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Regular
Miscellaneous No.

of 189 .

Revenue (189/) Department.

MISCELLANEOUS SERIES.

G.O., No. 2026

DATED 14th April '97

[Despatch Abstract.]

Recording, with remark, Porps of the
Board of Res modifying S.O. no 20. So as to
embodys^{the} rules for securing agreement
between ownership and revenue registry.

FOR WHAT CURRENT.

No.

Year.

To whom given.

When taken out.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
<i>Rev.</i>	<i>577-5784</i>	<i>Rev.</i>	<i>5-6-97</i>				
<i>G.O.</i>	<i>2889</i>	<i>Rev.</i>	<i>22-8-99</i>				
<i>G.O.</i>	<i>3040</i>	<i>Rev.</i>					

Revenue (1897) Department.

CURRENT No.



From

*The Board of
Revenue
Land Revenue*

Order

No. *69*

Dated *25 February 1897*

Received *30th*

Registered *31st*

Enclosures

Spare copies

SUBJECT.

*Coming to all collectors G.O.
approving the Board's pro-
posals for securing agreement
between owners and re-
venue registry and making
the necessary modification
in G.O. No 20 (new edition).*

*19
21/1/97*

BACK PAPERS.

G.O.	No.	Department.	Date.
	60 20.8	11-1-97	

FURTHER PAPERs.

G.O.	No.	Department.	Date.

BOARD OF REVENUE (LAND REVENUE), No. 69, 25TH FEBRUARY 1897.

PROCEEDINGS OF THE BOARD OF REVENUE (LAND REVENUE).

Read—the following Government Order, No. 20, Revenue, dated 11th January 1897:—

Read—the following Proceedings of the Board of Revenue (Land Revenue), No. 444, dated 27th November 1896:—

Read—replies to Board's Proceedings, No. 77, dated 27th February 1896, calling for the opinions of all Collectors on the question whether there are any objections to Tahsildars taking action on their own motion in cases of transfer of registry under paragraph 6 of Standing Order No. 20 and whether their work would be largely increased thereby.

Resolution—No. 444, dated 27th November 1896.

The papers read above contain the replies of Collectors to Board's Proceedings, No. 77, dated 27th February 1896, in which they were required to report whether there were any objections to Tahsildars being ordered to act on their own initiative in cases of disagreement between ownership and revenue registry falling under paragraph 6 of Standing Order No. 20, and whether they anticipate that the work of Tahsildars would be largely increased by such an order.

2. The Collectors' reports show that they are almost unanimous in the opinion that there are no objections to the introduction of the proposed rule. The Collector of Górávari, Mr. Brodie, on whose reference the Board's Proceedings was issued, practically withdraws his former warning as to the danger of such action on the part of Tahsildars giving rise to litigation. The Collector of Ganjám, Mr. C. J. Weir, states that the interference of Tahsildars should be strictly limited to cases where there is no dispute as to the transfer. Mr. Weir thinks that, whenever there is such a dispute and the transferee does not come forward to claim registry, it suggests a flaw in his title, and that such cases should be left alone. To enquire into the merits of such disputes would often be difficult and would moreover be foreign to the duties of a Revenue officer, and any decision arrived at would probably involve Government in litigation. Mr. Atkinson, the Collector of Kistna, thinks that, when parties know that Revenue officers will act on their own motion, they will themselves come forward with their applications and that agreement between ownership and revenue registry will do away with the numerous complaints regarding the sale of one man's property for arrears due by another. Mr. Bradley, the Collector of Coimbatore, observes that the omission to apply for transfer of registry is not due to wilfulness on the part of the ryots, but is rather the result of ignorance or indifference, and that, if their attention is drawn to the matter by Tahsildars, when on tour in villages, want of correspondence between ownership and revenue registry will be considerably reduced. The Collector of Tinnevely, Mr. Higgins, apprehends that there will be opportunities for fraud or for exaction on the part of village officers whose evidence will be material, but suggests that if the attendance of both the parties is secured, the chances of fraud will be minimised. Mr. Higgins proposes that the scheme may be introduced tentatively into one Revenue Inspector's division of each taluk.

The Collector of South Canara, Mr. Welsh, reports that a good deal has already been done in the direction desired under Mr. Wynne's orders. In Malabar there is no necessity for the application of the rule as transfers of registry will be completed along with the registration of janmam titles which is now being made. The same remark applies to the Nilgiri-Wynaad.

3. The only dissentient votes are those of Mr. Tate, Collector of Cuddapah, and Mr. Twigg, Collector of Madura. Mr. Tate bases his objection partly on the ground that Government would lose revenue in the shape of court-fees leviable on applications for transfer of patta. The Board, however, considers that the small sacrifice of revenue secured. If the proposed rule is to be adopted, Mr. Tate would not extend it to inam lands, as the order has already been misapplied in several cases in which lands were liable to escheat to Government. The Collector's difficulty is not understood. Transfer of registry cannot affect the claim of Government to escheat, and if transfers are made on defective enquiry, it is the duty of the Collector to take the necessary measures for rectifying the same. Mr. Twigg is in favour of the scheme in so far as it refers to cases under paragraph 6 of Standing Order No. 20 relating to "reputed Tahsildars *suo motu* would be inquisitorial.

The Collector of Trichinopoly also points out an objection which is based on the rule relating to increment remissions. The rule is that if a portion of the lands held at the revision disappears from a patta, the full assessment will be charged on the remaining lands and also on those that have passed from the patta. The Collector states that if Tahsildars are authorized to transfer, on their own motion, the registry of the whole or a portion of a holding from the patta of a ryot, the latter will become disintituled to the increment remission due to him. The Board does not look upon this as a serious objection, and disapproves entirely of the special rule, suggested by the Collector, to the effect that in such cases where the transfers are effected on grounds other than the voluntary requisition of the parties concerned, the title of the pattadars to the increment remissions should not be affected. The rule would have the effect of preventing applications for transfer of registry being voluntarily presented by the parties concerned, lest they might lose the benefit of increment remissions. Even as it now stands, the rule can be evaded by a collusive withholding of applications on the part of the alienor or the alienee; and when such cases are discovered, there is no reason for the continuance of the benefits wrongfully derived therefrom.

4. There can be no doubt that Tahsildars should take action of their own motion under paragraph 6 of Standing Order No. 20, but the Board considers that this will not by itself be sufficient to bring about the much needed agreement between owner-

- * (1) Voluntary transfers.
- (2) Compulsory transfers.
- (3) Transfers by Succession.

ship and revenue registry. Of the three classes * referred to in the Standing Order quoted above, it is only in the case of transfers by succession that Revenue officers are at present directed to take action on their own initiative immediately after the occasion for the transfer arises. In the other two classes of cases, viz., voluntary and compulsory transfers, transfer of registry is made only on the application of one or both of the parties, and as already noted, cases of reputed ownership for twelve years or more are marked out for special notice. But transfers under this last head will be but few, and unless Tahsildars are empowered to take action also in the two latter classes of cases even before the alienees have been in possession of the property for twelve years, agreement between ownership and revenue registry cannot be secured.

5. The above proposal will no doubt entail some additional work on Tahsildars; but the work is one which would probably devolve upon them at some time or other, either on the application of the parties or eventually after the alienees had been in possession of the lands for twelve years. The Board believes that in recent years the parties to alienations generally apply for transfer of revenue registry at the time of

execution or registration of deeds. The main difficulty consists in bringing on the register the names of persons who have come into possession under alienations made in the past, and these transfers can only be ascertained by Tahsildars obtaining from the village karnams lists showing cases of disagreement between ownership and revenue registry. Action can then be taken on these lists. As regards the future, karnams may be required to make out and submit as enclosures to village account No. 10 lists of cases in which the parties may have failed to submit the necessary applications. These lists should be placed before the Tahsildar at the jamabandi of each year in view to the necessary steps being taken.

It must be understood that the spontaneous action of Revenue officers in these matters should in all respects conform to the rules laid down for their guidance in similar cases which originate with the parties concerned. Notices to parties must therefore be given in all cases, and disputed cases will be left alone except where parties have been in possession as reputed owners for twelve years and in which the procedure prescribed in paragraph 6 of Standing Order No. 20 will be followed.

6. The above proposals will be submitted to Government for approval with reference to paragraph 9 of its Order No. 514, Revenue, dated 8th October 1896. On receipt of the orders of Government the Board will issue the necessary instructions to Collectors and embody the same in its Standing Orders.

(True Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department.

Order—No. 20, Revenue, dated 11th January 1897.

Miscellaneous.

The proposals made by the Board of Revenue in paragraphs 4 and 5 of its Proceedings read above are approved.

(True Extract.)

(Signed) G. STOKES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

RESOLUTION—No. 69, dated 25th February 1897.

Communicated to all Collectors for information and guidance.

2. Standing Order No. 20 (new edition) will be amplified as follows :—

(1) Between paragraphs 4 and 5 insert the following :—

"4-A. Clause (1) (a) of rule 3 and rule 4 above deal with cases of absolute transfers of title in which one or both of the parties concerned apply for change of registry. Cases in which neither of the parties presents any application should be noted by the karnam of the village on a list in the form given in the appendix. The list should be submitted to the taluk office before the jamabandi of each year as an enclosure to village account No. 10. The Tahsildar shall, on receipt thereof, issue notices to the pattadars and the transferees concerned; and in cases where, at the enquiry held thereon, both the parties to any transfer appear and consent to the change of registry, he shall order the registry to be altered accordingly. Where, however, only one of the parties appears with the documents specified in rule 4 and in clause (1) (a) of rule 3 above, fresh notices should be given and the cases dealt with as provided in those rules. Care should be taken that no change of registry is effected if either of the parties objects thereto; but where the transferee concerned has been in possession as a reputed owner for twelve years or more, the procedure prescribed in rule 6 below may be followed."

(2) At the end of paragraph 6 insert the following:—

"The action contemplated in this paragraph may be taken by the Revenue officers either on their own motion or on the applications presented by the parties concerned."

(True Copy and Extract.)

Secretary.

To all Collectors (———Tahsildars).
 „ the Secretary to Government, Revenue Department.
 Copy to the Settlement Department.

Exd. P. Seetharam.

APPENDIX.

STATEMENT showing cases of absolute transfers of title to land in which neither of the parties has applied for change of registry for fast!

Village.	Pattadar.		Transferee.		Particulars of the field alienated				Particulars of alienation whether by voluntary sale, decree of Court, &c.	Village officers' remarks.	Particulars of action taken in the Taluk office.
	Number	Name.	Number of patta, if any.	Name.	Survey number and letter of sub-division.	Extent.	Assessment.				
1	2	3	4	5	6	7	8	9	10	11	
						ACS.	CTS.	RS.	A P.		

REVENUE DEPARTMENT.

1897.

Board of Revenue
(Land Revenue),
MADRAS.

Printed March 26th.

Proceedings, No. 69, 25th February 1897.

Communicating to all Collectors Government Order approving the Board's proposals for securing agreement between ownership and revenue registry and making the necessary modifications in Standing Order No. 20 (new edition).

The Hon. Mr. Goss C. J. E.

11/4/97

28
11/4/97

Read. Cus. 2813 of 1897
"Lys. M. No. 2026 of 14 April 97
Recorded, with
the remark that for the
words "fresh notices should
be given and other cases dealt
with as provided in those
rules" occurring at the
end of the fifth sentence of
para 4 of the S. O. other
words, the cases should be
dealt with as provided for
similar cases in those rules
should be substituted.

AR
11/4/97

11/4/97

To the Board of Rev (L. R).
Res. 17-4-97

Note.

Clause 1 (a) of para 3
lays down that, if only one of the parties
appears with the necessary docu-
ments, the Officer concerned should
issue a notice in the dt Gazette
that the transfer of registry has
been

8/4/97

11/12/14

(22) $\frac{1}{2} \pi$

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N.B.—

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