

Financial (1899) Department.

ORDINARY MS.

G.O., No. 139

Dated 25.7.88

INDEXED.

[Despatch Abstract.]

Authorising the A.S. to place the sum of Rs 5000 at the disposal of the Collr. of Malabar from savings under 3B - Land Revenue - Survey or Settlement to meet the cost of the publication of notices of registration under sect 17 of Act III of 1896 (Madras)

25.7.88

BACK PAPERS.

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

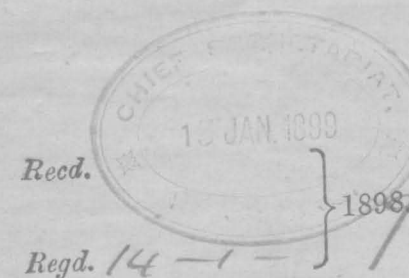
FURTHER PAPERS.

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

Financial (1899) Department

208

Government (1898) of Madras. REVENUE.



Enclosures 1

Spare copies 4

G.O., No. 791, 19th December 1898.

DECEMBER.

Act III of 1896 (Madras).

Communicating to the Board of Revenue for information the Advocate-General's opinion on the question whether under section 17 of — the Collector can recover from the parties concerned the cost of giving notice to them under section 9 (1) of the Act by means of a fixed fee and whether the Board of Revenue can, by subsidiary rules made under section 20, prescribe the fee to be levied in respect of such notices sent by the Collector; and stating that orders will issue in the Financial Department placing a sum of Rs. 5,000 at the disposal of the Collector to meet the cost of the publication of notices of registration.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—again the following G.O., Mis. No. 4036, Revenue, dated 10th October 1898:—

Read—the following Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), No. 297, dated 11th August 1898:—

Read—again the following Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), Mis. No. 4249, dated 13th July 1898:—

Read—the following letter from F. C. PARSONS, Esq., Acting Collector of Malabar, to the Secretary to the Commissioner of Revenue Settlement, Land Records and Agriculture, dated Calicut, 2nd July 1898, Ref. on C. No. 1124-R.:—

I have the honour to reply to paragraph 6 of Board's Proceedings, Mis. No. 3636, dated 17th June 1898.

2. Attached is a form, with a translation of the notification I propose to publish in the Gazette. It is not a complete copy of the register, but it contains as many of the columns of the register as can be conveniently printed in one page allowing only one line for each item.

3. I estimate the cost per page of this notification as follows:—

	RS.	A.	P.
Composing	...	...	...
Impression	...	...	...
Paper	...	...	...
Postage of Gazette	...	...	...
Registration and postage of notices under section 9 (2)	...	...	...
Miscellaneous	...	...	...
Total	4	0	0

Allowing fifteen items to each page the cost comes to As. 5 per item.

4. In the above estimate the first two items only have to be paid to private presses and for this funds are necessary. I request that Government may be moved to sanction an expenditure of Rs. 3,000 for the purposes of Act III of 1896 for the present. I hope that this sum will suffice to pay the printing charges of the notification for all Palghat and Walluvanad taluks. If janmis are as slow at putting in their applications as at present, the printing charges in these two taluks will come to some Rs. 11,000. There is, however, every prospect of applications coming in rapidly as soon as we begin to collect As. 5 an item.

5. I propose to collect from the janmis at As. 5 an item as a fixed charge. This is by far the simplest way of recovering the cost of the notification. As each gazette is published, a demand will be made out against each Tahsildar concerned and the recoveries will be watched. Collections will be credited to Land Revenue—Miscellaneous.

6. I have not asked for sanction for an advance because of the enormous labour it will involve to ascertain the exact cost of the notification relating to the lands of each janmi and the great difficulties we should experience in adjusting the recoveries to different headings of account.

Resolution—Mis. No. 4249, dated 13th July 1898.

The information furnished is insufficient to support an application to Government for the large sum required. The data on which the estimate of the cost of printing is based should be fully stated, starting with information as to how many copies of each notification must be printed. It is not understood how the charge for postage is arrived at. It is not understood why the cost of sending notices by registered post should be calculated at As. 10 a page.

2. The Board is unable to understand the supposed difficulty of dealing with the allotment as an advance recoverable. When each batch of notices is printed and posted, the actual cost of printing at the contract rates, and of postage, can be readily calculated, and apportioned amongst the janmis concerned.

The actual cost of sending the separate notice by registered post is also easy to calculate. The calculation of the actual cost and its apportionment among the janmis seems to the Board to involve no enormous labour, and it is not clear what great difficulty the Collector anticipates in adjusting recoveries "to different headings of account," or to what different headings he refers. The operation is surely not so difficult as what is being done every day in the matter of apportioning and recovering survey charges. Thus if the Collector remains of opinion that the procedure prescribed in section 976 of the Civil Account Code, Volume II, is unworkable, further explanation must be afforded before the difficulty can be laid before Government. A further report should be submitted with the least possible delay.

(True Copy and Extract.)

(Signed) R. V. SRINIVASAR,
Secretary.

To the Collector of Malabar.

Read—also the following letter from F. C. PARSONS, Esq., Acting Collector of Malabar, to the Secretary to the Commissioner of Revenue Settlement, Land Records and Agriculture, dated Calicut, 21st July 1898, Ref. on C. No. 1124-A--R.:—

I have the honour to reply to Board's Proceedings (Revenue Settlement, Land Records and Agriculture), Mis. No. 4249, dated 13th instant.

2. The cost shown in paragraph 3 of this office letter, Ref. No. 1124-R., dated 2nd July 1898, is roughly estimated as follows:—

Data.—Number of impressions required is 600; each gazette contains 100 pages covering 1,500 items of land and 262 janmis. This is based on the actual figures for six desams in Palghat, where it was found that 2,000 items of land held by 350 janmis had to be published.

Composing.—Printers have agreed to do the work for As. 12 per page.

Impression.—Printers require Re. 1 for 600 impressions or any number of impressions up to 1,000.

Paper.—Six hundred leaves of double double pott thin are required. One ream equals 500 sheets or 2,000 leaves. One ream costs Rs. 3. One leaf of 600 impressions cost about Re. 1. As one leaf contains two pages the cost per page is thus As. 8. But besides the paper used in publishing the gazette, allowance has to be made for covers to postal notices under section 9 (1); for headings to be attached to leaves of the gazette sent as notices under section 9 (1) and for printing them; for the fact that in sending notices under section 9 (1) a leaf of paper has to be sent for every page of items and not one leaf for every two pages as there is one page on each side of a leaf. There will also be a certain amount of spoilt paper, &c. Thus the cost of a page has been put at Re. 1.

Postage of Gazette.—Each copy costs one anna and consists of 100 pages. The cost is $\frac{1}{100}$ anna for one page of one impression or As. 6 for one page of 600 impressions.

Registration and postage of notices under section 9 (1). Each page costs one anna for postage and As. 2 for registration or As. 3 in all. Each page has to be sent to three janmis because it contains 15 items of land and 1,500 items of land are owned by 300 janmis (or more exactly 262 janmis). Thus the cost per page will be As. 9. Ten annas was entered in the estimate to allow a margin for notices which may have to be sent twice, &c., and for other minor postal charges in this connection.

Miscellaneous.—Four annas is intended to cover clerical, cooly, packing, &c., and other unforeseen charges.

3. In reference to paragraph 2 of the Board's Proceedings, I beg to submit the following:—

The system of calculating the actual cost of publishing the notices under section 9 of Act III of 1896 in the District Gazette and of sending individual notices to the several janmis by post registered, if not actually unworkable, will, at any rate, be a very complicated procedure to follow. Work in this connection will have to be done in more offices than one. The Special Deputy Collectors will have to prepare the lists and send them to the press in the first instance and then despatch the notices on their receipt back from the press. The press department of the Collector's office will have to be utilized for sending the gazette to the subscribers; as the private presses are mostly in Calicut, the Collector's establishment will have to be employed for receiving the lists and the notices from the Deputy Collectors and for getting them printed. Either in the Collector's office or in the Deputy Collector's office the work of distributing the charges amongst the several janmis will have to be done and lastly the Taluk establishment will have to be engaged in collecting the amount. The proportionate pay of the several establishments engaged for doing this work will have to be calculated and complex registers will have to be maintained for the purpose. Again charges will have to be incurred in connection with the work in several offices, viz., the Deputy Collectors', Collectors' and the Tahsildars' and accounts will have to be kept in all of them, and there must be a general compilation somewhere. Unless it is proposed to purchase stationery from the market and utilize ordinary postage labels for sending the gazettes and the notices, Government stationery and service postage labels will have to be used in the first instance and their value will have to be credited to Government by adjustment when the collections have been made from the janmis. It is with a view to avoid all these complications that it was suggested that a uniform charge of As. 5 per sub-division number may be made and that the charges to be incurred may be treated as final charges in the accounts instead of being met from "advances recoverable." The amount collected from janmis will be credited to "Land Revenue—Miscellaneous." If this proposal be approved, all that need be done when the list for one desam is complete, will be to prepare a list of the janmis and charge them at the fixed rate for as many survey sub-divisions as appear against them. This may be done either in the Collector's office or in the Taluk offices and there need be no complex calculations in arriving at the correct amount to be collected from each janmi.

4. It is true that in respect to survey charges an apportionment of the actual cost is made amongst the several land-holders and the amount due from each is recovered subsequently in the Revenue Department by Tahsildars. It would seem that the surveyors send to the Deputy Superintendent's office, cooly bills showing the actual cost incurred in paying coolies and that to this amount is added in the office of the Deputy Superintendent the proportionate cost of the field surveyors, of the deputy surveyors who inspect their work and of the clerks in the Deputy Superintendent's office who prepare the bills and that the total amount is then apportioned amongst the several land-holders. A bill so prepared in the Deputy Superintendent's office is submitted for perusal. It will be seen therefrom that complex calculations are necessary in fixing the amount payable by each land-holder. To prepare this single bill it must have taken one whole day for one clerk. It is to be observed that in respect to survey charges the items to be taken into account are only three in number and that the whole of the work is done in one office only. But this will not be the case in respect to the charges under consideration as already explained and therefore the labour involved in compilation and apportionment of the charges incurred in the different offices must be enormous. Further, considering that it is proposed to recover

the charge of publishing the notice under section 9 from the janmis, more as a penalty for their omission to come forward to register their lands than as anything else, there is hardly any necessity to go to the length of making any complex calculations as to the actual cost.

5. In respect to the remarks that the sum of Rs. 3,000 asked for is large, it is submitted that this is intended to cover the printing charges only and not the other charges. At Rs. 1-12-0 per page containing 15 sub-divisions on account of printing and composing charges, supposing there are about 300 sub-divisions for each desam, the total cost per desam will be $\frac{300}{15} \times 1\frac{3}{4}$ or Rs. 35. For 455 desams in the two taluks the cost will be Rs. 15,925. A much smaller amount was asked for on the belief that when the janmis come to know that the charge of publishing the notice is to be recovered, there will not be as many as 300 sub-divisions in a desam in reference to which notices will have to be published.

6. If, as suggested by the Board, the charge is to be debited in the first instance to "advances recoverable" the amount which the Government will have to be asked to sanction will be much larger than the Rs. 3,000 now asked for. It will be at the rate of Rs. 80 for a desam or Rs. 36,000 for the two taluks. If charges are to be debited to "advances recoverable" and then to be adjusted on the amount being collected, the stationery and postage will have to be paid for in cash. It might, perhaps, be said that there will be no necessity for such a large amount as Rs. 36,000 under "advances recoverable" inasmuch as there will be collections coming in. Judging from the difficulty experienced in collecting survey charges under which so much as Rs. 52,000 and odd were in arrears at the beginning of this month, I do not expect that there will be prompt realizations in respect to the charges in question. If not the full Rs. 36,000, at least about Rs. 10,000, will be required under "advances recoverable." It is precisely because of the enormous labour and difficulty experienced in collecting survey charges that I avoided recommending the "advances recoverable" system for the collection of these new charges.

Resolution—No. 297, dated 11th August 1898.

The correspondence read above relates to the provision of funds required to enable the Collector of Malabar to carry out the requirements of section 9 (1) of the Malabar Land Registration Act III of 1896.

2. The section requires that when any person has been registered as proprietor of any land otherwise than on his own application, the Collector shall give him notice of the registration by registered letter and by publication of the fact in the District Gazette. This latter provision, which appears on the face of it so simple and proper, is in fact so difficult to work that the publication of notices is at a stand-still.

3. Up to the end of May 1898, about 85,000 items of land have been registered without application. The notice to the person registered must take the form of a condensed extract from the register, and each item of land requires one line in print. On an average about 15 items fill one page of the District Gazette. Thus, allowing for headings, &c., the 85,000 items registered up to May 1898 will fill about 6,000 pages of print.

For circulation with the District Gazette, allowing for spare copies, 600 copies of each page must be printed.

4. To cope with this task is utterly beyond the power of the District Press establishment. The help of private printing presses must be sought; and the Collector's reports read above contain his estimate of what the printing and postage of the notices will cost. The cost, under section 17 of the Act, is recoverable from the parties concerned. The Collector calculates, on data which have been carefully worked out, that the cost of printing and circulating will amount to a little under As. 5 for

each item of land; and he urges that, for the sake of simplicity in apportioning the cost, a uniform charge of As. 5 per item should be experimentally sanctioned. He pleads that the expenditure on stationery, printing, postage and contingencies may be debited, and that the recoveries at As. 5 per item may be credited to Land Revenue—Miscellaneous, in order to avoid the complex calculations which, he declares, must attend the treatment of the charges as an "advance recoverable."

5. The notices will presumably be published in batches, once a week or once a fortnight, in the shape of a Gazette extraordinary. It will be apparent that the task of ascertaining the precise cost of printing and circulating each batch, and of then apportioning that cost among the parties concerned must be very laborious; and the Board strongly supports the Collector's request that the charge on the parties concerned should take the form of a fixed fee per item.

6. An obvious objection to the Collector's proposal to debit the charges and credit the recoveries to Land Revenue is that under the Provincial Contract the whole of the charges will be "Provincial," while three-quarters of the recoveries will go to "Imperial." The Board is unable to suggest an appropriate head of account which would bring both charges and recoveries under "Provincial," but perhaps the Accountant-General may be able to do so. Otherwise there would seem no alternative but to deal with the outlay as an "advance recoverable."

7. The Collector asks for only Rs. 3,000 to begin with, though the entire cost of complying with section 9 (1) in the two taluks, where registration of titles is now in progress, is likely to exceed ten times that amount. It is, however, possible that the recovery of the cost from the janmis whose titles have already been registered without application may operate as a warning to the rest not to neglect to put in their claims before the Registrars, in which case the amount of notification to be done under section 9 (1) may become small. One remarkable feature in the Act is that it requires no notice of registration to be published except when the person registered has not made an application under section 3.

8. The Board would recommend that an allotment of Rs. 5,000 be placed at once at the Collector's disposal to start with, and that he be authorized to recover the outlay by charging a fixed fee of As. 5 per item. The Board does not see why the charge of a fixed fee need prevent the expenditure being accounted for as an "advance recoverable." Rather more than the exact expenditure may be recovered, but this seems of little importance. It may not be beyond the Account Department to find some head to which the surplus may be credited. If, however, the charge of a fixed fee is held to be inconsistent with treating the expenditure as an "advance recoverable" the Board must ask Government to decide whether the Collector's proposal to charge a fixed fee must be negatived, or under what Head of account the expenditure and receipts should be entered.

(True Copies and Extract.)

(Signed) C. BENSON,
Dy. Dir., L. Rds. and Agri.

To the Secretary to Government, Revenue Department,

Copy to the Collector of Malabar.

Order—Mis. No. 4036, Revenue, dated 10th October 1898.

The Government Solicitor is requested to obtain the opinion of the Honourable the Advocate-General on the following points:—

Whether, under section 17 of Act III of 1896 (Madras), the Collector can recover from the parties concerned the cost of giving notice to them under section 9 (1) of the Act by means of a fixed fee; and whether the Board of Revenue can, by

subsidiary rules made under section 20, prescribe the fee to be levied in respect of such notices sent by the Collector—the fee to be levied being approximately the estimated actual cost of giving the notice.

2. A copy of the Proceedings of the Board of Revenue, No. 297, dated 11th August 1898, on which these questions have arisen is enclosed for reference.

(True Extract.)

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

To the Government Solicitor.

READ—the following endorsement from ERNEST BARCLAY, Esq., Government Solicitor, to the Secretary to Government, Revenue Department, dated 16th November 1898, No. 531:—

Forwarded with reference to the Order of Government, Mis. No. 4036, Revenue, dated 10th October 1898.

ENCLOSURE.

Opinion.

The first question for consideration is whether, in cases where a person, who has not applied for registration under section 3 of Act III of 1896, has been registered under section 6 or section 7, and notice of registration has been given to that person by the publication of the fact in the District Gazette and by registered letter, in accordance with the requirements of section 9 (1), the cost of the publication of the notice, and of the registered letter, can be recovered from the registered proprietor. Section 17 provides that the costs of any inquiry or proceeding held before, or of any survey or demarcation directed by the Collector under the Act, shall be payable by the parties concerned; and the Collector is empowered to pass such orders as he thinks fit in respect of the payment of such costs. I have come to the conclusion, though not without some doubt, that section 17 may be construed so as to cover the cost of giving the notice of registration required by section 9 (1) of the Act in the cases to which section 9 (1) applies. Section 6 of the Act applies generally, whether there has been an application for registration under section 3 or not, and under section 6 it is the duty of the Collector to ascertain by inquiry the proper persons to be registered, and to register them accordingly. In the case of persons who have applied for registration, notice of registration is unnecessary; but in the case of persons who have not applied for registration, notice of registration is provided for by section 9 (1). The giving of the notice prescribed by section 9 (1) is a statutory duty imposed on the Collector in connection with registration proceedings under section 6, and I think may fairly be said to form part of the registration proceedings to which section 17 applies.

2. Assuming I am right in this view, I think the Collector can recover from the parties concerned the cost of giving the notices by means of a fixed fee which does not exceed the estimated actual cost of giving the notice.

3. I do not think the Board of Revenue under section 20 of the Act can prescribe a fee to be levied in respect of notices of registration. The power to make rules is limited to rules for carrying out the purposes of the Act, and the power to prescribe fees is limited to the service of summonses. The cost of giving the notices can only be recovered by the Collector as costs of the registration proceedings under section 17.

MADRAS,
15th November 1898.

(Signed) C. ARNOLD WHITE,
Advocate-General.

ORDER—No. 791, Revenue, dated 19th December 1898.

Miscellaneous.

The Advocate-General's opinion read above will be communicated to the Board of Revenue for information.

2. Orders will issue in the Financial Department placing a sum of Rs. 5,000 at the disposal of the Collector to meet the cost of the publication of notices of registration. As regards the system to be adopted in exhibiting the charges and recoveries on account of such publication, the Government considers that it is undesirable to swell both expenditure and receipts with these amounts and that the best way will be to charge the expenditure to a special detailed head under "3. Land Revenue," and to take the receipts in deduction of the charges. Only the special charges, such as printing, should be taken to the detailed head proposed, while the other charges should be incurred as ordinary charges of the Collector.

(True Extract.)

H. M. J. J. J.
for Secretary to Government.

To the Board of Revenue (Revenue Settlement, Land
Records and Agriculture).
,, Financial Department.
,, Accountant-General.

Page 52 of the C.E.E.

Page 6 of C.E.E.

Exd. Shaik Karim.

50 Copies.

NOTE.

The sum of Rs. 5000 required can be placed at the disposal of the Collector of Malabar from Savings under 45 Irrigation - Minor Works and Navigation.

2. As regards the system of accounting the preferable course would be to treat the expenditure as a final payment and to debit the cost to 5 A Land Revenue - Charges of District Administration against which the "temporary establishment for the registration of Janmam titles in Malabar" is now shown. The recoveries may be credited to I.B. Land Revenue - Miscellaneous. The question of accounting may however, it is submitted, be referred u.o to the Accountant-General who if necessary, will take the orders of the Comptroller General vide art. 1631 of the Civil Account Code.

(Id.) F.A.D.C.
30-11-98.

B.C.

But this does not get over the question of the probable loss to Provincial.

(Id.) C.M.S.
3-12-98.

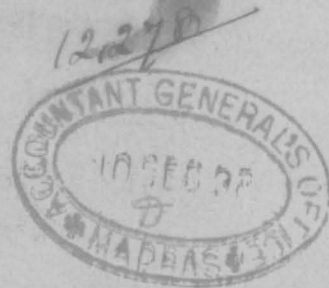
In apper...

C.A.

The only way to avoid any loss to Provincial is to treat the charges as "Advances recoverable". It is submitted that the Accountant-General may be asked (u.o.) whether there is any account objection to this being done.

(Id.) F.A.D.C.

6-12-98.



Ob.

The file may, it is subd., go to the A.G. (u.o.) for favour of advice.

Cund
2.12.98

No. 2775 of 8-12-98.

In A.G. no. for favour of advice.

11/12/98.

21/11/98

This note demands that all receipts & expenditure with these amounts. The best way will be to charge the expenditure to special detailed head under Land Rev. & to take the receipt in deduction of the charge, not the special charge as printing, etc.

taken the detailed head proposed, the charges being entered as ordinary charges of the Collector, the receipt should be in view of the charges - this will cause a minor entry but that is of no consequence -



21/12/98

BC
14/12

Final. Dept.

Note

Ob.

It is submitted that the Accountant General's suggestion may be adopted. The file ^{returned} (u.o.)

14/12/98

L. Rev.

Cund
15.12.98

11/12/98

No. 2858 of 16-12-98

In Rev. Dept. u.o.

11/12/98

A.G. Please see draft in appendix

l.s. ✓ Order 4073987 25.7.99

The Accountant
General is authorised
to place the sum of
Rs 5000 at the disposal of the
Collector of Malabar from
Savings under 3. B. Land
Revenue - Survey and
Settlement.

10/11/99
 21/1/99
 10/11/99
 21/1/99
 10/11/99
 21/1/99

To the Accountant General (G) adg
28/1/99
Revenue Dept (G)
Collector of Malabar (H) dex

B.C. in original ^{and} file (O.C.)

A = Copy in full.
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P = Copy abstract only.
Q = Copy heading only.

True

3,000--1-11-98.

~~Press~~
Miscellaneous No. 139 dated 25-1-1899
~~Routine~~

[F.]
[27.]

2209
3/7/99

2nd P C 30. 1 1899.

Boyl B C. 1/24 1899.

Date taken out.	FOR WHAT PURPOSE.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
3/3/99				<i>[Signature]</i>	17-3-99/15	