H.R.O. 1—50,000—16-10-27.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

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Dated 14 — 6 — ~~19~~ 1884

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Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,
14th June 1864.

No. 128. Read the following letter from C. C. BAI... to the Government of India; to A. J. ARBUTHNOT, Esq., ...e Government of Fort Saint George, dated Simla, the 7th May 18...

...epartment.

I am directed t... the attention of the Governor in Council of Madras to Act XVI of 1864, an Act to ... for the Registration of Assurances which received the assent of His Excellency the Governor General on the 24th ultimo.

...bserved, does not come into oper... ...st January 1865, notwithstanding to the stringent character of some of its provisions and to the consequence omission or neglect to observe the same, it is very necessary that the machinery required for carrying out the Act should be organized and all other preliminary arrangements made ... before the date fixed for the Act to take effect, in order that when that date ar... may not be inconvenienced, and injury may not be caused ... iduals owing proper means for complying with the requirements of the Act. It was evidently wi... afford ample time to the local Governments for preparing the machinery by which the Act is to be worked, and for making the other necessary arrangements that the Legislature allowed so long an interval before the date fixed for the Act to come into operation.

3. The appointment of R... s General is one of the first steps requiring t... Provision has been made in S... of the Act for enabling the Registrar General t... simultaneously with that office, any other office to which he may be appointed, and on grounds of economy, the Governor General in Council desires me to express a hope that proper advantage will be taken of this provision wherever it may be practicable, the object of course b... prevent the necessity of providing so large a salary for the performance of the duties of Re... General as would be requ... no other paid appointment under Gov...ment. The Governor in Council, however, in considering ... course can be followed in the territories under his jurisdiction, should not forget that the duties which the Registrar General has to perform in any other appointment held by him must be of such a ch... interfere with his moving freely fro... place and personally inspecting t... within his jurisdiction. This will be especially necessary on the first introduction of the system of registration provided by the Act, and until the Act shall have been brought into full operation.

4. Another thing requiring to be done before the Act takes effect is to divide the territories under the Governor in C... sidency ... ...to Districts and Sub-Districts for the purposes of the Act, and to appoint officers to the several Districts and Sub-Districts so formed. His Excellency in Council will observe that the salaries of these officers are to be fixed subject to the sanction of the Governor General in Council, and that it is matter for consideration whether the District and Deputy Registrars should be remunerated wholly by fees, or partly by fees and partly by salaries.

5. The Governor General in Council d... ...wish to interfere with the free discretion of the local Governments in th... ion of persons to fill these appointments, I am, h... desired to observe that the functions which will have to be exercised by them under ... will often partake in no inconsiderable degree of a judicial character and will be best discha... by officers of some judicial experience and of local knowledge and influence.

6. For these reasons, as well as on grounds of economy, it will be probably ... to employ wherever practicable, the existing judicial agency, or if this be not possible su... ministerial agency of Government as may be ready on the spot; where, for example, the Judge, the Principal Sudder and Sudder Ameens or Moonsiffs cannot be em... d, the Revenue ministerial machinery might be used with advantage. It is probable ... ...at no per... tter qualified to make good Deputy Registrars could be found than the majority of the J... s in the North Western Provinces and Madras, or than the Mamlutdars in Bomb...

7. When, however, no such resource is available, it may be ne... to make independent appointments, and I am desired to point out to His Excellency in ... that a considerable class of persons will be rendered dependent upon Government by the abolition of their ap-

…nents as Cazees or Law Officers … Act XI of 1864, many of whom will be well f…
…ni offices …

8. N… …, or any person solely t… …on duties shoul… till the appointme… …e proposed remuneration to … … to it has been repo… and confirmed by the Government of India.

9. It should be u… … that all … …ents made under … the Act con… … operation.

… of fees to be charged for registering dee… fee may … under the Act … it is impe… the fees shall not … as to r… or to d… from registering d… …en the re… and on the other, that they shall not be so low as to im… not hitherto been required to bear. It is expected tha… Act shall be borne by those classes of the c… or are brought under its operation, and th… burthen upon the general revenues …

11. There are other points in the Act wh… ments, but it is not considered necessary to noti… …or General in… arra… …posed by the Gov… on … for it to take effect.

To the Collector of …
872.

I a… … the ar… Act for the Registration of Assuran… [of 186… your charge.

The Act is to com… …peration on the … limits of … and Sub-Districts into wh… …e divided for the purposes of the Act, should be settled; the … …rs, appointed; and … amount and mode of remuneration to be assigned to e… … to be d… for the various classes of instruments to be re…e that date.

First, in regard to the limits of the … …, the Governor in Council ap… …eral rule, it will be mo… …ient that they should be conterminous with t… …ectorate or Zillah, where, as in the case of Malabar and Tanjore, the Collectorate comprises two separate Zillahs.

The number of Sub-Districts into which each … …ivided, will require to be very carefully considered. The size of each … …d be determined in some measure, with reference to the number of deeds likely to be registered in … …h estimate may be formed by reference to the number and nature of the s… the proposed Sub-District during a series of years, the extent to which land has b… the character and extent of trade, and the numerical strength o… … considerations, it should be observed, as a g… …e Sub-Districts, that they should be so regulated, and the R… …offices should be so placed, as not to compel any one resident in the Sub-District to travel more than one day's journey—say 20 miles—in order to reach the office of Registry.

… the appointment of District and Deputy Re… the Government of India have sug… …hich will have to be e… …d… often partake, in no… …e degree … …ble to employ the existing … …ency, wherever practicable; or, if this be not possible, such of the … …ial agenc… …ernment as may be ready on the spot. His Excellency the Governor … …cil specially adverts to the Tahsildars in this Presidency and the North-West Pro…, as a class of officers likely to prove efficient Deputy Regi… In the opinion of the Governor in Council, it is clearly desirable that, as a general rule, the District and Deputy

Registrars should be persons holding other offic… …e public service. In … …er scale of remuneration will suffice than would be requisite in the case of per… …n-ment employ; and, as a general rule, whether in the Judicial or in the Revenue branch service, they have more judicial … …rience and more local knowledge than such private individuals as could be selected f… …y. The main practical question is … …ther the District and Deputy Re… …d be selected from the Judicial … …om the Revenue De… …ecting these office… …he Judicial Department, there is the presum… …ary character of a Judicial officer's … …is-trat… …rs from the … …partment … …ge pos… …y the Revenue o… …e better means which they possess … …taining the real facts connected with dee… …or registry. On the whole, however, the Gover… Council would be disposed … …he preference to Judicial officers, with reference to th… …ary character of thei… …nd the certainty of their being constantly present at t… stations.

6. The District and Deputy Re… …s have to be remunerated either by sala… by fees, or p… …he District Registrars will include, not only the … … of deeds. … …eedings of the Deputy Registrars, and the hear… … …ppeals from the order o… …Registrars under Section 62 of the Act, the Governor would be disposed to assign f… … to the former officers. The case of the Deputy … trars is differe… …ns are confined to the registration of deeds, and it is very impor…ant that they should have that incentive to encouraging and facilitating registration, as far as it may lie in their power to do so, which will be afforded to them by their remuneration being given either … in part in the shape of a percentage on the fees paid into their … …fice establishments shou…

7. The last point for consideratio… …able of … …e to be fixed by the local Government, subject to the approval of the Government of India under Secti… … the Act. On this point the Goverr… … f India observe, that "on the "hand, it is important that the fees shall not be so l… …o render the operation of the Act "oppressive, or to deter parties from registering deeds wh… …egistration is made by the Act "voluntary: and on the other, that they shall not be so low as to impose a charge upon the State, … hitherto been required to bear. It is expected that the whole expense of "carrying out the Act shall be borne by those classes of the community who either avail the… "selves of its provisions or are brought under its operation, and that no portion of the cost s… "be allowed to become a burthen upon the general resources of the country."

8. I am directed to request that you will embody your opinion and the necessary information on the several points above adverted to, in a statement prepared in the annexed tabular form, which … …uld be submitted to Government not later than the 1st August next, accompanied by a r… … of the District, showing the particulars noted in the margin … that you may wish to make, and which cannot be entered in the Statement. Your recommendations, before being laid before Government, should be submitted to the Civil Judge of the Zillah; and it should be stated, … the statement or in your covering letter, in rega… … recommendation, whether or not it has the concurrence of the Judge, and if not, his opinion should be quote… …ons for dissenti… …t. It will, of course, be open to you, and it will be desirable that you should consult any other public officers or private individuals resident in your District from whom you may be likely to obtain useful information or advice.

(Signed) A. J. ARBUTHNOT.

(1) Towns or villa… …re than 2000 inhabitants.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Name of Collectorate.	Number and extent of Registration Districts to be included in the Collectorate.	Name of person or persons proposed for the office of District Registrar.	A[illegible] trict Registrar, or if he be remunerated by fees, percentage to be drawn by him	[illegible] posed to appoint Deputy Registrars.	Description of the limits of each Sub-District.	Area of each Sub-District.	Population of each Sub-District.	Distance of furthest village from the proposed Sub-D[illegible]	Nu[illegible]er-red in the proposed Sub-District during the last five years.	For [illegible] other immovable property.	For rent of land.	For [illegible] of debts. On simple bonds.	On mortgage	Char[illegible] trade.	Names of persons proposed for the office of Deputy Registrar

[illegible] remarks.

No. 129. To the Secretary to the Government of India, Home Department, Simla, dated Fort Saint George, 14th June 1864, No. 873.

I am directed by His Excellency the Governor in Council to acknowledge the receipt of your letter of the 7th ultimo, referring to the arrangements to be made for bringing into operation the Act to provide for the Registration of Assurances.

2. The several District officers in this Presidency have been called upon to furnish such information as will be requisite to enable the Government to decide as to the number of Districts and Sub-districts into which the Presidency shall be divided, the mode of remunerating the District and Deputy Registrars, the persons to be appointed to those offices and the table of fees to be charged under the Act. A full report on the arrangements which the Government may deem advisable will be laid before the Government of India at an early date. In the meantime I am directed to address you with reference to the salary to be assigned to the office of Registrar General, which the Governor in Council considers must be held at all events for a time by an officer having no other duties to perform. The organization of an effective system of registration, such as is provided for in the Act, and supervision of the proceedings of the District and Deputy Registrars will require great care and attention, and frequent locomotion on the part of the Registrar General, and in this Presidency there are no appointments, the duties of which are sufficiently light to admit of those of the Registrarship General being conjoined with them.

3. I am accordingly directed to request that the Government of India will sanction the appointment of a separate Registrar General with a salary of Rupees 2500 per mensem, and travelling allowance at the usual rates. The office establishment will be submitted for the sanction of the Supreme Government hereafter.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. J. Tulloch.

To

The Secretary

23-2-09 ✓

22-12-13

Judicial 180 for

1893.

Y

Treasury (I. Govt)

Ind

F.C. 1063.

1864

Soliciting the Sanction of the Supreme Govt. for the appointment of a Registrar General of Assurances on Rupees 2500.—

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