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# MADRAS RECORD OFFICE

## GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 752 Press

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*Proceedings of the Madras Government, Judicial Department,*
*5th April* 1875.

**Registration.**

No. 34. Read the following extract from the Proceedings of the Government of India in the Home Department, (Public,) dated Fort William, 28th May 1874, No. 38-A—1512-A :—

Read the undermentioned reports on the administration of the Registration Department in the different Presidencies and Provinces for the year 1872-73, *viz.* :—

For the Madras Presidency.
,, Bombay ,,
For Bengal.
For the North-Western Provinces.
,, Punjab.
,, Province of Oudh.
,, Central Provinces.
,, Territories of Mysore and Coorg.
,, Hyderabad Assigned Districts.

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RESOLUTION.—The following table shows in a general way the operations of the Registration Departments under the three main heads—number of registrations, income, and expenditure :—

| 1 | 2 | | 3 | | 4 | | 5 | | 6 |
|---|---|---|---|---|---|---|---|---|---|
| Provinces. | Total number of Registrations. | | Receipts. | | Expenditure. | | Percentage of Column 4 on Column 3. | | Remarks. |
| | 1871-72. | 1872-73. | 1871-72. | 1872-73. | 1871-72. | 1872-73. | 1871-72. | 1872-73. | |
| | | | RS. | RS. | RS. | RS. | | | |
| Madras ... ... ... ... ... ... ... | 154,529 | 190,592 | 3,51,860 | 3,27,047 | 2,49,757 | 2,33,952 | 70·9 | 71·5 | |
| Bombay ... ... ... ... ... ... ... | 84,388 | 90,361 | 2,67,876 | 3,02,462 | 2,50,580 | 2,45,660 | 93·54 | 81·2 | |
| Bengal ... ... ... ... ... ... ... | 245,270 | 279,080 | 3,73,136 | 4,35,319 | 2,80,961 | 3,04,782 | 75·29 | 70·01 | |
| North-Western Provinces ... ... ... | 133,691 | 144,772 | 2,83,097 | 3,09,321 | 1,62,167 | 1,47,565 | 57·2 | 47·7 | |
| Punjab ... ... ... ... ... ... ... | 95,746 | 84,323 | 1,45,376 | 1,50,242 | 84,506 | 85,993 | 58·12 | 57·2 | |
| Oudh ... ... ... ... ... ... ... | 32,694* | 47,201 | 56,003* | 83,964 | 38,994* | 52,843 | 69·4 | 62·9 | |
| Central Provinces ... ... ... ... | 17,872 | 20,657 | 42,351 | 45,174 | 29,096 | 28,676 | 68·6 | 63·4 | |
| Mysore ... ... ... ... ... ... ... | 7,282 | 8,170 | 20,945 | 19,916 | 17,371 | 17,228 | 82·9 | 86·5 | |
| Coorg ... ... ... ... ... ... ... | 603 | 516 | 1,701 | 1,370 | 1,955 | 1,202 | 114·9 | 87·7 | |
| Hyderabad ... ... ... ... ... ... | 8,232 | 10,251 | 19,115 | 26,383 | 15,497 | 15,392 | 81·07 | 58·3 | |

* For nine months.

2. It is satisfactory to observe that there is an increase in every province, except the Punjab and Coorg, in the number of registrations.

It is in Madras that the most marked increase has occurred, the total number of registrations being twenty-three per cent. in excess of those of last year. The increase is common to all classes of documents with one not very important exception, and is chiefly attributed to the reduced fees which came into force on the 15th May 1872. The extent to which registration is resorted to by the people of Malabar is brought out in the Resolution of the Madras Government. Upwards

of thirty-three per cent. of the total registrations in the Presidency are credited to this district. It is also worth noticing that, although the total number of registrations of leases granted in perpetuity is insignificant as compared with Bengal, still the numbers registered have nearly quadrupled during the last five years. South Canara is the district where registrations of this class are most numerous.

In Bengal the number of registrations was the largest hitherto effected in that province, and the increase was almost equally divided between compulsory and optional, though slightly in favor of the latter. The increase is distributed over nearly all the more important districts, and is not alleged to be due to any particular cause. It may be that a portion should be attributed to the appointment of rural Sub-Registrars—a measure which has had the effect of bringing registration agency nearer to the homes of the people.

In the North-Western Provinces the increase is for the most part in documents of the compulsory classes, but the Lieutenant-Governor is satisfied with the increase in optional registrations. The number of registered deeds affecting immoveable property shows an increase which demands attention. It has risen from 86,364 to 102,699 in the year under report.

In the Punjab the Inspector-General considers the decrease to be due partly to the repeal of the sections of Act XX. of 1866, which permitted special registration and partly to the sickness which has prevailed throughout the province. The Local Government accepts this explanation. But while the decrease in optional registrations of moveable property is upwards of 10,000, the total number of special registrations in 1871-72 was only 1,637 and 2,195 in 1870-71. Therefore the decrease seems to be really due to a falling off in optional registrations of all kinds, whether relating to moveable or to immoveable property; but the reason of this falling off is not apparent.

In the Central Provinces the increase of nearly sixteen per cent. is ascribed by the Chief Commissioner to growing trade and to the impetus given to the commercial dealings of towns along the line by the opening of the Great Indian Peninsula Railway. For five years the number of deeds registered has steadily risen.

In Mysore the increase is satisfactory, but the advantages of registration do not seem to be fully appreciated. Mysore has a population of five millions, its total registrations were 8,170, and the value of the property registered was 36 lakhs. These results do not compare favorably with those of the neighboring Madras Districts. South Canara alone, with a population of less than a million, surpasses Mysore both in the number of registrations and in the value of the property registered. It may be that the means of registration are not sufficiently accessible to the people.

In Coorg also registration does not seem to be popular, and its advantages are scarcely understood. It is, however, satisfactory to notice that the expenditure this year has been kept below the receipts.

In Hyderabad the increase in the number of registrations presents some points for notice. First, as regards compulsory registration, the increase has mainly occurred in two classes of documents, *viz.*, instruments of sale, mortgage, &c., relating to immoveable property, and in leases other than those granted in per-

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petuity. The sales and mortgages registered have risen from 4,359 to 4,956; and in Buldana, where last year there was a decrease, the number registered this year shows an increase of eighty-five per cent. The leases registered stand at 810 this year against 294 in 1871-72; the increase is largest in Akola and Ellichpur, and is marked in Amrauti. Altogether the compulsory registrations show an increase of twenty-four per cent. Nearly half the total number of compulsory registrations are effected in one district, Akola; and the Inspector-General remarks that "there must be very marked changes going on in the Akola District as regards the tenure of land occupancy rights." Nevertheless, as far as Akola is concerned, there were fewer registrations of instruments of this class in the past year than in 1871-72.

3. Next as to receipts; every province, except Madras, Mysore and Coorg, shows an increasing income. In Madras a different method of calculating fees has been in force since the 15th May 1872. The fees on instruments of a low value, *i.e.*, not exceeding Rupees 500 in value, have been reduced from 1 and 2 Rupees to 1 Rupee 8 Annas and 8 Annas, and a limited *ad valorem* scale has taken the place of the old *ad valorem* scale, so that no ordinary registration fee can now exceed Rupees 50, while under the old system it might have reached any amount. And other changes have been effected with the view of cheapening registration. The result has been an increase of upwards of 36,000 in the number of registrations, and a decrease of over Rupees 24,000 in the receipts, or, in other words, twenty-three per cent. increase in registrations against seven per cent. decrease in receipts.

In Bombay also there is a practical change to notice. Until the 1st June 1872 the amount of the fee depended entirely upon the length of the document. Now an *ad valorem* fee-system prevails and no preferential rates are allowed for optional registrations. The year's results show an increase of nine per cent. in compulsory and a decrease of three per cent. in optional registrations. In Sind registrations have decreased to a remarkable extent, compulsory registrations having fallen off about eight per cent., optional over forty per cent. The Branch Inspector-General attributes this to the change of system and to the abolition of preferential rates for optional registrations. The Inspector-General holds a different view, and he is supported by the Local Government. The Government of India have also so far acquiesced in his views that they have recently confirmed the new table of fees which he recommended.

4. Columns 4 and 5 of the statement exhibit the expenditure in each province and the proportion which the expenditure bears to the receipts. Every department pays its way, and, with two exceptions (Madras and Mysore), every department has spent a smaller proportion of its receipts than it did last year.

The expenditure of a Registration Department is largely influenced by the costliness of its special machinery for registration and inspection. In some provinces not only does an Inspector-General give his whole time to the Registration Department, but he is assisted by other more or less highly paid officers whose duties are confined to the inspection of mofussil offices. On the other hand, in other parts of India, *e.g.*, in the North-Western Provinces, the Punjab, Central Provinces and Oudh, the Inspector-General is Superintendent of Excise, or of the

Stamps Department, or perhaps of both, and only a portion of his salary is debited to the Registration Department. Thus, while the Governments of Bombay and Bengal paid respectively Rupees 26,400* and Rupees 40,200 a-year for their inspecting officers, the North-Western Provinces Government paid only Rupees 12,000. This partly accounts for the very favorable proportion which the expenditure of the department in the North-Western Provinces bears to its receipts.

* In future the annual cost of special inspecting agency in Bombay will come up to Rupees 35,700.

5. And as to the registering agency, the system of remuneration is worth examining. In Bengal Sub-Divisional Officers and Deputy Collectors in charge of Registration Offices at sudder stations receive twenty-five per cent. of the fees realized by them, and they are not required to pay for their registration establishment. In other cases there are independent Sub-Registrars who provide their own offices and establishments, and who retain from 60 to 100 per cent. of the fees realized by them. And there are also twenty Special Sub-Registrars who hitherto have been paid Rupees 200 a-month on the fixed salary system; but with regard to these officers a scale of remuneration, partly by salary and partly by fees, has been sanctioned and is being introduced as opportunity occurs.

In the North-Western Provinces payment by fixed salary has been substituted for payment by percentage on the fees. The new system has been in force during the past year and during the last four months of 1871-72. It has been pronounced financially successful as far as can be judged from a comparison with the results of 1870-71.

In the Central Provinces the Sub-Registrars are paid by commission, except at Nagpur and Kamthi; the allowance, however, is only ten per cent. of the fees realized. In the Punjab the Government of India have lately sanctioned a proposal abolishing the system of remuneration by fees in the case of Tahsildar Sub-Registrars, and substituting for it a fixed monthly allowance to the extent of an addition of ten per cent. to their regular salaries. In Madras the commission system of remuneration prevails, and an extra allowance is made for establishments. In Bombay the system is a mixed one, the Sub-Registrars are paid partly by a fixed salary and partly by commission, and are required to provide their own establishments.

6. The Governor-General in Council trusts that although the registration receipts and expenditure have been made over to the Provincial Revenues, full regard will still be paid to the principle on which registration was established, *viz.*, that it should afford not a source of revenue but a safe method of verifying documents and checking fraud and litigation. With this view when the surplus receipts have risen to so high a percentage as appears to be the case in the North-Western Provinces, the Punjab and Berar, the fact would seem to point to the necessity of either reducing the fees or of increasing the machinery so as to make registration more generally and easily accessible to the people, or of otherwise making it more efficient. It is probable that the existence of such a surplus is in itself an indication of the healthy state of registration in the provinces where it may occur, but it is hardly possible that a reduction of cost or a larger extension or improvement of the existing machinery may not even in those provinces be

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carried out with great advantage to the people, and further advancement of the success of registration.

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No. 1512-B.

ORDER.—Ordered that a copy of the Resolution be circulated to the several Local Governments and Administrations, and to the Resident at Hyderabad.

(True Extract.)

(Signed) A. HOWELL,
*Offg. Secy. to the Govt. of India.*

*To the Government of Madras.*

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No. 35. ORDER THEREON, 5th April 1875, No. 780.

Communicated to the Inspector-General of Registration, to the Revenue Department, and to the Board of Revenue.

(True Extract.)

*Chief Secretary.*

To the Inspector-General of Registration.
" Revenue Department.
" Board of Revenue.

Exd. E. C. Shunker.

Revenue Department

Govt. of {1875} Madras.

JUDICIAL.

To

THE INSPECTOR-GENERAL OF REGISTRATION,

&c., &c., &c.

Dated April, 5th.

Issued — 14

Recd — 14.

G.O., 5th April 1875, No. 780.

APRIL.

Nos. 34-35.

*Registration Department.*—Resolution of the Government of India reviewing the reports of the administration of this department in the several Presidencies and Provinces during 1872-73, communicated to the Inspector-General of Registration and the Revenue Department.

No. 752

Lodged

15. April 75