Legislative (1896) Department.

ORDINARY PRINTED.

G.O., No. 11-12.

Dated 15th Feb: 1896.

INDEXED

[Despatch Abstract.]

MALABAR LAND REGISTRATION ACT.

Submitting, with remarks, copy of the---,as assented to by His Excellency the Governor, for the assent of His Excellency the Governor-General.

BACK PAPERS.

ent.	Date.	G.O.	No.

FURTHER PAPE

nent.	Date.	G.O.	No.

பாதுகாப்பு பிரிவு -1

செப்பனிடுபவர் பெயர் : S. [illegible]

செப்பனிடுவதற்காக எடுத்துக்-கொள்ளப்பட்ட நாள். ~~1/08~~ [illegible]/09

செப்பனிட்டு முடித்த நாள். 6/09

4/7/09		7/7/09
சரிபார்க்கும் முதல் முறையாள கையொப்பம்	சரிபார்க்கும் 2ம் முறையாள கையொப்பம்	ஆராய்ச்சி உதவியாளர் கையொப்பம்

2

MADRAS ACT No. OF 1895.

An Act to make better provision for the registration of proprietors of estates subject to the payment of revenue direct to Government in Malabar and the Wynaad.

Preamble.

Whereas Regulation XXVI of 1802 provides that landed property paying revenue to Government shall be registered by the Collector, and whereas such landed property in Malabar and the Wynaad has in many cases not been registered in the names of the proprietors thereof, and whereas it is desirable for the security of the public revenue to provide a summary means whereby the Collector may ascertain such proprietors, it is hereby enacted as follows:—

Bengal Land Registration Act VII of 1876, section 1.

Short title.

1. (1) This Act may be called the Malabar Land Registration Act, 1895.

Punjab Land Revenue Act XVII of 1887, section 1 (2).

Extent.

(2) It extends to the whole of the Malabar district and to that portion of the Nilgiri district which is known as South-East Wynaad.

Bengal Act VII of 1876, section 3. Punjab Act XVII of 1887, section 3.

Interpretation clause. Estate.

2. In this Act, unless there is something repugnant in the subject or context—

"Estate" means any land which is subject either now or prospectively to separate assessment to land revenue payable direct to Government.

Registered.

"Registered" means registered in the public registers maintained by the Collector in accordance with the provisions of Regulation XXVI of 1802.

Cf. Bengal Act VII of 1876, section 38.

Proprietor or joint proprietor of an estate may apply for registration within specified time.

3. Within such time as the District Collector may fix as hereinafter provided, any person who is or claims to be the proprietor or joint proprietor of an estate and whose name is not already registered, or any other person having authority to act on his behalf, may make application to the District Collector or to an officer empowered by him to receive such application for registration as proprietor or joint proprietor of the estate.

Cf. Bengal Act VII of 1876, section 39.

Collector to fix the date before which proprietor may apply for registration.

4. The District Collector shall fix for each taluk or such other local area as he may deem fit the date before which the proprietors of the estates situated therein may under the last preceding section apply to have their names registered and may at any time alter any date so fixed.

Proviso.

Provided that such date or altered date shall not be less than two months or more than four months from the date of the publication of the same in the District Gazette.

Bengal Act VII of 1876, section 41.

Publication of date fixed by the Collector.

5. Every date fixed as provided in the last preceding section shall be notified in the Fort St. George and District Gazettes, and by notices to be posted up at the office of the District Collector, at the offices of the Revenue Divisional officer, District Munsif, Tahsildar, Deputy Tahsildar and Sub-Registrar of Assurances within whose local jurisdiction the local area to which the date applies is situated, and at all police stations and amshom cutcherries within such local area; and shall also be proclaimed by beat of drum within the local area to which the date applies.

Bengal Act VII of 1876, section 51.

Irregularity in publication not to affect validity of proceedings.

Provided that no irregularity or omission in the publication of the notices or in the proclamations referred to in this section shall affect the validity of any proceedings under this Act.

Cf. Bengal Act VII of 1876, section 53. Cf. Central Provinces Land Revenue Act XVIII of 1881, sections 68 and 78. Cf. Punjab Act XVII of 1887, sec. 33, 34 and 36.

Collector to ascertain by summary enquiry the person to be registered.

Collector empowered to cause survey and demarcation of estate.

6. As soon as conveniently may be after the date so fixed, the Collector shall, on a day and at a place to be previously notified in the District Gazette, whether or not an application for registration under the preceding sections has been made and whether or not there is any dispute as to the entry to be made in the register, ascertain and determine by such summary inquiry as he thinks fit, in respect of every estate to which the date applies, the person who, in his opinion, is entitled to be registered as proprietor thereof and shall register him accordingly; and if any such estate shall not previously have been separately surveyed or demarcated may cause it to be so surveyed or demarcated or both.

istration he case states eging joint pristors, to a igious or aritable indation.

7. In the case of an estate belonging to joint proprietors who are members of a joint family or to a religious or charitable foundation, the estate shall be registered in the name of the managing member for the time being of such family or of the trustee, manager or superintendent for the time being of such foundation, as the case may be, who shall be described in the register as such managing member, trustee, manager or superintendent, and such registration shall be as effectual and valid as if made in the names of all the joint proprietors or of all the persons interested in such foundation.

ocedure in quiries der sec. 6.

Cf. Central Provinces Act XVIII of 1881, section 78.

8. In any inquiry under section 6 the Collector shall hear any party to a dispute who attends on the day notified or on the day to which the inquiry may be adjourned, and shall receive such evidence as he may see fit; and in the case of a dispute he shall record the nature of the dispute, his decision thereon, the grounds of the decision and such other particulars as he thinks fit.

otice of the egistration o be given in ertain cases.

9. (1) If the person registered under section 6 or section 7 has not made an application under section 3, the Collector shall give him notice of the registration by the publication of the fact in the District Gazette and also, if his address is known, by letter sent by post registered.

Procedure when the person registered objects to the registration on receipt of such notice.

(2) If any person to whom notice has been given under this section objects to such registration, he may apply to the Collector within two months of the date of the publication of such notice in the District Gazette or within one month of the receipt of the registered letter containing such notice, whichever is later, to have his name removed from the register, and the Collector shall thereupon consider his objections and shall either remove his name from the register or direct its retention therein as he may see fit; in the former case the Collector shall proceed under section 6 as if no such registration had been made.

Registration subject to revision by Collector and modification by Civil Court.

Cf. Bengal Act VII of 1876, section 77.

Cf. Central Provinces Act XVIII of 1881, section 83. Punjab Act XVII of 1887, section 36 (3).

North-Western Provinces Land Revenue Act XIX of 1873, section 101.

10. Every registration purporting to be made in accordance with the procedure prescribed by this Act—

(i) may be revised by the Collector on application made within three months, and

(ii) shall be subject to any decree or order which may be passed by any Civil Court of competent jurisdiction, provided that in any suit to set aside or modify such registration or in any appeal in such suit, in which suit or appeal an order or decree is passed *ex parte* against the Secretary of State for India in Council or against the Collector, neither the said Secretary of State in Council nor the Collector shall be made liable in costs.

ollector to urnish copies f the record n payment of ees.

11. On payment of the prescribed fees the Collector shall furnish to any person who may apply for the same copies of the record of every inquiry held under this Act and of every order and entry made thereunder or under Regulation XXVI of 1802.

aving of ertain rovisions of egulation XVI of 802.

12. Nothing in this Act shall be deemed to affect the provisions of Regulation XXVI of 1802 in respect of the mutation in the register kept by the Collector under that Regulation of the name of the proprietor registered in accordance with the provisions of this Act when a transfer of the proprietary interest in any estate takes place, whether by purchase, inheritance, gift, or otherwise.

egistered opristor to deemed the ndholder for purposes Madras evenue ecovery Act.

13. Every person registered as proprietor of an estate shall be deemed to be the landholder in respect of such estate within the meaning and for the purposes of the Madras Revenue Recovery Act II of 1864 and no proceedings taken under the said Act against such person or against any land registered in his name shall be deemed invalid or ineffectual by reason of any error in such registration or on the ground that such person was not the real or sole proprietor.

int registion of cupants and oprietors rmissible certain es.

14. Notwithstanding anything contained in this Act or in Regulation XXVI of 1802 the Collector shall, on the application of the registered proprietor of an estate, register as occupant jointly with such proprietor any person entitled to occupy such estate under an agreement in writing for a period of not less than five years;

Provided that no such registration shall take place unless such person signifies his consent in writing to such registration or a Civil Court of competent jurisdiction passes a decree, which it is hereby empowered to do, directing such registration in pursuance of a contract entered into between the proprietor and such person whereby the latter has undertaken to pay direct to Government the amount of land revenue assessed on such estate;

Provided further that such registration shall have effect for the period of such agreement only.

Recovery of arrear of revenue from occupants jointly registered with proprietors.

15. In every case in which an occupant of an estate has been registered under the last preceding section and an arrear of revenue has accrued due in respect of such estate subsequent to such registration, the Collector may take proceedings in the first instance against such occupant under the provisions of the Madras Revenue Recovery Act II of 1864, in so far as they relate to the seizure, attachment and sale of moveable property or of the crops or ungathered products of land on which an arrear is due;

Provisos.

Provided that nothing herein contained shall debar the proprietor from recovering by suit from such occupant the arrear of revenue or portion thereof which, owing to the default of such occupant, has been paid by, or recovered from, him;

Provided further that nothing contained in this section shall be deemed to affect the power of the Collector to recover from the registered proprietor of such estate under any or all of the provisions of the said Act any arrear of revenue which may be due on such estate or on any other estate registered in the name of such proprietor.

Punjab Act XVII of 1887, section 158. Upper Burma Land and Revenue Regulation III of 1889, section 53. Ajmere Land and Revenue Regulation II of 1887, sec. 119.

Jurisdiction of Civil Courts barred.

16. Except as otherwise provided by this Act, no Civil Court shall have jurisdiction in any matter which the Collector is empowered by or under this Act to dispose of or shall take cognizance of the manner in which the Collector exercises any powers vested in him by or under this Act.

Bengal Act VII of 1876, section 54.

Payment of costs.

17. All costs of any inquiry or proceeding held before, or of any survey or demarcation directed by, the Collector under this Act shall be payable by the parties concerned and the Collector may pass such orders as he shall think fit in respect of the payment of such costs; and in the event of such costs not being paid on demand may recover the amount thereof in the same manner as if it were an arrear of land revenue and pay the sum so recovered to the person entitled to receive it.

Orders of District Collector final.

18. Notwithstanding anything contained in Regulations I and II of 1803 of the Madras Code, no appeal shall lie to the Board of Revenue from any order made by the District Collector under this Act.

Saving clause.

19. Subject to the provisions of section 13 nothing contained in this Act and nothing done in accordance with this Act shall be deemed to—

Bengal Act VII of 1876, section 89 (*a*).

(*a*) preclude the Government or any person from bringing a regular suit for possession of or for a declaration of right to any immovable property to which the Government or such person may deem itself or himself entitled; or

Bengal Act VII of 1876, section 89 (*b*).

(*b*) render a registration under this Act an admission on the part of the Government of the right of the person in whose name such estate may be registered or an admission of the validity of the title under which the estate is held; or

Bengal Act VII of 1876, section 89 (*c*).

(*c*) affect the rights of the Government or of any person in respect of any estate or of any interest therein.

Bengal Act VII of 1876, section 88.

The Board of Revenue may make rules.

20. The Board of Revenue may after previous publication make subsidiary rules for the carrying out of the purposes of this Act, and may prescribe the fees, if any, to be paid for the service of summonses issued under Madras Act III of 1869 in connection with inquiries and proceedings under this Act.

Power to suspend operation of Act.

21. The Local Government may by notification suspend the operation of this Act in any specified portion of the districts to which it applies and may by subsequent notification bring it again into operation.

In the name and on behalf of Her Majesty the Queen, Empress of India, I assent to this Act

Wenlock

Governor of Madras

Fort St George
22nd January 1896

11-12

B.O.

4/11-12

GOVERNMENT OF MADRAS

FORT ST. GEORGE,
11 – 1. 1895

My dear MacCartie

Together with these papers I send G.O. 132/4th and a telegram 6-12-95 (current no 6) received from the Govt. of India in reply. You will see that the Govt. of India wants an additional provision inserted in the Bill regarding a point which this Govt. thinks should be dealt with in connection with the Tenancy Law (Malabar). Our letter of 6th December was a sufficient intimation that the Bill was likely to be passed on the 18th idem, & India's

5/11-12

Dr & P. J.

E

6

11-12

FORT ST. GEORGE,
11th January 1896.

Legislative R No. 5

From

Lionel Davidson Esq., I.C.S.,
Secretary to the Madras Legislative Council.

To

The Private Secretary to the
Right Honorable the Governor.

SIR,

An Act to make better provision for the registration of proprietors of land subject to the payment of revenue direct to Government in Malabar and the Wynaad.

I have the honour to forward copy of the Act specified in the margin which was passed by the Madras Council for making Laws and Regulations on the 18th December 1895 and to request that you will submit it to the Right Honorable the Governor for his assent in accordance with Rule No. 53 of the Council Rules.

I have the honour to be,
Sir,
Your Most Obedient Servant,
Lionel Davidson
Secretary to the Council.

No. 31

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

7
11-12

Post copy of Service Message.

(Land-Revenue.)

Calcutta, the 9th January 189 .

FROM Calcutta

FROM Revenue

To Madras

To The Chief Secretary to the Government of Madras.

Your No. 133 of 6th December. Government of India adhere to their former opinion and wish provision to be made in Registration Bill as previously suggested. Letter follows.

Registrar,
Department of Revenue and Agriculture.

P.C.M.

R. & A. Regr. No. 21.

C. G. P.—No. 358 T—22 12 94—24,000.0 0

Government No 6
Leg Dept
Post copy

8
04745

Code Class. } SS

INDIAN TELEGRAPHS.

Monthly Number. }

To (Office) madras			From (Office) Calcutta	
Words. 34/5	Day. 9	Hour. 17	Minute. 30	Official Instructions. Sfd
To (Person) madras			From (Person) Revenue	

GOVERNMENT OF MADRAS
10 JAN 96
DEPARTMENT

CHIEF SECRETARY
10 JAN. 1896
GOVERNMENT OF MADRAS

81 your number
133 of sixth december
government of india ~~ad~~
adhere to their former opinion
and wish provision to
be made in registration
bill as previously suggested
letter follows

64 Word Form. F. C. 2.

Recd. from L.N.	Sent to L.N.	
At Hrs. Mts. by	At Hrs. Mts. by	Telegraph Master.

MADRAS 9-1-96

C. G. P.—No. 358 T—22 12 94—24.000.00

E

Await receipt of letter until 17th inst

L.D.

10.1.96

to be mentioned at the next Council

Current No. 6

9

Leg

DEPARTMENT.

From Sel

Govt of India
Calcutta.

No. 81

Dated 9. 1. 96

Received 10. 1. 96

Enclosures nil

SUBJECT.

Acknowledging receipt of letter No. 133 / 6. 12. 95 and advising of the Govt of India's adherence to their former opinion, and wish that provision might be made in the Registration Bill as suggested.

15

No. 115 / 236-15.

10 / 11-12

FROM

DENZIL IBBETSON, Esq., C.S., C.S.I.,
Offg. Secretary to the Government of India,

SECT. GOVT. MADRAS
17 JAN 96
REV. DEPT.

To

The Chief Secretary to the Government of Madras,
Legislative Department.

Leg. Clerk
14th
D / 17.1

Department of Revenue and Agriculture.

(Land-Revenue)

Calcutta, the 11th January 1896.

SIR,

I am directed to acknowledge the receipt of your letter No. 133 dated 6th ultimo in which the Governor in Council suggests that the question regarding the relief to be given to a person who pays revenue under a bona fide though erroneous claim to be a Janmi should be considered in connection with the proposed Malabar Tenancy Law, and not as desired by the Government of India in connection with the Bill providing for the summary registration of proprietors in Malabar.

2. It appears to the Government of India that the remedy for a wrong arising out of a dispute between two claimants to the proprietary rights in land has but little connection with the Tenancy Law. It is the Registration Act under which titles will be registered some of which may be doubtful; and that would therefore seem the proper place in which to provide the remedy, which will then come into existence together

The wrong [illegible] [illegible] which [illegible] x together with the conditions which it is intended to meet. The Malabar Tenancy question is so intricate that probably some little time will elapse before it is ripe for final disposal, and on all these grounds the Government of India would prefer that the required provisions should be made in the Registration Bill.

I have the honour to be,

Sir,

Your most obedient servant,

Offg: Secretary.

[G/9]
3,000—11-8-95.

Current No. 15 DEPARTMENT.

Leg

From

The Govt. of India
Rev. & agriculture

No. 115/236-15

Dated 11 }
Received 17 } 1-26

Enclosures

SUBJECT.

Stating that the Registration Act is the proper place in which provision can be made for the relief to be given to a person who pays revenue under a bona fide though erroneous claim to be a Janmi

---

* Replaced in the file

12/11-12

Legislative Dep

C.No.15. & no. 6.

FOR ORDERS.

This is the letter promis
by the Govt. of India in the telegram
in which it stated its desire that pr
vision should be made in the Malabar
Land Registration Bill in order to
give relief to a person paying reve
nue under a bona fide though erroneo
claim to be a Janmi by making such p
ments a charge upon the land. The c
nected papers are still with H.E.
the Governor together with the authe
ticated copy of the bill submitted
his assent. Under H.E.'s instructio
a telegram was sent to the Govt. of
India intimating that the Bill had
been passed in the Legisla
Council on the 18th of December
that the Governor was withholding
(C.No 11)
assent pending receipt of this let
and requesting instructions. No rep
to that telegram has been received
though it was despatched six days
2 The Govt. of India considers that
required provision should be made
the Registration Bill

firstly because it relates to a
which has little connection with t
Tenancy Law and

secondly because it is probable
some little time will elapse befo

13

he Tenancy law can be passed.

3. These contentions would be of ~~some~~ more force if it were the case, as the Govt. of India appears to consider, that the passing of the Registration Act will bring into existence the wrongs for which a remedy is deemed essential and if at the same time ~~that~~ such wrongs would be numerous. As a matter of fact however disputes between two claimants as to proprietary rights in land must have arisen repeatedly in the past and may arise in the present irrespective of the Registration Act and in the case of such disputes there is and has been no relief other than by civil suit to a person paying revenue under a bona fide though erroneous claim to be a Janmi. The Govt. has no reason to suppose that such cases have been frequent and though it is possible that the summary enquiry prescribed the Land Registration Act may bring few more such disputes ~~to light~~ into existence, it extremely doubtful whether the case t by the Govt. of India will arise th any frequency. If it does, the individual who has paid ~~remedy~~ revenue ~~an~~ has a remedy by a civil suit, although ~~if~~ he has no rge upon the land. On the other hand introduction of a provision of the ure desired by the Govt. of India not improbably be used to the advantage have been paying revenue without na fide belief in their title as . Such individuals will be only too to attempt to avail themselves provision of this nature.

4. If the Govt. of India still insists on the immediate passing of provision of this nature this can be best managed by the passing of a separate supplemental Act. The Registration Act will under sect 5 of the Madras General Clauses Act of 1891 come into force upon the date of the first publication of the assent thereto of the Governor General in Council and it will be easy to arrange for the publication of this simultaneously with that of the Governor-General's assent to a separate supplemental enactment which might be passed through the Council very rapidly if the rules were suspended. Under these circumstances it is for consideration whether there is any need for H. to withhold his assent to the Land Registration Act and whether it would n be desirable at once to forward the for the Governor-General's assent to with a letter suggesting the course cated in the preceding lines if the Govt. of India still adheres to its opinion.

D.O.
21.1.96

21/1/96

All this is I think quite true – I would add however, that, assuming the existence of the person whom the Govt. of India wishes to protect, such a person needs no protection – At the summary enquiry before the Collr. a man who in the past had been paying Government dues, would ipso facto have a strong claim to be registered as the Janmi, and in most cases would undoubtedly be so registered – while the real Janmi would be obliged to go to Court to establish his superior title –

21/1

We have admitted that this point requires legislation – but promised it later. I do not think we shd. now contend that any legislation is unnecessary. W

I now return the papers with the Bill as passed by the Leg. Council with my assent attached to it. This shd. now go up for the G.G.'s assent – but I do not see any reason for waiting for this supplemental act. Let it be put on the stocks at once, & pushed through as fast as possible – but the other Act is wanted immediately, and I think we should ask the G.G. to assent to it at once, telling him that the supplemental one will come to him as soon as we can get it through. If he chooses to wait till they can be published simultaneously, that is his affair – but I wd. not suggest it.

W

22 Jan

I agree – I would however also point out to India ~~that~~, while we are quite willing to protect in anyway necessary any person who may be injured by the operation of the Regn. Act, we are quite unable to conceive the wording which wd. be necessary to give effect to the views of India! That is my position, at all events.

23/1/96

23/1/96

Malabar Land Registration Act

(FOR ORDERS)

(3.)
H. E. The Governor & Circ:

(1) Hon'ble the Rev. Secretary
(2) Chief Secy.

D

D
22/1

E D.O. 69

14
11/72

D.O. No. 258/236-10 (Land-Revenue)

Calcutta, the 30th January 1896.

SECRET
3 FEB. 1896
GOVERNMENT OF MADRAS

D
1/2

Dear Sir,

In connection with the official letter which is being sent you today regarding the Malabar Land Registration Bill, I am directed to ask that His Excellency the Governor will be good enough to defer his assent to the Malabar Land Registration Bill, pending a further communication which will be addressed to you as soon as His Excellency the Viceroy, who is now on a trip in the Bay of Bengal, returns to Calcutta.

No. 259/236-17 dated 30th Jany: 1896

Yours truly,

Denzil Ibbetson

To

The Honourable J. F. Price, C.S.I.

E Regr [illegible]

No. 259/236-17

15/11-12

FROM

DENZIL IBBETSON, Esq., C.S.,
Offg. Secretary to the Government of India,

CHIEF SECRETARY FEB 1896 GOVERNMENT OF MADRAS

To

The Chief Secretary to Government, Madras.

Calcutta, the 30th Jany. 1896.

Department of Revenue and Agriculture.
(Land Revenue)

SIR,

I am directed to address you with reference to the correspondence ending with your telegram of the 15th instant regarding legislation for the registration of titles, in connection with the revenue settlement of Malabar. The Government of India lay great stress upon the proposed provision for the protection of a person who, bona fide though erroneously ~~claims~~ claiming to be a janmi, pays revenue to save the land which he claims from sale for arrears; a provision as to the intrinsic expediency of which they understand from your letter of the 6th December last, that the Madras Government concur with them, though that Government propose to postpone its consideration till the intended Tenancy Legislation for Malabar is brought forward. This proposal does not commend itself to the Government of India, as, for reasons already fully explained in my letter No. 115/236-15 of the 11th instant, they consider that the provision in question should come into force before any action is taken by the Collector registering the names of janmis under the new registra-

registration law, while to postpone the registration of jammis till the Tenancy law is passed would probably be inconvenient.

2. Under the circumstances reported in your telegram of the 15th instant they are however unwilling further to delay the progress of the Registration Bill, and I am therefore to suggest that perhaps the desired end could most conveniently be attained by the passing of a short Act of one clause introducing the proposed provision, either

(1) as an enactment not referring to any other, and to the effect that if any person _bona fide_ claiming to be a janmi of land in Malabar, though not registered as such, pays any arrear of revenue to save the land from sale he shall be entitled, if not in possession of the land to recover the amount so paid with interest as a charge upon the land, or, if in possession of the land, to retain it as against the true owner until he has repaid the sum so paid by him with interest; provided that the true owner shall not be under any obligation to repay the same if he elects to abandon his claim to ownership in favour of such adverse claimant as aforesaid, or,

(2) by an amendment of the Registration Bill by the addition of a clause to the same effect, or

(3) by an amendment of Sections 35 and 37 of the Madras Act II of 1864, giving to a person _bona fide_ claiming an interest adverse to the defaulter the same remedy as is given by those sections ~~as~~ to the tenants and encumbrancers under the defaulter.

3. Of the three courses suggested above the Governor

Governor General in Council is inclined to prefer the last, as although it would effect the entire Presidency, it appears to do no more than justice. The Local Government may however not be prepared to extend the provision so far without further enquiry, and if so, I am to suggest that the independent Act first suggested in the foregoing paragraph might be more convenient than an express amendment of an Act only recently passed.

The Governor in Council will however understand that the above suggestions are merely put forward for his consideration, and are not intended in any way to limit the discretion of the Madras Government as to the best method of attaining the desired end.

I have the honour to be,
Sir,
your most obedient servant,

Denzil Ibbetson

Offg: Secretary.

[G./9]
00—28-1-95.

Current No. 30

17

Leg Department.

E

From

The Govt. of India
Rev & agriculture

No. 259/236-17

Dated 30 – 1. 96

Received 3 } 2. 96

Registered 3

Enclosures

SUBJECT.

Reg. legislation for the registration of titles in connection with the Rev Settlement of Malabar

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[G./25]
1,000—5-11-95

18/11/12

Legislative Department

C. No. 30

D.O. No. 69.

FOR ORDERS.

Current No. 30 has been held back for a few days pending receipt of the further communication promised in D.O. No. 69.

Orders are now required as to which course should be adopted out of the three set out in para. 2 of Curr
No. ~~22~~ 30. It was decided in Council tha
an amending section to the Registrati
Bill should be drafted

The following draft amending Bill is submitted in accordance with that decision

"An Act to amend Act of 1896(Madr

Preamble. Whereas it is necessary to amend Act of 1896 (The Malabar Land Registratic
Act 1895); It is hereby enacted as follows:-

1. After section 13 of Act of 18
(Madras) the following shall be ins
ed

"13 A. Any person who in good
claims to be a proprietor or joint
prietor of an estate though not r
~~quired~~ as such and in pursuance

Malabar Land Registration Act –
Amending act

h claims pays any arrear of revenue order to save the estate or any portion it from sale under the provisions of ras Act II of 1864 shall be entitled.

(a) if not in possession of the estate, to recover the amount so paid as a charge upon it, provided that such charge shall only take priority over the charges accrued to the date at which the payment was made or

(b) if in possession of ~~it~~ the estate, to retain possession of it ~~until~~ as against until the latter the registered proprietor shall have reimbursed the amount so paid together with interest thereon.

ded that the registered proprietor not be under any obligation to re-se the amount so paid if he prefers andon his rights ~~or~~ in favour of the per- whom it has been paid.

ement of Objects & Reasons.

ill has been drawn up at the tion of the Govt. of India with the of providing a substantial remedy case of the individual ~~[illegible]~~ who bona t mistakenly ~~taking~~ claiming to be of land in Malabar pays an of revenue in order to prevent the f the land in which he is interest- r the existing law his only remedy civil suit, and it is considered desirable ch a person should be placed in a similar to that held by a tenant or de mortgagee or incumbrancer under of Madras Act II of 1864.

FOR ORDERS.

H. E. THE GOVERNOR.

THE HON'BLE MR. H. W. BLISS, C.I.E.

THE HON'BLE MR. J. GROSE.

Ask India to accept the Bill to which H. E. has given his assent & leave [illegible] further process & legislate further by passing a separate Act or by amending II of 1864 as suggested by [illegible] –
L.G. 11/2

(Informed)

[G./9.]
4,000—18-1-96.

D.O. 69
~~Current No.~~

19
11-2

Department.

E

From

A. Ibbetson Esq.
Calcutta

No. 258/236-16 Land Revenue

Dated 30. 1. 96

Received 3 } 2. 96
Registered 3 }

Enclosures nil

SUBJECT.

Requesting H.E. the Governor of Madras to defer his assent to the Malabar Land Registration Bill, pending a further communication which will be addressed to this Govt. as soon as H.E. Viceroy returns to Calcutta.

Dear Sir

In reply to your demi-official letter No 258/236-16 Land Rev. dt. 30th January conveying the request that H.E. the Govr. would be good enough to defer his assent to the Malabar Land Regn. Bill pending the receipt of a further commn. on the subject, I am directed to invite your attention to my official letter no of this date, & to explain that H.E. the Governor formally signified his assent to the Bill on the 2nd January but that in consequence of the receipt of your official letter no 115/236-15 d/ 11 January it was decided to frame a supplemental Bill giving effect to the wishes of the Govt. of India in regard to the insertion in the Malabar Land Regn. Bill of a provision covering the case of the individual who bona fide but erroneously believing himself to be a jenmi pays arrears of land revenue in order to save an estate from sale.

Yours truly,

MALABAR LAND REGISTRATION BILL, for
the assent of H.E. the Viceroy.

(From Orders)

E

21
11-12

Legislative dept:

gmP 18/2

LETTER No 11 Legve d7 15-2-96

To

The Secy: to the Govt. of India,
Rev: & Agri: dept:

Sir,

I am directed to acknowledge
the receipt of Mr. Ibbetson's letters No
115/236-15 d/ 11-1-96 and No.259/236-17
d/ 30-1-96 conveying the ~~orders~~ views of
the Govt. of India regarding the de-
sirability of inserting in the Malabar
Land Registration Bill a provision for
the protection of a person who ~~bona fide~~ bona-fide
though erroneously claiming to be a
jenmi, pays revenue to save the land whic
he claims from sale for arrears.

2. In reply I am to state that
H.E. the Governor signified his assent
to the Bill ~~on the 22nd of January~~ immediately afte
the receipt of the first of the letter
under reply and that steps were being
taken to draft a separate supplementa
~~Act~~ Bill before the receipt of Mr. Ibbetso
second letter. The alternative course
indicated in para: 2 of that letter
der~~s~~ a further brief consideration of the
tion necessary, but I am to state th
H.E. the Governor in Council conside
that there is on this account no re
to delay forwarding the Malabar La
gistration Bill for the assent of
the Governor-General. It is ne

proposed to defer making the provision
desired by the Govt. of India until
the Tenancy legislation for Malabar is
brought ~~forard~~ forward and immediate
steps will be taken to introduce a
supplemental bill into the Legislative
Council. I am therefore to forward with
this letter a copy of the Act with the
equest that it may be submitted to H.E.
he Governor-General for his assent.
he Act was passed by the Madras Legve:
ouncil on the 18th December 1895 and
eceived the assent of H.E. the Governor
n the 22nd January 1896. It will be seen
hat as desired in Mr. Ibbetson's letter
29th Octr: 1895, No.3137/236-10, the
iginal Bill has been amended in such a
nner as to require the Collector to
r at the parties and record a formal
oceedings stating his decision. Copies
the marginally noted papers are
losed for reference.

X / 13-2-96 R 13/2/96

24 13/2

Endorsement No 12 Legve D/ 15-2-96

opy with enclosures noted on the
gin forwarded to the Govt: of India,
e: dept:, with reference to its
ers d/ 14th July 1879, No.751 &
ay 18[illegible], No.1020.

X / 13-2-96 R 13/2

1. Bill as introduced with Statement of Objects and Reasons.
2. Report of the Select Com:
3. Bill as amended by the Select Committe
4. Memorial from the Tenants Mahajana Sabha, Calicut. (Paper No 1)
5. G.O.No.140 Legve:, d/ 31-4-95 (Paper No 2)
6. Abstract proceedings of the Legve: Council relating to the Bill d/ 4-12-95 & 18-12-95 (Paper No 3)

27 copies of each of the papers mentioned above on the margin, together with 27 copies of the Bill as passed.

BACK PAPER, No. 22 of 189

FURTHER PAPER, No. of 189

READ AGAIN ORDER OF GOVERNMENT, DATED
189 , No. , MISCELLANEOUS.

ENCLOSURES.

Letter

CURRENT No. with Endt a copy
without Endt a copy } for C.P.R. [illegible]
D.O. a copy

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—
A — Copy in full.
B — Not to be copied.
P — Copy abstract only.
Q — Copy heading only.

[G/11]
800—3-8-95.

E

ORDINARY, MS.

Legal DEPARTMENT.

G.O., DATED 25-2-96.

No. 11—12

INDEXED.

When given for copying. 28/2

[Despatch Abstract.]

Malabar Land Registration Act
with remarks.
Sbmtg copy of the
as assented to by
the Govr for the assent
His Excy the Govr-Genl