M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1489	Press Mis.
370-371	
Dated 25 7 1861.	

Not to be folded or roughly handled

No. 370. Read the following letter from G. N. TAYLOR, Esq., Inám Commissioner, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Palmanér, 13th July 1861, No. 41:—

SIR,

1. The Collectors of the Godavery and Kistna Districts have addressed me on the subject of introducing some form of Register, in which future transfers and changes in the incumbency of Ináms may be recorded in each District; and, as the question is one of some importance I have the honor to submit it for the orders of Government. The Register in question seems to be required for the purpose of the collection of quit-rent on such Ináms as have changed hands since this Settlement was made; and there can be no doubt that when carefully prepared, it will afford valuable evidence in all disputed and intricate claims regarding the possession of Inám lands, which may come before the Collectors in their magisterial capacity, or under Regulation V. of 1822; and it will be also useful for purposes of general record.

2. It must be remembered, however, that the object of the present Settlement is to put an end to the system of control and interference hitherto exercised by the Revenue Authorities over Ináms, and to place this description of property, like other lands, under the ordinary jurisdiction of the Civil Courts. For the future, Collectors will have no control over the succession to Inám lands, nor can they interfere with their transfer by sale or otherwise at the option of their holders. All disputes and claims connected with these subjects are to be adjudicated by the Civil Courts; the Revenue Authorities confining themselves to a simple record of such changes of incumbency as may be effected by the Inámdárs themselves.

3. I am aware of no authority under which Inámdárs can be compelled to register transfers before the Collectors. Regulation XXVI. of 1802 requires that Collectors should keep public registers of landed property paying revenue to Government; under which head Ináms charged with a quit-rent may be classed. But this registration is not compulsory upon the Inámdárs; and it was explained* in regard to Section III. of the above Regulation, and Section VIII. of Regulation XXV. of 1802, that the absence of Registry does not affect the validity of a transfer as between the transferer and transferee, though it might be required in recognition of the sub-division of Inám lands charged with a quit-rent, which however it is not contemplated should be encouraged, and of the right to exercise† the powers of distraint conferred by Regulation XXVIII. of 1802, on the holders of Inám Estates paying a favorable rent to Government.

* Pages 139 and 140, Board's C. O., Vol. I.

† Pages 134 to 137, Board's C. O., Vol. I.

4. Nevertheless, parties succeeding by purchase or otherwise to the possession of Ináms, whether held as absolute Freeholds or Freeholds subject to a quit-rent, would, as a general rule, prefer to have their rights registered before the Collector for their greater security; such Registry being adduced and admitted as valuable evidence in suits before the Civil Courts. It seems, therefore, desirable to lay down some definite rules on the subject for the guidance of Collectors generally, and I beg to propose the following for the approval of Government:—

(1.) The Inám Registers made by this Department, exhibiting all the points connected with the Settlement, will, as proposed by the Collector of the Godevary District, remain intact.

(2.) Separate Register Books will be opened by the Collector for each Táluq, in which future changes in the incumbency of Ináms will be recorded, at the instance of both parties to the transfer; or, in cases of succession to deceased incumbents, at the request of the persons succeeding.

(3.) The parties interested in the transfer or entry, must, in all cases, appear either in person or by authorized Vakils before the Registering Officers and attest the Registry; or they may forward by post a written application, with an authenticated extract of any Registry made in the Courts under existing Regulations, which is to be considered as sufficient authority for making a corresponding entry in the Register Books of the Collector.

(4.) The Books for the Registry of transfers will be kept in the Kac heris of the Collector, his Assistants and Deputies; and parties at a distance from the head-quarters of these Officers, can conveniently appear before them, if they see fit, at the time of the annual Settlement. The proposed Registry is to be allowed, however, without any restriction as to time.

(5.) The appended form of Register proposed by Mr. Purvis, can be adopted generally, with such alterations as the circumstances of other Districts may render necessary.

5. The simple Registry by the Revenue Authorities of transfers, or successions, can effect no alteration of title. It must, therefore, be distinctly understood that the Registring Officers are not called upon to pronounce an opinion upon the validity of the transfer; and, if objections are raised at the time of Registry by other claimants, such objections will be briefly entered in the column of Remarks, leaving their final settlement to the Courts. It is of great importance that this point should be clearly kept in view by the Revenue Authorities and widely known among the Inámdárs, in order to prevent any apprehension of the possibility of the proposed Registry being converted into the former system of inquiring into lapses. The Registry is to be entirely optional. The Collector of the Kistna District anticipates a difficulty in the realization of the quit-rent whenever there is a doubt as to the ownership of the land. The general rule to be observed on this point is to make the demand on the last registered holder, and failing him on the occupant of the land. Ultimately the land itself is answerable, and the whole or part may be sold under existing regulations in satisfaction of the demand.

6. The above remarks are intended to apply only to enfranchised Ináms. Those which are not enfranchised but continued on present tenure will remain as heretofore under the control of the Collector; inquired into on the occurrence of lapses and reported to the Board of Revenue. A separate Register of these, in which the Government retain a reversionary right, may be advantageously kept both by the Collector and his subordinates, as well as by the Tahsíldárs. Should the Government approve of the above rules for the present, as regards enfranchised Ináms, I beg that they may be circulated through the Board of Revenue for the guidance of Collectors.

7. It is no doubt very desirable that a comprehensive enactment should be passed superseding this system of double Registry, one before the Court and another before the Collector, both optional and necessarily imperfect, and enforcing a compulsory registration of all changes in the incumbency of every description of land. Such a Registry, while carrying with it the force of law, would have the effect of checking false litigation, and would furnish a complete record of landed property to the Revenue Authorities. This measure would become of the greatest importance even as regards Cirkar lands, should the present system of annual settlement gradually give way to a more permanent state of things. I presume, however, that the subject is already before the Legislative Council.

8. Another point upon which I am desirous of soliciting the orders of the Government and which is likewise noticed by Mr. Purvis, is the necessity of conceding to the Civil Courts the authority to take cognizance of all claims relating to *enfranchised* Ináms. It was my intention to recommend the adoption of this measure on the conclusion of the Inám inquiry in each District, but as this is likely to be more or less delayed, and, meanwhile, parties having claims on such Ináms are put to needless delay and inconvenience in obtaining the special permission of Government in each case, under Regulation IV. of 1831, I beg to recommend that a general order may be passed by Government, and published in the Official Gazette, empowering the ordinary Courts of the country to take cognizance of all claims to Ináms enfranchised by this Department, as distinguished from those which are continued on their present tenure, and which will still remain under the control of the Revenue Authorities. A special enactment in modification of Regulation IV. of 1831, does not seem to be required for the purpose. That Regulation, simply reserves to the Government a power or prerogative to control the succession to personal Ináms which prerogative can now be resigned by an order of Government in favor of the Courts, as one which is no longer required after the enfranchisement of the Ináms. Ináms belonging to religious and charitable institutions are already placed under the jurisdiction of the Courts by Regulation VII. of 1817.

Proceedings of the Madras Government, Revenue Department,
25th July 1861.

Name of Village.

No.	As per Inám Commissioner's Register.									Subsequent transactions.										Initials of Officer and remarks if necessary.
	No. and date of Title Deed given by the Inám Commissioner.		Nature of Inám and name of the Inámdár.	Extent and particulars of Dry, Wet, &c.		Sist.	Quit-rent including Kattubadi.	Redeemed.		Name of the person to whom the transfer is made.	Nature of transfer.	Extent and particulars of Dry, Wet, &c.		Sist.	Quit-rent including Kattubadi.	Redeemed.	Date of entry.		
	No.	Date.		Dry, Wet, &c.	Extent							Dry, Wet, &c.	Extent						

N. B.—Each village in the Táluq should have a separate page or pages, and be arranged alphabetically in the book.
It is to be understood that when portions of an Inám are alone transferred, the share of quit-rent payable thereon though entered in this Register for the convenience of the parties, is not necessarily binding on Government, to whom the whole Inám will be ultimately responsible for the quit-rent unless otherwise especially allowed.

(Signed) G. N. TAYLOR,
Inám Commissioner.

INAM COMMISSIONER'S OFFICE,
Palnaér, 13*th July* 1861.

Proceedings of the Madras Government, Revenue Department,
25th July 1861.

No. 371. ORDER THEREON, 25th July 1861, No. 1,489.

Referred to the Board of Revenue for the *early* submission of any observations they may wish to offer.

(Signed) J. D. SIM,
Secretary to Government.

Revenue 1861 Depart.
Pro: of Govt for July
No. 1689.

From G. A. Taylor Esqr
Inam Commissioner

To J. D. Sim Esqr
Secretary to Govt
Revenue Depart

Dated 13th July 1861

Rec'd 15th do

No. 1489. 25th July

Before Submitted for the orders of Government the question of introducing some form of Register in which future transfers and changes in the incumbency of Inams may be recorded and proposes for their approval certain Rules for the guidance of the Collectors on the subject

Recommends also that all the enfranchised Inams be placed at once under the protection of the ordinary Courts of Justice on an order to

From Bd of Rev. A/ 7th Aug. 61 C. No. 1918 in Pros:

No 370 & 371.

No. 1489

Referred to the Board of Revenue for the early submission of any observations they may wish to offer.

Fort St. George
25th July 1861

I. H. S

14 Copies to the Bd of Rev. Dispd 25