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MADRAS RECORD OFFICE

Government of Madras

Judicial DEPARTMENT

G.O. No.	1786-87	Press
B.P. No.	(Back Nos. 151-154)	Mis.
Dated	21-8-1876	195-

Not to be folded or roughly handled

Registration.

No. 151. *Read letter from A. P. HOWELL, Esq., Officiating Secretary to the Government of India, Home Department (Public), to the Honorable W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Simla, 2nd August 1876, No. 22—1244.*

The Government of India desire to be furnished with the following information on the working of the Indian Registration Act (VIII of 1871) as regards the registration of all Deeds dealing with immoveable property:—

(a).—What is the average distance of the various minor Registration Offices from each other;

(b).—What surplus revenue has been derived in each year from registration since the provincial system of finance was introduced;

(c).—To what extent have people become familiar with the law of registration, and are documents, the registration of which is compulsory, as a rule, actually registered. Is it considered that any large proportion of such documents still remain unregistered;

(d).—Is optional registration largely adopted, and if so, with regard to what class of documents. Especially is it so adopted with regard to documents dealing with immoveable property of small value;

(e).—Is the machinery for working the Act considered sufficient, or, if not, could it easily be made so, in order to afford complete facilities for making compulsory the registration of all documents relating to immoveable property without inflicting undue hardship on the people, or inducing them to prefer neglecting the law.

An early answer is requested.

No. 1208.

Referred to the Inspector-General of Registration for early report.

OOTACAMUND,
10th August 1876.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 152. *Read also letter from the Hon. V. RAMIENGAR, C.S.I., Inspector-General of Registration, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 17th August 1876, No. 199.*

With reference to your docket, No. 1208, dated 10th instant, on a letter from the Officiating Secretary to the Government of India, dated 2nd idem, I have the honor to submit the following replies to the questions therein contained on the working of the Indian Registration Act as regards the registration of Deeds affecting immoveable property:—

(a).—The average distance of the various minor Registration Offices varies of course in the different districts. It ranges from seventeen miles in Godavery to thirty-one in Kurnool. Taking the whole Presidency the average is about twenty-five miles.

(b).—The surplus revenue derived in each year from registration since the provincial system was introduced is shown below :—

Years.	Rs.	A.	P.
1871-72	89,940	0	10
1872-73	87,913	1	4
1873-74	76,260	1	6
1874-75	1,10,214	7	3
1875-76	97,180	9	3
Total ...	4,71,508	4	2

This is the total surplus according to the accounts of this department. The Treasury accounts will show a larger sum, as the cost of paper supplied for Registers and Indexes, of office stationery, and of buildings constructed for Registration offices is not debited in them.

(c).—I am not prepared to say that the people have yet become thoroughly familiar with the law of registration. The first Act on the subject (XVI of 1864) was passed in March 1864, and came into operation in January 1865, and, during the eleven years which have since elapsed, the law has undergone several important modifications, and the present Act VIII of 1871 has been in operation for little more than five years. People are becoming more and more familiar with the law every year, and the benefits of registration are now certainly better understood and appreciated than at the commencement of the system. The following figures will show how steadily the operations of the department are expanding :—

Years.	Number of Registrations.	Total Receipts.
	Books I and IV.	Rs. A. P.
1865-66	139,792	1,54,232 10 0
1866-67	100,425	2,41,873 15 0
1867-68	108,931	2,84,331 14 0
1868-69	119,301	3,07,796 1 0
1869-70	133,963	3,43,128 1 4
1870-71	148,930	2,82,425 4 6
1871-72	154,281	3,51,860 8 7
1872-73	190,247	3,27,047 10 6
1873-74	206,503	3,32,238 6 4
1874-75	212,625	3,46,398 5 1
1875-76	237,262	3,81,366 0 9

But satisfactory as has been the result so far, it would be a mistake to suppose that the system is really popular. Every curtailment of one's liberty and every sacrifice of time and money which one is called upon to make, however necessary for the public good, must be submitted to, only as an unavoidable evil—and accordingly while documents the registration of which is compulsory, are, as a rule, registered on account of the heavy penalty attaching to non-registration, the requirements of the law in respect of such instruments are also largely evaded. In the first place, it is a fact well known in the districts that ordinary sales of Ryotwary land effected among the ryots in the rural parts of the country are in many cases not reduced to writing to avoid the trouble and expense of registration. As soon as such a sale is effected, applications for the transfer of the puttah from

vendor to vendee are presented to the Revenue Authorities, the land changes hands, and the puttah is transferred. This is considered sufficient for all practical purposes. Such transactions take place by thousands every year, and as there is no formal written conveyance there is no registration either, even where the value may be 100 Rupees and upwards. In the next place, even where such sales are reduced to writing, it is understood to be the practice, to some extent at least, to divide the land sold into two or more lots and execute two or more conveyances with the object of limiting the value in each case to sums below 100 Rupees and of thus bringing the transaction within the class of optional registrations.

(d).—The following figures show the ratio of compulsory and optional registrations to total registration—optional being divided (1) into documents dealing with immoveable property less than 100 Rupees, and (2) into those affecting moveable property and registered in Book IV. Taking the average of the last six years, it will be perceived that optional registration on the whole is not largely adopted, being only 31 per cent. or less than one-third of the entire registrations of the Presidency, the remaining 69 per cent. relating to documents compulsorily registrable. It will also be seen that out of the 31 per cent. of optional registrations, the greater portion or 24 per cent. relates to documents dealing with immoveable property of small value, while only 7 per cent. relates to instruments affecting moveable property, and that consequently optional registration, such as it is, is adopted more especially with regard to titles dealing with real property :—

Years.	Total number of Registrations.	REGISTRATIONS IN			Total Optional Registrations.	PERCENTAGE OF			
		Book I.		Book IV.		Col. 6 to Col. 2.	Col. 3 to Col. 2.	Col. 4 to Col. 2.	Col. 5 to Col. 2.
		Compulsory.	Optional.	Optional.					
1	2	3	4	5	6	7	8	9	10
1865-66 ...	128,833	73,530	35,392	19,911	55,305	43	57	27	16
1866-67 ...	100,425	69,497	20,732	11,196	31,928	30	70	21	9
1867-68 ...	108,931	78,129	19,043	11,759	30,802	28	72	17	11
1868-69 ...	119,301	87,371	20,869	11,561	31,930	27	73	17	10
1869-70 ...	133,963	99,806	22,149	12,008	34,157	25	75	17	8
1870-71 ...	148,930	108,524	27,230	13,176	40,406	27	73	18	9
1871-72 ...	154,281	111,047	31,903	11,331	43,234	28	72	21	7
1872-73 ...	190,247	131,995	44,974	13,278	58,252	31	69	24	7
1873-74 ...	206,503	141,881	51,909	12,713	64,622	31	69	25	6
1874-75 ...	212,625	141,428	57,430	13,767	71,197	33	67	27	6
1875-76 ...	237,262	154,430	64,122	18,710	82,832	35	65	27	8
Total for the last six years.	1,149,848	780,305	277,568	82,975	360,543	...	...	...	...
Average for the last six years.	191,641	131,551	46,261	13,829	60,091	31	69	24	7

(c).—The present machinery I consider to be sufficient for working the present Act, but any expansion of the system such as that contemplated will necessitate a very large addition to the existing establishments. There are at present 276 minor offices situated at an average distance of 25 miles apart. If the registration of *all* documents relating to immoveable property were made compulsory, the present number of offices would need to be at least doubled, and it would be no easy matter to find the requisite agency all at once for such a sudden expansion. At present the department is worked satisfactorily and at a comparatively small cost, because the Revenue and Magisterial establishments are utilized for registration purposes, for every Taluk Sheristadar and Divisional Sub-Magistrate is now a Sub-Registrar except in the few places to which special officers have been appointed, but if any additional offices are to be opened no more officials of position will be available and men out of the service will have to be procured. As the quality of the work done will depend upon the men employed, it will be necessary to remunerate them by decent salaries. This would add very considerably to the cost, even if the requisite agency were ready to hand and could be secured at once which is not the case. Again, the most pressing want of the department at present is suitable office accommodation for many of the Registering officers and their establishments and records, and this can only be, and is being, gradually provided, but if the present number of offices were doubled at a stroke, I do not see how the new men could be accommodated except in such private houses, thatched or tiled, as could be rented for small sums. I cannot think the Registers on whose preservation the value of registration depends would be safe under such circumstances. I am therefore of opinion, both on the score of expense and the difficulty of finding the requisite agency and the necessary office accommodation, that it will not be practicable to provide at once the facilities which a system of enforced registration of *all* instruments dealing with immoveable property would require for its complete and successful working. Such facilities can be provided and perfected only gradually, and meanwhile one of two results must follow—either great hardship would be inflicted on the people one-third of whom depend for their subsistence upon land, the bulk of whose transactions are of a petty character and to whom enforced absence from their homes and fields is always a serious grievance, or the requirements of the law would be evaded or neglected. Already are they so to a considerable extent.

No. 153.

ORDER THEREON, 31st August 1876, No. 1786.

Ordered that the Inspector-General's report be forwarded for the consideration of the Government of India with the remark that the estimate of surplus revenue does not take into account the expenditure which has been, is being, and must for a considerable time continue to be made on buildings required for the department.

(True Extract.)

To the Inspector-General of Registration.

Ed. T. O'Connor.

Chief Secretary.

JUDICIAL DEPARTMENT.

Registration.

No. 1787.

From

THE HON. W. HUDLESTON,
Chief Secretary to the Government of Fort St. George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

Referring to your letter, dated the 2nd August 1876, No. 22—1244 (Public), I am directed to forward, for the consideration of the Government of India, copy of report from the Inspector-General of Registration in this Presidency, with the remark that the estimate of surplus revenue does not take into account the expenditure which has been, is being, and must for a considerable time continue to be made on buildings required for the Registration Department.

I have the honor to be,

Sir,

Your most obedient servant,

OOTACAMUND,
31st August 1876.

Chief Secretary.

From the Hon. V. RAMIENGAR, C.S.I., Inspector-General of Registration, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 17th August 1876, No. 199.

With reference to your docket, No. 1208, dated 10th instant, on a letter from the Officiating Secretary to the Government of India, dated 2nd idem, I have the honor to submit the following replies to the questions therein contained on the working of the Indian Registration Act as regards the registration of Deeds affecting immoveable property:—

(a).—The average distance of the various minor Registration Offices varies of course in the different districts. It ranges from seventeen miles in Godavery to thirty-one in Kurnool. Taking the whole Presidency the average is about twenty-five miles.

Copy of 1876
JUDICIAL.

To
THE INSPECTOR-GENERAL OF
REGISTRATION.

Dated August, 31st.

Issued

Recd.

G.O., 31st August 1876, No. 1786.

AUGUST.
Nos. 151—152.

Registration.—Copy of a report from the Inspector-General on certain points affecting the working of the Registration Act VIII of 1871, forwarded to the Government of India.

(b).—The surplus revenue derived in each year from registration since the provincial system was introduced is shown below :—

Years.	Rs.	A.	P.
1871-72	93,940	0	10
1872-73	87,913	1	4
1873-74	76,260	1	6
1874-75	1,10,214	7	3
1875-76	97,180	9	3
Total	4,71,503	4	2

This is the total surplus according to the accounts of this department. The Treasury accounts will show a larger sum, as the cost of paper supplied for Registers and Indexes, of office stationery, and of buildings constructed for Registration offices is not debited in them.

(c).—I am not prepared to say that the people have yet become thoroughly familiar with the law of registration. The first Act on the subject (XVI of 1864) was passed in March 1864, and came into operation in January 1865, and, during the eleven years which have since elapsed, the law has undergone several important modifications, and the present Act VIII of 1871 has been in operation for little more than five years. People are becoming more and more familiar with the law every year, and the benefits of registration are now certainly better understood and appreciated than at the commencement of the system. The following figures will show how steadily the operations of the department are expanding :—

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vendor to vendee are presented to the Revenue Authorities, the land changes hands, and the puttah is transferred. This is considered sufficient for all practical purposes. Such transactions take place by thousands every year, and as there is no formal written conveyance there is no registration either, even where the value may be 100 Rupees and upwards. In the next place, even where such sales are reduced to writing, it is understood to be the practice, to some extent at least, to divide the land sold into two or more lots and execute two or more conveyances with the object of limiting the value in each case to sums below 100 Rupees and of thus bringing the transaction within the class of optional registrations.

(d).—The following figures show the ratio of compulsory and optional registrations to total registration—optional being divided (1) into documents dealing with immoveable property less than 100 Rupees, and (2) into those affecting moveable property and registered in Book IV. Taking the average of the last six years, it will be perceived that optional registration on the whole is not largely adopted, being only 31 per cent. or less than one-third of the entire registrations of the Presidency, the remaining 69 per cent. relating to documents compulsorily registrable. It will also be seen that out of the 31 per cent. of optional registrations, the greater portion or 24 per cent. relates to documents dealing with immoveable property of small value, while only 7 per cent. relates to instruments affecting moveable property, and that consequently optional registration, such as it is, is adopted more especially with regard to titles dealing with real property :—

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Total for the last six years.	1,149,848	789,305	277,568	82,975	360,543	...	...	...	...
Average for the last six years.	191,641	131,551	46,261	13,829	60,091	31	69	24	7

(e).—The present machinery I consider to be sufficient for working the present Act, but any expansion of the system such as that contemplated will necessitate a very large addition to the existing establishments. There are at present 276 minor offices situated at an average distance of 25 miles apart. If the registration of *all* documents relating to immoveable property were made compulsory, the present number of offices would need to be at least doubled, and it would be no easy matter to find the requisite agency all at once for such a sudden expansion. At present the department is worked satisfactorily and at a comparatively small cost, because the Revenue and Magisterial establishments are utilized for registration purposes, for every Taluq Sheristadar and Divisional Sub-Magistrate is now a Sub-Registrar except in the few places to which special officers have been appointed, but if any additional offices are to be opened no more officials of position will be available and men out of the service will have to be procured. As the quality of the work done will depend upon the men employed, it will be necessary to remunerate them by decent salaries. This would add very considerably to the cost, even if the requisite agency were ready to hand and could be secured at once which is not the case. Again, the most pressing want of the department at present is suitable office accommodation for many of the Registering officers and their establishments and records, and this can only be, and is being, gradually provided, but if the present number of offices were doubled at a stroke, I do not see how the new men could be accommodated except in such private houses, thatched or tiled, as could be rented for small sums. I cannot think the Registers on whose preservation the value of registration depends would be safe under such circumstances. I am therefore of opinion, both on the score of expense and the difficulty of finding the requisite agency and the necessary office accommodation, that it will not be practicable to provide at once the facilities which a system of enforced registration of *all* instruments dealing with immoveable property would require for its complete and successful working. Such facilities can be provided and perfected only gradually, and meanwhile one of two results must follow—either great hardship would be inflicted on the people one-third of whom depend for their subsistence upon land, the bulk of whose transactions are of a petty character, and to whom enforced absence from their homes and fields is always a serious grievance, or the requirements of the law would be evaded or neglected. Already are they so to a considerable extent.

Reg. No.

HOME

1876

DEPT.

From Government of
Fort St. George.

Dated 31st Aug. 1876. No.
Issued Enclosures.
R. Spare copies.

D. No. Progs.
L. No. 1787. No.

Registration.—Copy of a report from the
Inspector-General on certain points affecting the
working of the Registration Act VIII of 1871,
forwarded.

No. 199

Office of Inspector General of Registration
Madras, 17th August 1876

From

The Inspector General of Registration
Madras

To

The Chief Secretary Government
Fort St. George

Sir,

* Herein returned

With reference to your despatch
No. 1208 dated 10th instant on a letter
from the Officiating Secretary to the
Government of India dated 2nd idem,
I have the honor to submit the following
replies to the questions therein contained
on the working of the Indian Registration
Act as regards the registration of deeds
affecting immovable property.

(a) The average distance of the
various minor registration offices
varies of course in the different dis-
tricts. It ranges from 17 miles in
Godavary to 31 in Kurnool. Taking
the whole Presidency the average
is about 25 miles.

(b) The surplus revenue derived
in each year from registration is
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introduced is shown below:—

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1873-74	76,260	1	6
1874-75	110,214	7	3
1875-76	97,180	9	3
Total	471,508	4	2

This is the total surplus according to the accounts of this department. The Treasury Accounts will show a larger sum, as the cost of paper supplied for Registers and Indexes, of office stationery, and of buildings constructed for registration offices is not debited in them.

(c). I am not prepared to say that the people have yet become thoroughly familiar with the law of registration. The first act on the subject (XVI of 1864) was passed in March 1864, and came into operation in January 1865, and during the 11 years which have since elapsed, the law has

undergone several important modifications, and the present act VIII of 1871 has been in operation for little more than 5 years. People are becoming more and more familiar with the law every year, and the benefits of registration are now certainly better understood and appreciated than at the commencement of the system. The following figures will show how steadily the operations of the department are expanding.

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1867-68	108,931	284,331	14	"
1868-69	119,301	307,796	1	"
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1872-73	190,247	327,047	10	6
1873-74	206,523	332,238	6	4
1874-75	212,625	346,398	5	1
1875-76	237,262	381,366	"	9

But satisfactory as has been the result so far, it would be a mistake to suppose that the system is really

popular. Every curtailment of one's liberty and every sacrifice of time and money which one is called upon to make, however necessary for the public good, must be submitted to, only as an unavoidable evil - and accordingly while documents the registration of which is compulsory, are, as a rule, registered on account of the heavy penalty attaching to non-registration, the requirements of the law in respect of such instruments are also largely evaded. In the first place, it is a fact well known in the districts that ordinary sales of Ryotwary land effected among the ryots in the rural parts of the country are in many cases not reduced to writing to avoid the trouble and expense of registration. As soon as such a sale is effected, applications for the transfer of the pottah from vendor to vendee are presented to the Revenue Authorities, the land changes hands, and the pottah is transferred. This is considered

507
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is not largely adopted, being only 31 per cent or less than one-third of the entire registrations of the Presidency, the remaining 69 per cent relating to documents compulsorily registrable.

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		BOOK I		BOOK IV		Column 6 to Column 2	Col. 3 to Col. 2	Col. 4 to Col. 2	Col. 5 to Col. 2
		Compulsory	Optional	Optional			Col. 2	Col. 2	Col. 2
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(c). The present machinery ⁶⁸ I considers to be sufficient for working the present act, but any expansion of the system such as that contemplated will necessitate a very large addition to the existing establishments. There are at present 276 minor offices situated at an average distance of 25 miles apart. If the registration of all documents relating to immovable property were made compulsory, the present number of offices would need to be at least doubled, and it would be no easy matter to find the requisite agency all at once for such a sudden expansion. At present the department is worked satisfactorily and at a comparatively small cost because the revenue and magisterial establishments are utilised for registration purposes, for every taluk theotadar and divisional submagistrate is now a Sub Registrar except in the few places to which special officers have been appointed, but if any additional offices are to be opened

no more officials of position will be available and men out of the service will have to be procured. As the quality of the work done will depend upon the men employed, it will be necessary to remunerate them by decent salaries. This would add very considerably to the cost, even if the requisite agency were ready to hand and could be secured at once which is not the case. Again, the most pressing want of the department at present is suitable office accommodation for many of the registering officers and their establishments and records, and this can only be, and is being, gradually provided, but if the present number of offices were doubled at a stroke, I do not see how the new men could be accommodated except in such private houses, thatched or tiled, as could be rented for small sums.

I cannot think the Registers on whose preservation the value of registration depends would be safe

under such circumstances. I am therefore of opinion, both on the score of expense and the difficulty of finding the requisite agency and the necessary office accommodation, that it will not be practicable to provide at once the facilities which a system of enforced registration of all instruments dealing with immovable property would require for its complete and successful working. Such facilities can be provided and perfected only gradually, and meanwhile one of two results must follow either great hardship would be inflicted on the people one-third of whom depend for their subsistence upon land, the bulk of whose transactions are of a petty character and to whom enforced absence from their homes and fields is always a serious grievance, or the requirements of the law would be evaded

or neglected. Already are they
to a considerable extent.

I have the honor to be,

Sir,

Your most obedient servant,

V. Ramis
Inspector General of Registration

Referring to your
letter dated the
2nd August 1876 &
 $\frac{22}{1244}$ (Public), I am
directed to forward
for the considera-
tion of the Govt
of India, copy of
report from the
Inspector General
of

Received 1876
 from the English Journal
 of Regio Indurica
 No 30
 to the High Court of
 Government
 South George
 October 17th
 October 21st } August 1876
 Received }
 No 199
 Substitute (one)
 No
 Replying to certain
 queries by sending the
 working of the Admin-
 istrative System etc.
 N° 152
 Not vis

of Registration in
this Presidency, with
the remark that
the estimate of
surplus revenue
does not take
into account the
expenditure which
has been, is being,
and must for a
considerable time
continue to be made
on buildings required
for the Registration
Department.

[Signature]

*Obtained
31st August 1876.*

*Recd. 10/10/1876
No. 042-152*

Special
House (1876.) DEPARTMENT.

No. 1787

To
The Secretary to the
Government of *India*
House Department.

Dated 31st August 1876.
See 151-4

Govt. of Madras.

Judicial

G. O. 31 August 1876, No. 17867

Nos. 151-6

*Registration. Copy of
a report from the
Inspector General on
certain points affecting
the working of the
Registration Act of
1871 forwarded to the
Government of India)*

*For the Secretary
to the Government
of India* ✓