

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	3183	Press
		~~Mis.~~
<i>214-215</i>		
Dated 15 th Dec 1889		

Not to be folded or roughly handled

3183

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*Proceedings of the Madras Government, Revenue Department,
15th December 1869.*

No. 214. Read the following letter from W. ROBINSON, Esq., C.S.I., Acting First Member in charge of the Inam Department, to the Acting Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 13th December 1869, No. 6:—

I HAVE the honour to report that doubts exist as to the precise state of the law in respect to the registration of Inam Title-deeds, and the procedure laid down in Section 3 of Act XXVII. of 1868.

2. This Act was passed to exempt certain documents, mentioned in the Schedule annexed to it, from compulsory registration under the Indian Registration Act of 1866, and in the fourth clause of the Schedule Inam Title-deeds are named. I think that it was probably the intention of the legislature, (insufficiently informed as to their nature,) to exempt all Inam Title-deeds from compulsory Registration. But, as it appears to me, the closing words of the clause probably limit this exemption, strictly speaking, to a very small per-centage of the cases involved in this settlement.

3. The Government are aware that the use of the word *Inam* is purely technical, and that *very* few Inam holdings are grants, by Government, of land for special services. Probably not two hundred cases of the 400,000 to 500,000, which are being dealt with by this department, come within this description. The great bulk are religious endowments, ancient rent-free holdings granted for subsistence, wages of obsolete services, and the like, which, as it appears to me, cannot be brought within the precise words of the clause. If this be so, for all practical purposes, no exemption has been conferred by the Act, and all Title-deeds issued since 1866, the registration of which is compulsory under the Indian Registration Act, are *null* and *void* under Section 49 of the same Act, while none of those issued after the passing of Act of 1864 can be used as evidence of the right intended to be conveyed; for, none have ever been registered by the parties to whom they have been issued. The omission, of course, cannot now be remedied. On this point I beg further to refer to the Proceedings of the Board of Revenue, dated 3rd October 1868, No. 6,999.

4. I may add that, if, as above surmised, the exemption intended has not really been conceded, and all Title-deeds yet to be issued (about 40,000) must be registered, serious difficulties and obstructions are likely to be raised. The Title-deeds are not drawn so as to fulfil the requirements of Sections 20 and 21 of the Indian Registration Act, and I am satisfied that many Registrars will hesitate to transfer these documents to their books, and the labour of re-copying this enormous number of documents in the Registrar's Offices will prove very great. Again it is difficult to estimate the value of each Inam with a view to decide which must be registered as being of a value of Rupees one hundred and upwards. I am of opinion that the great majority would fall under the class.

5. On the whole, I am of opinion that if any doubt exist as to the absolute exemption of all the Inam Title-deeds from registration, steps should at once be taken to effect this.

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15th December 1869.*

6. There is another point to which I beg to solicit attention. Granting for the sake of argument that all Title-deeds are exempted by Act XXVII. of 1863, the procedure laid down in Section 3 of the Act requires that a copy of every Title-deed, issued after 1st May 1866, be sent to the District Registrar of the district in which the property comprised in the Title-deed is situate. But I find that between that date and this, some 20,000 to 30,000 Title-deeds have been issued without copies being supplied to the Registrars; and as no copies of Title-deeds are kept in this department, the provision of the law cannot be fulfilled in respect to them. Taking this number with the large issues of Title-deeds prior to 1866, I may safely say that nine-tenths of all the Inam Title-deeds of the Presidency cannot now appear in the books of the District Registrars at all.

7. There remain between 40,000 and 50,000 Title-deeds yet to be issued, of which duplicates may be sent to the respective Registrars. But I venture to point out that the preparation of these duplicates will prove both costly and tedious, and will postpone the final closing of the Settlement which is so much an object with Government on financial and other grounds. I venture, too, to think that no useful object would be gained by filing this limited number of the Inam Title-deeds of this Presidency in the Registrar's Office. On the other hand, there can be no doubt that any exceptional treatment of a limited number of this large class of documents will cause much anxiety amongst the holders of the numbers already issued which cannot now be registered or filed.

8. On the whole, I would ask the Government to obtain a clear exposition of the state of the law in respect to the registration of Title-deeds from the law officers of Government for my guidance.

9. Should the law be found to be in a state of uncertainty, and the practice hitherto followed prove to be at variance with its requirement, I would advise Government to submit a draft Act for the sanction of the legislature, definitively exempting all Title-deeds signed by Inam Commissioner from registration, and in the spirit of Section 2 of Act XXVII. of 1863, providing that the District Registers of Inams be open to the inspection of any person applying to inspect the same.

10. Most carefully drawn and classified Registers have been prepared of all Inams for each district which, for all the objects of Registration Act, are really much more useful and complete than any copy of the Title-deed itself.

11. I beg to be favoured with early instructions. Several thousands of deeds are ready for distribution, but I am unwilling to issue them without laying my doubts before Government.

No. 215. ORDER THEREON, 15th December 1869, No. 3,183.

Land Revenue.

The foregoing letter will be communicated to the Honourable the Advo-

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15th December 1869.*

cate-General, through the Government Solicitor, with a request that Mr. Norton will place himself in communication with Mr. Robinson at his earliest convenience, and advise Government on the questions raised.

G. O., Judicial Department, 26th September 1867, No. 1,549.
Letter to Government of India, 27th May 1868, No. 870.
G. O., 4th August 1868, No. 2,089, R.D.
G. O., 24th Sept " " 2,473, R.D.
G. O., 1st October " " 2,529, R.D.
G. O., 8th " " 2,596, R.D.
Telegram, dated 8th October 1868, No. 39.
Letter to Government of India, dated 10th Oct. 1868, No. 2,608.

(True Extract.)

(Signed) R. A. DALYELL,

Acting Secretary to Government.

To the Government Solicitor, with papers.
,, the Inam Commissioner.
,, the Board of Revenue.

Exd. F. R. Bantleman.

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 ever been registered by the parties to whom
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 of each Inam with a view to decide which
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 under the class.

Govt. of 1869) 21/11/69.

REVENUE.

THE GOVERNMENT SECRETARY,

Secy, Secy, Secy.

Dated December, 1869.

Recd.

Recd.

G. O. 15th December 1869, No. 3,183.

DECEMBER.

Nos. 211,215.

From Title-deeds.—Mr. Robinson's letter
 regarding the existence of doubts as to the precise
 state of the law in respect to their registration,
 communicated to the Advocate-General for advice.

5. On the whole, I am of opinion that if any doubts exist as to the absolute exemption of all the ^{Indian} Title Deeds from registration, steps should at once be taken to effect this.

6. There is another point to which I beg to solicit attention. Granting for the sake of argument that all Title Deeds are exempted by Act XXVII of 1868, the procedure laid down in Section 3 of the Act requires that a copy of every Title Deed issued after the 1st May 1866 be sent to the District Registrar of the District in which the property comprised in the Title Deed is situate. But, I find that between that date and this some 20,000 to 30,000 Title Deeds have been issued without copies being supplied to the Registrars, and as no copies of Title Deeds are kept in this Department, the provision of the Law cannot be fulfilled in respect to them. Taking this number with the large issues of Title Deeds prior to 1866, I may safely say that nine-tenths of all the Indian Title Deeds of the Presidency cannot now appear in the Books of the District Registrars at all.

There

Pro 4 October 1867 Rs 95. 96
 - 27 May 1868 - 870 72
 - 4 Aug - 53. 64
 - 24 Sept - 374. 375
 - 1 Oct - 28. 29
 - 8 - 181. 182
 - 15 Nov 1869. 185. 187
 - 80. 82

Recd-1869 Department
 From H 4201-
 The Agt 1st Member
 of the Board of Revenue,
 in charge of the Indian Dept.
 To The Agt Secretary to
 Government,
 Revenue Department,
 Fort Saint George

Dated 13th December 1869
 Received H 420

Sd/- 6 Decr 1869
 Submits for the Orders
 of Government, the question
 of registering Indian Title
 Deeds under the Registration
 Act XXVII of 1868.

214.

Copies of the Paper

15th Decem^r / 69

The foregoing letter
will be communicated
to the Hon^{ble}. the Advocate
General through the
Solicitor, Mr. Horton
~~will be requested to~~
He with a request that
Mr. Horton will place
himself in communication
with Mr. Robinson at
his earliest convenience
and advise him on
the questions raised.

Copies of the Papers

noted in the margin
will also be forwarded
to the post solicitor for
Mr. Hirtle's information.

MS

Q. O. Ind. Dent 26 Sept 67 no 1549.
Letter to Govt of India 27 May 68 no 820
Q. O. 4 Aug 68 no 2089 R.D.
Q. O. 24 Sept 68 no 2473 R.D.
Q. O. 1st Oct 68 no 2529 R.D.
Q. O. 8 Oct 68 no 2546 R.D.
Telegram dated 8 Oct 68 no 39
Letter to Govt of India dated
10 Oct 68 no 2508.

Let from India

MS

4. To Govt. Solicitor with Papers Dec 15
8. ———— same Comm. on
14. ———— B.P. of Rev. V.

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