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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No.	3308	Press.
~~B.P. No.~~		~~Mis.~~
Dated	7-12-1885	197

MSP

Not to be folded or roughly handled.

PROCEEDINGS OF THE BOARD OF REVENUE;

READ—the following letter from the Honorable H. St. A. GOODRICH, Acting Collector of the Chingleput District, to the Secretary to the Board of Revenue, dated Wárajábád, 17th September 1885, No. 298:—

The information which I lay before the Board in this letter was collected during a recent tour in the Madurantakam taluk during which tour my attention was directed to the Mutual Benefit Societies recently started in that taluk, both unregistered and registered, under Act VI of 1882.

2. Within the short space of six months, forty-two societies have been formed having as their avowed objects the securing of payments to the heirs of persons whose lives may be insured, or of payments to the guardians of young girls on the attainment of puberty by the girl nominated. In most cases 20 per cent. or more of the income of the society is declared to be devoted to religious or charitable purposes. The acknowledged collections amount to nearly a lakh of rupees for the present year.

3. A person desirous of becoming a subscriber to a fund is required to attend the office and make an application to the secretary, paying in a fee, &c., ranging from Rs. 7 to Rs. 1-12-0. The amount so received is apportioned to several heads as follows:—

- (1) Medical fee.
- (2) Stationery.
- (3) For the benefit of the director or institution.
- (4) For the permanent support of the fund.

I found no other expenditure than any expenditure debited to the first head, whilst a very large portion of the sums paid in have, for their destination, the pockets of the men who on these speculations.

The applicant in proof of his acceptance of a subscriber is furnished with a certificate engrossed on a 6 annas stamp. This certificate contains the number and the name of the subscriber, the person on whose behalf the subscription is made, and the amount of subscription which he has to pay in reference to the class to which he has subscribed.

When the person on whose behalf the subscription is made dies or attains her maturity, the nominator informs the secretary the fund. [In some cases, betrothal or consummation of marriage or investiture the thread are the events on whose occurrence the payment of the sums insured promised.] The secretary with his directors' leave pays the applicant one-fourth the amount to which he is entitled, which is usually the sum of the contributions of subscribers on like terms, less the deduction appropriated by the management. *Ex. gra.*, A's life is insured in January and he dies in September 1885. The holder of the policy will receive Rs. 300 down, being one-quarter of the estimated proceeds of the call (which is at once made on the subscribers) of 1 rupee per head. After the subscriptions called for have been received, 10 per cent., or Rs. 240, will be credited to the society, which will also recover the Rs. 300 advanced, and 600 will be paid to the holder of the policy.

4. The staff of these societies is composed of men some of whom are of more than doubtful reputation. One director or secretary of six funds is A. Narasimma Chari, who has been at least thrice punished for theft, misappropriation, &c.; another director is a petition writer whose daily income is stated to amount to possibly 8 annas a day. These are, I am assured, fair specimens. Directors have, I am assured, when claim is have been presented refused to entertain them on the ground that the policies had run but a short time. Some however fairly give notice of this reservation.

The amounts which the various stated in the appendix. It is not assured that offices are opened and the office is closed and the society goes to another neighbourhood where he will

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* Section 4.

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† Part VIII.

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Resolution—dated 28th September

Submitted for the information o

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To the Secretary to Government, Revenue

Copy to the Collector of Chingleput

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on 74 should be published in the District

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into the character of the business done by

No. 1.—Statement.

35, No. 2753.

Government.

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py and Extract.)

J. W. Lewis

Acting Secretary.

partment,

with one enclosure.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—the following papers:—

Proceedings of the Board of Revenue, dated 28th September 1885, No. 2753.

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The information which I lay before the Board in this letter was collected during a recent tour in the Madurantakam taluk, during which tour my attention was directed to the Mutual Benefit Societies recently started in that taluk, both unregistered and registered, under Act VI of 1882.

2. Within the short space of six months, forty-two societies have been formed having as their avowed objects the securing of payments to the heirs of persons whose lives may be insured, or of payments to the guardians of young girls on the attainment of puberty by the girl nominated. In most cases 20 per cent. or more of the income of the society is declared to be devoted to religious or charitable purposes. The acknowledged collections amount to nearly a lakh of rupees for the present year.

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- (1) Medical fee.
- (2) Stationery.
- (3) For the benefit of the director or institution.
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The applicant in proof of his acceptance as a subscriber is furnished with a certificate engrossed on a 6 annas stamp. This certificate contains the number and the name of the subscriber, the person on whose behalf the subscription is made, and the amount of subscription which he has to pay in reference to the class to which he has subscribed.

When the person on whose behalf the subscription is made dies or attains her maturity, the nominator informs the secretary of the fund. [In some cases, betrothal or consummation of marriage or investiture with the thread are the events on whose occurrence the payment of the sums insured is promised.] The secretary with his directors' leave pays the applicant one-fourth of the amount to which he is entitled, which is usually the sum of the contributions of subscribers on like terms, less the deduction appropriated by the management. *Ex. gra.*, A's life is insured in January and he dies in September 1885. The management of the Death Fund acknowledges in September that there are on the books 1,200 subscribers to the fund. The holder of the policy will receive Rs. 300 down, being one-quarter of the estimated proceeds of the call (which is at once made on the subscribers) of 1 rupee per head. After the subscriptions called for have been received, 20 per cent., or Rs. 240, will be credited to the society, which will also recover the Rs. 300 advanced, and 660 will be paid to the holder of the policy.

4. The staff of these societies is composed of men some of whom are of more than doubtful reputation. One director or secretary of six funds is A. Narasimma Chari, who has been at least thrice punished for theft, misappropriation, &c.; another

director is a petition writer whose daily income is stated to amount to possibly 8 annas a day. These are, I am assured, fair specimens.

Directors have, I am assured, when claims have been presented, refused to entertain them on the ground that the policies have run but a short time. Some, however, fairly give notice of this reservation.

The amounts which the various managers confess that they have received are stated in the appendix. It is not reported how these sums are invested. I am assured that offices are opened and subscriptions received for a short time, and then the office is closed and the society wound up, the secretary and treasurer leaving for another neighbourhood, where he will play the same game.

Act VI of 1882, whilst * declaring that no company, association or partnership

* Section 4.

consisting of more than twenty persons that has for its object the acquisition of gain by itself or its individual members shall be formed unless it is registered, provides a whole † chapter for the winding up of unregistered companies, and contains no penal clauses under which action in defiance of section 4 can be punished.

† Part VIII.

The want of legal capacity to sue and be sued attaching to such companies would rather serve the ends their dishonest promoters have in view.

With regard to the reforms which seem needed in the control of registered companies, I think that under section 220 all taluk registrars ought to be declared assistant registrars under Act VI of 1882, and that administrative orders should issue to all tahsildars requiring them, as soon as the registrar of the taluk has notified the constitution of a company, to report to the registrar whether the provisions of sections 63, 64, 65 and 69 have been duly carried out. It is clear that Mr. Hari Row cannot see to this in rural villages.

The balance sheet filed under section 74 should be published in the District Gazette of the district wherein the company conducts its business. This might, I think, be done at the public expense, considering the fees levied under the Act, but reports of proceedings at meetings if published by societies in a District Gazette might be paid for.

As at present administered, the security given by the Act seems to be of the slenderest to constituents of companies in the mofussil. Section 69 is a dead letter. The taluk (or assistant) registrar might send all his returns in the first instance to the registrar through whose office the District Magistrate would receive the balance sheets for publication. The District Magistrate would proceed in prosecutions of companies or their agents under the Act only after communication with the registrar. The action, I think, immediately desirable is the bringing of the registrar of companies into closer relations with the responsible administrators of districts, and the publication of balance sheets within the local area of each company's operation.

There is a case for further inquiry into the character of the business done by unregistered companies.

ENCLOSURE No. 1.—Statement.

Resolution—dated 28th September 1885, No. 2753.

Submitted for the information of Government.

2. It is suggested that legal opinion be obtained as to the steps that may or should be taken in order to regulate and control these societies.

(A true Copy and Extract.)

(Signed) F. A. NICHOLSON,
Acting Secretary.

To the Secretary to Government, Revenue department,
Copy to the Collector of Chingleput.

No. 5505.

Transferred to the Judicial department.

(Signed) W. WILSON,
Acting Secy. to Govt.

OOTACAMUND,
8th October 1885.

From the Acting Advocate-General, dated Madras, 26th October 1885.

ABSTRACT.—Forwarding the following opinion in regard to Mutual Benefit Societies in the Madurantakam taluk:—

OPINION.

What seems to be required with regard to such of these societies as are registered is an active and rigorous enforcement of the rules prescribed by Act VI of 1882 for the protection of creditors and members. It may be doubted whether it is within the functions of a registrar or assistant registrars appointed under the Act to bring to light infractions of these rules, and procure the prosecution of offenders. But there can, I think, be no objection to arranging that the fact of the registration of a society to carry on business in a certain taluk be notified to the tahsildar. He can then by the ordinary means inform himself as to whether the provisions of sections 63, 64 and 65 with regard to a registered office have been complied with; whether the statement required by section 69 has been made and duly put up in the registered office; and whether the provisions of section 74 with regard to a general meeting and the preparing and auditing of a balance sheet have been carried out.

I do not think it is competent to Government to require that the balance sheet be published in the District Gazette. It is open to any person under section 220 (2) to inspect the balance sheet filed with the Registrar of Joint Stock Companies and take a copy if he thinks fit.

In addition, I may call attention to sections 82 to 85 of the Act, under which the Government is, on the application of a certain proportion of the members of any company, enabled to appoint inspectors to examine into the affairs of the company. To companies not registered under the Act, its provisions for the most part do not extend. It does not appear that the ordinary criminal law is inadequate to deal with persons who fraudulently obtain money under the pretence of organizing benefit societies.

(Signed) H. H. SHEPARD,
Acting Advocate-General.

MADRAS,
26th October 1885.

ORDER—dated 7th December 1885, No. 3308, Judicial.

The opinion of the Advocate-General will be communicated to the Board of Revenue and all District Magistrates, with the remark that the Government agree with him in considering that the ordinary criminal law is not inadequate to deal with persons who fraudulently obtain money on the pretence of organizing benefit societies.

2. The Registrar of Joint Stock Companies will be directed to notify every registration of a benefit society to the magistrate of the district in which its office is situated, and will furnish that officer with such particulars as will enable him to ascertain whether the provisions of sections 63, 64, 65, 69 and 74 of Act VI of 1882 have been complied with. On receipt of this information, District Magistrates will cause due inquiry to be made, and will communicate any case of default to the Registrar of Joint Stock Companies. In districts in which these benefit societies are numerous, the magistrates should cause the provisions of sections 82 to 85 of the Act to be made widely known.

(True Extract.)

Acting Chief Secretary.

To the Board of Revenue, with one enclosure.
" the Revenue department.
" the District Magistrate, Chingleput.
" all other District Magistrates.
" the Registrar, Joint Stock Companies.
" the Inspector-General of Registration.
Copy to the Government Solicitor.

Exd. A. Raitt.

Govt. of Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 7th December 1885, No. 3308.

DECEMBER.

Benefit Societies.

Communicating, with certain instructions, to officers concerned, the Advocate-General's opinion in regard to mutual — in the Madurantakam taluk of the Chingleput district, and observing that the ordinary criminal law is not inadequate to deal with persons who fraudulently obtain money on the pretence of organizing such societies.

-12-

In a letter from the Collec-
tor of the Chingleput District
to the *Secretary to the*
Board of Revenue
No. 298 dated 17 Septem-
ber 1883.

SUBJECT.

L.R. 5294/15

20752/15

Benefit Societies

7. 70

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In addition, I may call attention to Sections 82 to 85 of the Act under which the Government is on the application of a certain proportion of the members of any company enabled to appoint inspectors to examine into the affairs of the company. To companies not registered under the Act, its provisions for the most part do not extend. It does not appear

587
that the ordinary Criminal Law is inadequate to deal with persons who fraudulently obtain money under the pretence of organizing Benefit Societies.

H. M. Stephens

Acting Advocate General

Madras 26th October 1885.

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27-10-85

Acting Advocate General

NOTE FOR THE CHIEF SECRETARY.

Submitted that instructions
to District Magts. should
issue direct from Govt. and
not from the Bd. of Revenue.

I will draft an order em-
bodying the A.G.'s opinion if
this is approved.

Has

29/10

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Mr. Davis

Please put up the Rules
prescribed under Act VI of
1882.

Has

Please on the following
the...

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1. 1. 1. 5. 7. 7. 1. 1. 1. 1.

CURRENT NO. 5571

REVENUE DEPARTMENT,

1885.

Board of Revenue,

MADRAS.

No 7543

Printed October 11.

Apr 8th No. 1

Proceedings, 28th Sept. 1885, No. 2753.

Despatch 21.

Submitting to Government letter from the Collector of Chingleput bringing to notice certain matters connected with the working, &c., of the *Mutual Benefit Societies* recently started in the Madurantakam taluk; and suggesting that legal opinion be obtained as to the steps that should be taken in order to regulate and control these societies.

So. Transferred to the

J. D. 13th Sept 1885
8/10/85

Enclosed
2. October 1885

18/11/85

For P. 10/10/85
Original

In P. D. 14/10/85

So. Referred to the Adm. Secy.

General permission

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5/10/85

12/10/85

12/10
12/14/10

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CURRENT NO.

Rev. Sept.

From 1885

Board of Revenue

Madras.

no. 7543.

No. 1817, 20 Oct. 85.

Referred to the
Advocate-General for
billion.

No.

Dated

Received 9th October, 85

Enclosures

SUBJECT.

Proceedings, 28 Sept. 1885,
no. 2753

W. H. H. M.
Secretary

For

Not to be used
9.7.1885
10

The Collectors of
The District Magistrates of
The Presidents, Municipal
Commissions,
The Presidents, Local Fund
Boards,

Anantapur.

North Arcot, Chittoor.

South Arcot, Cuddalore.

Bellary.

South Canara, Mangalore.

Chingleput, Saidapet.

Coimbatore.

Cuddapah.

Ganjam, Chatrapur.

Godavari, Cocanada.

Kistna, Masulipatam.

Kurnool.

Madura.

Malabar, Calicut

Nilgiris, Ootacamund.

Nellore.

Salem.

Tanjore.

Tinnevely.

Trichinopoly.

Vizagapatam.

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ated, and will furnish that officer with such particulars as will enable him to ascertain whether the provisions of sections 63, 64, 65, 69 and 74 of Act II of 1882 have been complied with. On receipt of this information St. Magts. will cause due inquiry to be made, and will communicate any case of default to the Registrar of Joint Stock Companies. In districts in which these Benefit Societies are numerous, the Magistrates should cause the provisions of sections 82 to 85 of the Act to be made widely known.

HAS
23/XI
W. H. L. W.
17-11-85
St. Magt. Clough
all other St. Magts.
1/11/85

Board of Ruz with one Encl.
Ruz. Dept.
St. Magt. Clough
the other St. Magts.
Registrar Joint Stock Co.
Transp. of Ind. Registration
Copy to the 1/11/85 solicitor

ENCLOSURES

Advocate of Ind. Op. Union

CURRENT No.

3750 - a
3977 - p.

STATEMENT WITH DITTO.

1/11/85

25.6.9
17.6.13

DEPARTMENT
DATED 7th Dec 7/85
No. 3508

First copy sent to Press.

Returned for signature. 12/11

Despatched in print. 15/12

[Despatch Abstract.]

Benefit Societies. Communism

... with certain instructions