavari	...	Nil	Nil	Nil	Nil	Nil	...
4. Kistna	10 0 0	Nil	Nil	10 0 0	10 0 0	10 0 0	10 0 0
5. Guntur	...	Nil	Nil	Nil	Nil	Nil	...
6. Cuddapah	...	Nil	Nil	Nil	Nil	Nil	...
7. Kurnool	15 12 0	1 8 0	17 4 0	10 0 0	1 0 0	1 0 0	11 0 0
8. Bellary	...	Nil	Nil	Nil	Nil	Nil	...
9. Anantapur	...	Nil	Nil	Nil	Nil	Nil	...
10. Nellore	...	Nil	Nil	Nil	Nil	Nil	...
11. Madras	18 12 0	48 12 0	18 12 0	6 0 0	6 0 0	6 0 0	6 0 0
12. Chingleput	26 - 4 0	48 12 0	75 0 0	11 0 0	20 8 0	20 8 0	31 8 0
13. North Arcot	4 14 0	20 0 0	24 14 0	3 0 0	10 0 0	10 0 0	13 0 0
14. Chittoor	...	Nil	Nil	Nil	Nil	Nil	...
15. South Arcot	...	Nil	Nil	Nil	Nil	Nil	...
16. Tanjore	...	Nil	Nil	Nil	Nil	Nil	...
17. Trichinopoly	18 12 0	63 10 0	23 13 0	6 0 0	11 0 0	7 0 0	24 0 0
18. Madurai	8 4 0	12 0 0	9 12 0	5 0 0	5 0 0	5 0 0	5 0 0
19. Ramnad	...	12x10x10x	12 0 0	...	...	...	...
20. Tirnevelly	...	Nil	Nil	Nil	Nil	Nil	...
21. Coimbatore	17 8 0	12 0 0	29 8 0	11 0 0	9 0 0	20 0 0	20 0 0
22. Salem	1 0 0	0 12 0	1 12 0	Nil	Nil	Nil	...
23. The Nilgiris	...	Nil	Nil	Nil	Nil	Nil	...
24. Malabar	0 12 0	1 12 0	4 0 0	Nil	Nil	Nil	...
25. South Kanara	32 12 0	2 4 0	50 0 0	22 0 0	2 8 0	5 0 0	29 8 0
Total for 24 years	632-3-0		632-3-0	191-8-0			191-8-0

For Director of Public Instruction

R. S. R. a u a Ray 26/12/26

(The Government relates only to elementary schools)



Received

10 JUL 1926

192

Registered

L. G. 2615A
197/1926

Subject.

Regarding mortgage deeds - exemption from stamp duty etc.

ENCLOSURES.

No.

R.O.C.

No. 651 E/26

Spare copies

Station Madras

Dated the 8th July 1926

192

From (Name) R.G. Grieve, Esq., M.A., F.R.G.S.,

(Designation) Ag. Director of Public Instruction

To The Secretary to the Government of Madras

Law (Education)

Department.

Sir,

psaut
With reference to Government Memo. No. 1649 A-2 dated

psaut
7th August 1925 and in a continuation of my letter R.O.C. 1120

psaut
B/25, dated 25th February 1926, I have the honour to submit

herewith a statement showing the expenditure on (1) stamp duty and (2) Registration fees during the years 1922-23, 1923-24 and 1924-25 for mortgage deeds executed by Managers of Secondary schools, Training schools and colleges in respect of building grants.

2. The average annual expenditure incurred under stamp duty and registration fees amounts to Rs. 320 and Rs. 48 respectively which represents the probable annual loss of revenue to

SKW
912.

No.	Name of the District.	Amount of the District.
1	San Juan	100.00
2	San Antonio	100.00
3	San Carlos	100.00
4	San Diego	100.00
5	San Francisco	100.00
6	San Jose	100.00
7	San Luis	100.00
8	San Marcos	100.00
9	San Mateo	100.00
10	San Pedro	100.00
11	San Rafael	100.00
12	San Ramon	100.00
13	San Salvador	100.00
14	San Sebastian	100.00
15	San Vicente	100.00
16	San Ysidro	100.00
17	San Ysidro	100.00
18	San Ysidro	100.00
19	San Ysidro	100.00
20	San Ysidro	100.00
21	San Ysidro	100.00
22	San Ysidro	100.00
23	San Ysidro	100.00
24	San Ysidro	100.00
25	San Ysidro	100.00

Serial No.	Name of the District.	Stamp duty			Registration fees		
		1922-23	1923-24/1924-25	Total	1922-23	1923-24/1924-25	Total
1	Ganjam						
2	Ujjayapatam						
3	Godavari E						
4	Godavari W.						
5	Kistna						
6	Guntur						
7	Nellore						
8	Kurnool						
9	Bellary						
10	Anantapur			41.6.0			17.8.0
11	Cuddapah						
12	Chingelput.						
13	Nandyal	6.12.0	172.0.0	172.12.0			37.8.0
14	Norfolk Brest			105-0-0			
15	Chittoor						
16	South Arcot						
17	Tanjore						
18	Trichinopoly	165.0.0		165.0.0			27.8.0
19	Ramanad	30.0.0		30.0.0			5-12-0
20	Madura						
21	Tinnevely	22.8.0		22.8.0	9.8.0		9.8.0
22	Coimbatore & Nilgiris	26.6.0	75.0.0	26.4.0	11.0.0		11.0.0
23	Salem			75.0.0			
24	Malabar	97.8.0	22.8.0	120.0.0			
25	S. Kanara	203.0.0		203.0.0			33.8.0
Total		203-00	342.00	615.12-0	960.12-0	20.8-0	88.6-0
							162.6-0

48

(Statement - relates to secondary, technical, Training, & curries)

For Director of Public Instruction

Law (Education) Dept

(Circ 1649A) From the P. & E. C. Madras. D. 7. 5. 25.

(Circ 2222B) From the D. P. 2. R. E. no 1120 - 18/55 D 26. 6. 1925

Subject:- Building grants - Mortgage deeds -
Exemption from Stamp duty and Registration charges.

A.S.

The President, D. E. C., Madras, requests that exemption may be granted to the managements of aided schools from the liability to pay Stamp duty and registration charges in respect of mortgage deeds executed by them for grants received for building purposes. The D. P. 2.

Supports the request. Attention in this connection

(1) is invited to the orders in G. O. no 508 Law (Edu) dated 7-4-1924 empowering D. E. C. to accept deeds of acceptance in ^{the} form given

(2) as appendix 32 to G. O. no 208 Law (Edu) dated 21-2-1922/ provided the amount of grant did not exceed Rs 2,500/- This was done in view of the heavy Stamp duty and registration charges involved in the execution of mortgage deeds in the forms given as appendices 29, 30 and 31

(3) to the above G. O. The D. P. 2 then considered that "if a managing body is prepared to spend about a thousand rupees upon a building it will be equally well prepared to spend a few extra rupees upon registration and Stamp charges. If the management, however, is prepared only to spend a very small sum

vide portion marked A on p 11 of the paper, with G. O. 508/24 7-4-24

(4)

on a building it will object to the payment of registration and stamp charges. In view of the above it does not seem necessary to grant the exemption asked for. The remarks of Finance and Revenue may be invited (u.o.)

P.V.K.
10.7.25. 2 Before considering the question further, it appears desirable to obtain particulars as to the number and value of mortgage deeds executed during each of the last ten years and the stamp duty and registration charges paid by the management in each case. Particulars may also be called for as to the ^{cases wherein} exemptions from the execution of mortgage deeds ^{were} granted during the period. Particulars available in D.O.s may be obtained by the D.O. by means of a circular and embodied in the statement to be submitted to Govt.

For three years
V.T.K.
21.7

13/7/25
14.7.25

Am I right in thinking that the exemption would require the sp. sanction of the G.O.I.? What would be the justification for it?

V.T.K.
22.7

Submitted that the exemption from liability to pay stamp duty would require the sanction of the Government of India under Section 9

For a precedent please see G.O. 115 Rev 2
20-1-1928
(K)

clauses of the Indian Stamp Act, 1899 (II of 1899).
2. The President, D.S.C., Madras, suggests that managements of aided elementary schools may be treated like the Co-operative Societies which are exempted from ^{Stamp Duty and registration} charges.
3. In view of the heavy stamp duty and registration charges involved in the execution of mortgage deeds, the managers of elementary schools, receiving building grants, try to avoid executing the required deeds by applying to Government for exemption. If the exemption is granted the Govt. or the D.S.C. have no legal hold on the property in respect of which a grant is paid. If the heavy duties are removed, the managements have no reason to seek exemption and the Govt. can proceed against their property in respect of non-fulfilment of the prescribed conditions. Before addressing the Govt. of India, it appears desirable to ascertain the probable loss of revenue that will be caused to Govt.

This grant of exemption indiscriminately can be restrained by Govt.
V.T.K.

Ask
V.T.K.
29.7

P.V.K.
27.7.25.
14/7/25

14.7.25
28.7.25

A draft memo to the D.P.D. is submitted.

P.V.K.
3.8.25
14/8/25

14.8.25
6.8.25

13

ISSUED a D.O. No 1649 A. 21. 7.8.25 p 4 cf

(P. No 7314) From the D.P.I. - R.O. No 1120 B/25 D. 25.2.26 p 5 cf

for the purpose of stamp duty and registration fees

AS: The D.P.I. has submitted a

Statement showing the expenditure incurred

under (1) Stamp duty and (2) Registration fees

during the years 1922-23, 1923-24 and 1924-25

The average expenditure incurred under

the above heads amounts to Rs 210 and 64.

respectively. It is not clear whether

the figures relate to mortgages executed

in respect of building grants sanctioned

for all institutions (collegiate, secondary

and elementary) or only to grants

sanctioned for elementary schools.

The following telephonic message is

submitted for approval:—

Telephonic Message.

From

The Secretary to Govt, Law (Crg) Dept.

To

The D.P.I.

Reference your letter No. 1120 B/25

of 25.2.26. Please state

whether the figures in the State-

ment showing the expenditure

incurred

p 6 cf

nd p 5 cf

This — see p 5

p 5 cf

p 6 cf

DESPATCH
9/26 MARCH 26

Copy by post

round

Chd

9/25/26

10/25/26

MS
20/3/26

GA
24/3

(11)

T. M. dated 30

From the Director of Public Instruction, Madras,

To the Secretary to Government, Law (Edn) Dept.

Dated - the 30th March 1926.

Reference your T.M. dated 24-3-26

The statement showing the expenditure under

stamp duty and registration fee submitted with my

letter R.C.No.1120 C/25 dated 25-2-26 relates only

to elementary schools. I am addressing the D.E.Os.

and Inspectresses to obtain and submit similar figures

in regard to secondary schools, training schools &

colleges and shall submit another statement in

regard to the above class of institutions as soon as

the figures are received.

A

2nd session
11/6

MS
1.4.26
14
21/4/26

MS
18.8.26
18.8.26

The further statement promised

by the D.P.I. at A above may be also

GA
9.4.26

15/6

13
N. 2615A From the D. 109, No. 6518 887.26. pp 7-8 etc

The average expenditure incurred by managers of private educational institutions under stamp duty and registration fees during the three years 1922-23, 1923-24 and 1924-25 is as shown below.



	Stamp duty Rs.	Reg. fees. Rs.
Elementary Schools	210	64
Secondary and training Schools and colleges.	320	48
Total Rs	530	112

642

The loss to Govt. by granting the exemption asked for appears to be small. It is for consideration whether the exemption may be granted. The file may be sent to Law (Regn), Revenue and Finance for remarks.

21A
18-7-26
Lg
18/7

16.7.26

See this Law (Regn)

Law General, Dep

2615A-1
17-7-26

1-84079C
17/7/26

A.S.

Please see Sections 78-80 of the Indian Registration Act and item 1(k) of the Table of Fees prepared under Section

Page 105, Part P
Registration Manual
(not available)

78 of the Act. It would appear the Govt. can exempt the payment of registration fees in respect of the documents in question. The loss to Govt. by granting the exemption asked for seems to be small and this department need not object to it. Perhaps the D.S. may see the file no. and offer his remarks.

Law (Regn) no 40795-1
28-7-26

18/7
23.7.26.
26.7.26

27.7.26

To
The D.S. given with
Cf. & n.f. in original.

8/7

U.O. 449-Genl. dated 6th August 1926.

Office of the Insp. Genl.
of Registration.

Under section 78 of the Registration Act the local Government is the final authority in the matter of the registration fees, and as such, they can exempt any class of documents from payment of registration fees. It is, however, feared that, with the extension of the concession to the mufassal aided schools, which may eventually be necessary under the present scheme of liberal education an appreciable amount of revenue would be lost to this department.

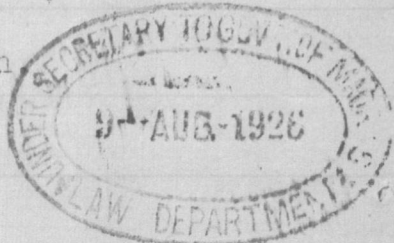
In this connection, I would invite attention to the fact that the department is already losing an enormous revenue by the exemption of documents

18.8.26

and searches relating to Co-operative Credit Societies,
the amount foregone during 1925 being Rs.1,82,880.

In the circumstances, it does not seem desirable
to grant the concession applied for.

nickesaw
Personal Assistant,
for Insp. Genl. of Regn.



To

The Secretary to Government,

Law (Registration) Department.

Law (Reg) 4540C
9.8.26

Law (Regn) Dept

A.S.

In view of the Is's remarks
at A on p 7 ante that it is
for orders whether this dept.
may agree with him that
it is not desirable to grant
the Concession applied for.

There is not much justification
for the apprehension that the
loss of registration revenue
will be appreciable. The
average for last three years
has been only Rs 112.

CR
10/8

I am not in favour of indirect
Subventions.

V.TK

11.8

Fin 11.0

(13)

Law (Regn) 4079C-2
11.8.26



23567

(Please see note from p. bank.) Finance (Accts)

Submitted that this Dept. may

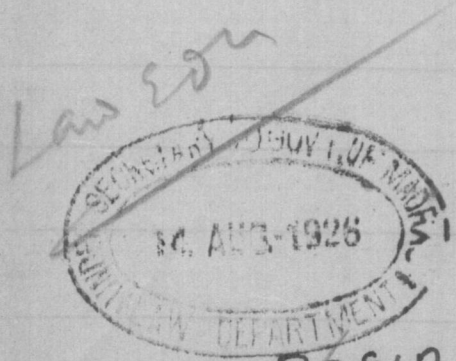
Concur in the view expressed by the
Law Secretary above.

CR 12.8.26
13.8.26
V.TK 13.8.26
13826

Agreed
14/8/26

Law

Fin 11.23567 Crch-1
11.8.26



L. 94664E
16/8/26

Law (Regn) Dept.

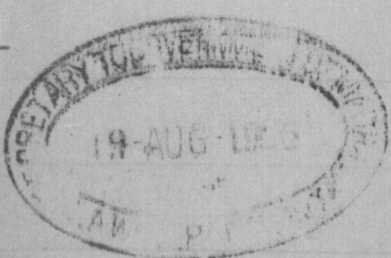
A draft order is submitted
for approval.

(Doesn't think any reason need be
assigned in the draft.)

CR 18.8.26
19/8

V.TK
19.8

M 2
19/8



19
Lawyer DEPARTMENT.

Date. Initials.

Initials.

Grants

Building - Mortgage
deeds - Exemption from stamp
duty and registration fees -
Negatives.

192

22 22 22 22 ----- 2

192

READ ALSO:—

C. No. 1669A From the P.O. Madras, No. —, dated 7.5.1925

2072A 209 1120B 26. 6 1925

" " 2615A " " " " 6518 " " 8.7.1926

ORDER.

No. 1596, dated 20. 8. 1926.

mis

The Govt. are unable to accept the proposal of the St. Ed. Council, Madras, that mortgage deeds executed in respect of building grants paid to aided elementary schools under Chapter II of the rules framed under Section 42(2) of the Madras Elementary Education Act, 1920, should be exempted from stamp duty and registration fees.

DESPATCHED
JUN 24 AUG 1962

To
The P.D.E.C., Madras.
" D.P.D. } (940)
Copy to other P.D.E.C.s.

~~V.K.~~ ~~V.T.K.~~
~~1978~~ ~~8~~

18.8.26

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

192

READ AGAIN G.O. No.
 192

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT ...

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED OF, BEING PREPARED FOR DESPATCH
 IN ORIGINAL.

N.B.—

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