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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Je Official DEPARTMENT

G.O. No.	291	Press.
B.P. No.		Mis.
Dated	20.2.1868	197.

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Not to be folded or roughly handled

No. 249. Read the following letter from the Under Secretary to the Government of India, Home Department, to the Secretary to the Government of the North-Western Provinces; dated Fort William, 31st January 1868, No. 451.

Public.

I am directed to acknowledge the receipt of your letter, No. 6, dated the 4th instant, with enclosure from the Board of Revenue, North-Western Provinces, regarding the registration, under Act XX of 1866, of Sunnuds of grants of land made by Government to individuals as a reward for service rendered the State.

2. In reply, I am to state that the Governor General in Council is pleased to approve of the modification in the existing Rules proposed by His Honor the Lieutenant-Governor, whereby a nominal fee of one Anna will be charged for the registration of these instruments.

No. 453.

Copy of the correspondence forwarded to the Government of Madras, with a view to a similar change being made, if necessary, in the Table of registration fees in force in Madras.

(Signed) J. GEOGHEGAN,
Under Secy. to the Govt. of India.

From the Secretary to the Government of the North-Western Provinces, to the Secretary to the Government of India; dated Allahabad, 4th January 1868, No. 6.

I am directed to forward, for the orders of His Excellency the Viceroy and Governor General in Council, the accompanying copy of a letter* from the Secretary to the Board of Revenue, North-Western Provinces, regarding the necessity for the registration, under Act XX of 1866, of Sunnuds of proprietary right in land granted on behalf of Government.

* No. 146, dated the 29th November 1867.

2. The Lieutenant-Governor considers that such instruments should be included in the class of deeds the registration of which is compulsory. His Honor, however, does not think it desirable that loyal persons rewarded by grants of land should be put to expense in consequence of such grants, and it is, therefore, suggested, for the approval of His Excellency in Council, under Section 86 of the Registration Act, that only a nominal fee of one Anna should be charged for the registration of these instruments.

Copy forwarded to the Secretary to the Board of Revenue, North-Western Provinces, in continuation of No. 434A, dated 3rd December 1867.

Copy also forwarded to the Registrar General, North-Western Provinces, with reference to his letter, No. 409, dated 5th December.

From the Secretary to the Board of Revenue, North-Western Provinces, to the Secretary to the Government of the North-Western Provinces; dated Allahabad, 20th November 1867, No. 146.

A question has arisen whether Sunnuds of proprietary right in land granted on behalf of Government are, or are not, compulsorily registrable under the Indian Registration Act XX of 1866.

PRESENT.
C. B. Thornhill, Esq., C. S. I., and
R. N. Cust, Esq.

2. The Registrar General of these Provinces has expressed his opinion in the following words:—

“It will, I presume, not be disputed that a Sunnud of the nature referred to, i. e., a deed of gift of proprietary right in land, is an instrument which must be registered under the

*Proceedings of the Madras Government, Judicial Department,
20th February 1863.*

rule laid down in Section 17, unless its exemption is specially provided for. I find no such exemption in the Act; on the contrary, Section 89 shows that it was the intention of the Legislature that instruments executed on behalf of Government by its Officers should be registered, and I am inclined to think that the special mention of any Secretary to Government at the end of that Section was made with regard to instruments similar to those about which this question has arisen."

3. The Advocate General is of the same opinion as the Registrar General. He writes:—"It is clear that any instruments by which the Government create a right or interest in immovable property are within the Act, and that any such instrument, if unregistered, would not be admissible in evidence, or such as could be acted on by any Public Officer."

4. The Government of Bombay also have ruled that "Sunnuds granted by Government, affecting immovable property, of the value of Rupees 100 and upwards, must be registered under Act XX;" but as it was thought a breach of contract to put the holders to expense, it has been settled that a nominal fee of one Anna should be charged for registering each Sunnud.

5. Apparently there is no question of the state of the Law. It has been so worded that a grant of land by the paramount power is invalid unless the grantee takes it to the Registry Office and pays the fees; but, in the opinion of the Board, it seems derogatory to the British Government to mulct, in registration fees, those loyal persons whom it has rewarded by grants of land, and they, therefore, refer the matter to Government, and ask either that registration should be held superfluous where a formal grant by Sunnud for loyalty has been made, or that, if registration is held indispensable, the fee should be nominal, or should be defrayed by Government.

No. 250. ORDER THEREON, 20th February 1868, No. 291.

Under the provisions of Section 86 of Act XX of 1866, and in reference to the foregoing correspondence, the Governor in Council is pleased to authorize the Registrar General of Assurances, to levy a nominal fee of one Anna on Sunnuds of grants of land made by Government to individuals as a reward for services rendered to the State.

(True Extract).

Chief Secretary

To the Registrar General of Assurances.
" Revenue Department.
" Board of Revenue.

Ed. J. H. Burns.

From R. SIMSON, Esquire, Secretary to the Government of the North-Western Provinces, to E. C. BAYLEY, Esquire, Secretary to the Government of India,—
No. 6, dated Allahabad, the 4th January 1868.

I AM directed to forward, for the orders of His Excellency the Viceroy and Governor General in Council, the accompanying copy of a letter* from the Secretary to the Board of Revenue, North-Western Provinces, regarding the necessity for the registration, under Act XX. of 1866, of Sunnuds of proprietary right in land granted on behalf of Government.

2. The Lieutenant-Governor considers that such instruments should be included in the class of deeds the registration of which is compulsory. His Honor, however, does not think it desirable that loyal persons rewarded by grants of land should be put to expense in consequence of such grants, and it is, therefore, suggested, for the approval of His Excellency in Council, under Section 86 of the Registration Act, that only a nominal fee of one anna should be charged for the registration of these instruments.

No.

COPY forwarded to the Secretary to the Board of Revenue, North-Western Provinces, in continuation of No. 431A, dated 3rd December 1867.

No.

COPY also forwarded to the Registrar General, North-Western Provinces, with reference to his letter No. 409, dated 5th December.

From W. C. FLOWDEN, Esquire, Secretary to the Board of Revenue, North-Western Provinces, to R. SIMSON, Esquire, Secretary to the Government of the North-Western Provinces,—No. 146, dated Allahabad, the 29th November 1867:

A QUESTION has arisen whether Sunnuds of proprietary right in land granted on behalf of Government are, or are not, compulsorily registrable under the Indian Registration Act XX. of 1866.

2. The Registrar General of these Provinces has expressed his opinion in the following words:—

"It will, I presume, not be disputed that a Sunnud of the nature referred to, i. e., a deed of gift of proprietary right in land, is an instrument which must be registered under the rule laid down in Section 17, unless its exemption is specially provided for. I find no such exemption in the Act; on the contrary, Section 89 shows that it was the intention of the Legislature that instruments executed on behalf of Government by its Officers should be registered, and I am inclined to think that the special mention of any Secretary to Government at the end of that Section was made with regard to instruments similar to those about which this question has arisen."

3. The Advocate General is of the same opinion as the Registrar General. He writes—"It is clear that any instruments by which the Government create a right or interest in immovable property are within the Act, and that any such instrument, if unregistered, would not be admissible in evidence, or such as could be acted on by any public Officer."

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Judicial Department

29/3

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the
Under Secretary to the Govern-
ment of India - Home
Department.

(Here enter 31st January/68 No. 157)

Order thereon 20th Feb. 1868 No. 291.

Under the provisions
of section 86 of Act XX of
1866 and in reference to the
forgoing correspondence, the
Governor in Council is
pleased to authorize the
Registrar General of
Assurances to levy a
nominal fee of one
Anna on demands of
grant of land made
by Government to
individuals

W. L.

Received by the Secretary to the Government of India

29/3/68

individuals as a reward
for ~~the~~ ^{their} services -
under the Statute

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disposed of
To the Registrar General of India
Revenue Department
Board of Revenue

June 1868. Department.

No. 291.

PROCEEDINGS OF GOVERNMENT.

St. Louis.

Dated 28 February 1868.

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