

Legislative (1895) Department.

ORDINARY MS.

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G.O., No. 101

Dated 11<sup>th</sup> Oct 1895

[Despatch Abstract.]

BILLS.—LEGISLATIVE

Referring, for opinion, to the Advocate-General, the Board of Revenue and the Collector of Malabar, Bills to regulate the registration of land in Malabar and the Wynnad and to limit the local extent of the Madras Rent Recovery Act.

1895-10-11

# FURTHER PAPER

| No. | Department. | Date. | G.O. |
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## மதுரைப் பிரிவு -1

செயல்பணிபுள்ள பெயர்

பாண்டிச்சேரி

செயல்பணிபுள்ளதற்காக எடுத்துக்

கொள்ளப்பட்ட நாள்.

செயல்பணிக்கு முடிந்த நாள்.

4/10/09

சரிபார்க்கும்

முதல் முதியவர்

கையொப்பம்

4/10/09

சரிபார்க்கும்

2ம் முதியவர்

கையொப்பம்

4/10/09

சுயமாக

உதவியாளர்

கையொப்பம்

CONFIDENTIAL.

Memorandum for the Advocate - General

The statements of objects and reasons with G. O. 25th June 1895 No 394,

and the correspondence with the Government of India marginally noted, copy of which are herewith confidentially forwarded, explain the origin and scope of the two Bills transmitted for consideration.

2. Bill No. I excludes Malabar South-east Wynnad from the operation of Act VIII of 1885 (M).

3. As to Bill No II the following explanations and notes may help to explain the purpose and form of the Bill clear. The clauses of the Acts in the Bengal, Punjab, Central Provinces and other Codes which contain similar provisions have been marginally noted on the copy of the Bill annexed.

Sections 3-5 (Inclusive)

The frame of the Bill is on the lines of the Punjab and Central Provinces Codes, but Sections 3-5 of the Bill are intended to afford

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To Govt of India 325 Jmigs No 2521 Rev  
From " 7 August 95 No 2299.  
To " 4 October 95 No 94

The Bill's explanation

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to the jannis or persons  
jannis an opportunity of coming forward  
with a statement of their claims before  
the Collector proceeds to make his sum-  
mary inquiry.

Section 6.

"The Collector" <sup>vide</sup> General Clauses Act.  
Ordinarily the inquiry will be conducted  
by the Divisional Officers or Special  
Deputy Collectors.

Section 7.

This has been introduced  
to safeguard the Collector's inquiry  
from being called in question; but if  
Section 15 is sufficient for the purpose  
the Government would prefer to omit it.  
The Advocate - General will advise on  
the point.

Section 8. Proviso as to costs.

Is it desirable or competent for the  
Madras Legislative Council to enact  
a proviso? In other parts of the  
agency, in suits affecting the title  
of puttas, to which the Collector  
made a party, the Civil Courts al-  
locate the Collector's costs as a matter of

But

*The following explanation*

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made a party, the Civil Courts allow  
Collector's costs as a matter of course.

But

*The following explanation*

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But it is desirable if possible that Bill relating to Malabar where such are more or less of a novelty this should be distinctly enacted.

Section 9.

Is the word "immediate" likely to give rise to difficulty?

Section 11. is intended to preserve the ordinary procedure under Regulation XXVI 1802 and the Board's Standing Orders as to transfer of puttas, in respect of all subsequent to the registration to be out under the R. Bill, which is meant to give powers to effect the primary registration: (vide para 3 of Statement of objects and Reasons. )

Perhaps it may be considered better to invert and recast the section "Nothing in this Act shall be deemed to affect the effect of".

Section 12. This is a vital section of the Bill and requires careful consideration.

The Whom's explanation

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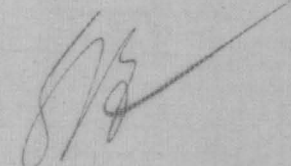
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to its sufficiency.

Section 14. has been inserted to prevent appeals or applications for revision beyond the District Collector. It is presumed that Regulation VII of 1828 preserved his right of revising the proceedings of the Deputy Collectors and Divisional Officers who will actually conduct the inquiries.



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Section 14. has been inserted to prevent appeals or applications for revision beyond the District Collector. It is assumed that Regulation VII of 1828 preserved his right of revising the proceedings of the Deputy Collectors and Divisional who will actually conduct the inquiry.

*[Handwritten signature]*

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Copy of

Confidential

Memor<sup>m</sup> to the

Advocate-General

Re: The Malabar Bill

the Whowing explanation

Confidential.

Memorandum  
for the  
Advocate General

The statements of Dept. over  
with G.O. 25 June 1895 no. 39

Res. & the correspondence

with the Govt of India may  
be noted, copies of which are

herein confidentially

forwarded explain the  
origin & scope of the two  
Bills transmitted for  
opinion

2. Bill no I called  
Malabar & L. P. W. Bill  
from the operation of  
Act VIII of 1865 (M)

3. As to Bill no II  
the following explanation

To Govt of India no 2521 D 25 June  
Rev.  
From . . . 7<sup>th</sup> Aug. 1895  
no. 2299  
To . . . Oct. 1895  
no.

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notes may help to in  
the purpose of form of  
Bill clearer. The clause  
of the Acts in the Bengal  
Punjab, Central Province  
Other Codes which contain  
similar provisions have  
been marginally noted  
on the copy of the Bill  
annexed.

### Sections 3-5 (incl)

The purpose of the Bill is  
the lines of the summary  
provisions of the P.  
& C.P. codes, but sections  
of the Bill are intended  
afford to the jammis  
persons claiming to  
jammis an opportunity  
of coming forward  
a statement of their

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before the Collector proceeds  
to make his annual  
inquiry

Section 6

"The Collector" - vide Gen. Customs  
Act. Ordinarily the  
inquiry will be conducted by  
the Divisional Officers or  
Special Dy. Collectors

Section 7. This has been introduced  
safeguard the Collector's inquiry from being called  
in question: but if action is sufficient for the

Section 8. Proviso as to costs

Is it desirable or competent  
for the Mad. Legial. Council to  
enact such a proviso. In  
other parts of the Act, in relation  
suits affecting the transfer of  
land, to which the M<sup>a</sup> is  
made a party, the civil Ct.  
allows the Collector's costs as  
a matter of course. But it  
desirable if possible to  
allow the Collector's costs as

purpose, the Govt  
will prefer to omit it.  
The A.C. will advise on the  
point

by this should be  
fully enacted.

19.

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by to give rise to  
immediately?

tion 11 is intended to  
enure the ordinary procedure  
by Reg XXVI of 1822 or the  
to ~~now~~ as to transfer of  
Mag, in respect of all  
changes subsequent to the  
institution to be carried out  
under the Bill, which is  
meant only to give force  
effect the primary  
operation: (vide para. 2 of  
Reasons)

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better to insert & recast  
section: "Nothing in this  
Act shall be deemed to  
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section of the Bill requires  
careful consideration as to  
its sufficiency.

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Divisional Officers who  
actually conduct the work

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Memorandum  
for  
the Advocate General  
17/10/75

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Legue

DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No.

of 189 , dated , from

" "

" 189 , " , "

" "

" 189 , " , "

ORDER. 21-10-95 No 101

(i) A Bill to regulate the registration of land in Malabar.

(ii) A Bill to limit the local extent of the Madras Bank Recovery Act.

The marginally noted Bills together with the statements of their objects and reasons will be referred to the Board of Revenue, the Advocate General, & the Collector of Malabar for opinion.  
2. Replies to the reference should be submitted as soon as possible to the Govt office on or before the 27th instant.

fr. o.  
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11-10-95

Notes  
as per  
the  
copy of the letter  
No. 221 Rev. 25-6-95 has been  
sent to the Advocate General  
in reply to his letter  
sent 15/10.

[Bills & Statement  
of Object & Reasons  
to be officers]

The Board of Revenue  
with copies of  
(i) letter to the 252  
9. of 2. No. 221 Rev. 25-6-95  
(ii) letter from the  
9. of 2. Dep't of Rev. & Agriculture  
No. 2299 of 7. 8. 95  
(iii) letter to the 5. of 2.  
No. 94 by Sec. of 4. 10. 95  
The Advocate General  
with Memorandum & Enclosures  
mentioned above to the  
No. 11. 2299 394 Rev. 25-6-95  
The Coll. of Malabar

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[11]  
3 895-3-4-95.

ORDINARY, MS.

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| <i>Legre</i> DEPARTMENT.      |
| G.O., DATED <i>11. 10. 95</i> |
| No. <i>101.</i>               |

INDEXED

When given for copying.

[Despatch Abstract.]

Bills, Legislative

Referring for opinion to the  
Advocate-General, the Board of  
Revenue, & the Collector of Malabar  
bills to regulate the registration  
of land in Malabar & to  
limit the local extent of the  
Madras Rent Recovery Act