

Revenue (1897) Department.

PRESS SERIES.

G.O., No. 20

DATED 11 January 1897

[Despatch Abstract.]

Approving Board's Proposal for securing
agreement between ownership & Revenue Regulate

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1897} of Madras. REVENUE.

Recd.

Enclosures

Regd.

1897.

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G.O., No. 20, 11th January 1897.

JANUARY.

Revenue Registry.

Approving the Board's proposals for securing agreement between ownership and —.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

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 Gódvári, 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 under this head will be more than compensated for by the administrative convenience 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 owners for twelve years or more," but thinks that in other cases the action of 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 authorised 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 disentitled 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 ownership 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

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

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).

Exd. A. F. Eccleston.

25 Copies.

REVENUE DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 20, REVENUE, DATED
11TH JANUARY 1897.

[SUBJECT.—*Registration of Rights.*]

*Proceedings of the Board of Revenue (Land Revenue), No. 444, dated
27th November 1896.*

To Secretary—

When lands are transferred by succession, the village accountant reports the cases for the orders of the Tahsildar, who directs the necessary change in the revenue registry to be made. In other cases of transfers, voluntary or compulsory, the Tahsildar takes no action until one or both the parties apply for a change of registry.

2. The Board proposes to go further and to authorise the Tahsildar to take action even without an application. The karnam will furnish the Tahsildar with a statement of cases in which ownership and revenue registry do not agree. The Tahsildar's action as now proposed will consist in sending notices to the owner and registered pattadar and if they agree, in ordering a change in the registry. If they do not agree, and there is a dispute the cases will be let alone, except when the reputed owner has been in possession for twelve years or more.

3. The Board's proposal amounts to this—the Tahsildar should, in addition to his other work, stir up every ryot who is interested in getting himself registered as a pattadar. It will not do to do this verbally while the Tahsildar is in the village; but he must issue written notices. It will be observed that this must increase work; but the Board considers it is work which must be done at some time or other by the Tahsildar.

4. It is submitted that the Board's proposed reform is not in the direction of removing unnecessary restrictions; but it is a piece of paternal legislation.

V.K.R.
20-12-96.

To the Hon'ble Mr. J. Grose, C.I.E.—

There can be no question, I think, of the expediency of securing agreement between the revenue registry and true ownership. The question is whether that expediency is so great as to make it worth while to order that the Government officers shall move *suo motu* in the matter. On the whole I think with the majority of Collectors that the balance of expediency is in favour of the course proposed by the Board and that no harm can come of it. It will often prevent shuffling and quibbling by sellers and by making purchases more secure will enhance the value of land. I doubt if it will give the village officer a greater opportunity than he has now.

G. STOKES.
23-12-96.

I think so, too. It will vastly facilitate both ordinary business, and revenue administration if ownership corresponds more with registry.

J. G[ROSE].
31-12-96.

2

Draft so.

To Secretary—

V.K.R.
4-1-97.

To the Hon'ble Sir. H. Bliss, C.I.E.—

Please see draft below.

I don't see any objection.

Issue.

[Issued as G.O., No. 20, Revenue, dated 11th January 1897.]

G.S.
4-1-97.

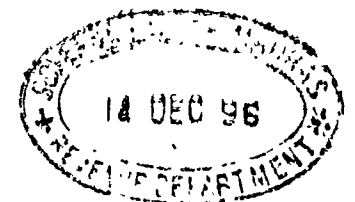
G.S.
5-1-97.

H. B[Bliss].
8-1-97.

G.S.
11-1-97.

Revenue
Public (1896) Department.

CURRENT No. 9251



From The Board of Revenue
Land Revenue
Madras

No. 444 Pres.

Dated 27 November 1896.

Received 14 — December 1896

Registered 16th December 1896

Enclosures

Spare copies

SUBJECT.

Submg to Govt. for approval
proposals regarding the
steps to be taken by Tahsils
for securing agreement
between ownership and
Revenue registers.

Handwritten: Please see draft below
8/1/97

Handwritten: The Hon. Mr. Bliss C.I.E.

Handwritten: Order (sent) 20. d/ 11th Jan^y 1897.

Handwritten: The proposals made by the Board of
Rev in its Order paras 4 & 5 of its Progs
read above are approved.

Handwritten: 11/1/97.

To the Board (L.O.)
Des 25-1-97 25
diss. from orders 2.

K.O.
4/1/97

Handwritten: 11/1/97.

Handwritten: I don't see any objection.

Handwritten: 8/1/97

Handwritten: 7/1/97

BACK PAPERS.

G.O.	No.	Department.	Date.
Lo	5148	8-10-96.	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

BOARD OF REVENUE (LAND REVENUE), No. 444, 27TH NOVEMBER 1896.

PROCEEDINGS OF THE BOARD OF REVENUE (LAND REVENUE).

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.

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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 Gōdāvari, 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 Ganjām, 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.

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applications for transfer of patta. The Board, however, considers that the small sacrifice of revenue under this head will be more than compensated for by the administrative convenience 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 owners for twelve years or more," but thinks that in other cases the action of Tahsildars *suo motu* would be inquisitorial.

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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 ownership 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

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- (2) Compulsory transfers.
- (3) Transfers by Succession.

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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.)

Secretary.

To the Secretary to Government, Revenue Department.

REVENUE DEPARTMENT.

1896.
Board of Revenue
(Land Revenue),
MADRAS.

Printed December th.

Proceedings, No. 444, 27th November 1896.

Submitting to Government for approval proposals regarding the steps to be taken by Tahsildars for securing agreement between ownership and revenue registry.

C no 9251 of 1896

For orders.

When lands are transferred by succession, the village accountant reports the cases for the orders of the Tahsildar, who directs the necessary change ^{to be made} in the revenue registry. In other cases of transfers, Voluntary or compulsory, the Tahsildar takes no action until one or both the parties apply for a change of registry.

2. The Board proposes to go further and to authorize the Tahsildar to take action even without an application (vide para 4 of the current, portion marked in pencil). The Karmam will furnish the Tahsildar with a statement of cases in which ownership and revenue registry don't agree. The Tahsildar's action as now proposed will ~~be~~ consist in sending notices to the owner and registered pattadar and if they agree, to order a change in the registry. If they don't agree and there is a dispute the cases will be let alone, except when parties ^{one} the reputed owner has been in possession for twelve years ~~or more~~.

3. The Tahsildar's Board's proposal amounts to this — The Tahsildar should, in addition to his other work, stir up every ryot who is interested in getting himself registered as a pattadar. It will not do to ^{do this verbally} tell the people while the Tahsildar is in the village, but he

No. Hm. No. June C. 22

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1896-11-27

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must issue written notices. It will be discussed that this must increase work; but the Board considers that it is work, which must be done at some time or other by the Jathildars.

4. It is submitted that the Board's proposed reform is not in the direction of removing unnecessary restrictions; but it is a piece of paternal legislation.

RD
20/12/96
This can be no further I think of the expediency of leaving argument between the revenue experts & the revenue. The question is whether that expediency is so great as to make it worth while to order that the Ent. Officer shall advise his master in the matter. On the whole I think with the majority of Cms that the balance of expediency is in favour of the course proposed by the W. and that no harm can come of it. It will stop the present shuffling & dribbling by letters and by ^{making} ~~making~~ purchases will balance the other hand. I doubt if it will give the village officer a greater opportunity than he has now.

W. J. J. S.

In the form of a letter to the Board

I think so, too. It will vastly facilitate the ordinary business of revenue administration of ownership correspondence with registry. Jg
31/12/96

Draft to
11/4/97

to be sent to the Board for consideration
to be sent to the Board for consideration
to be sent to the Board for consideration

by sent to Press.
ed for signature.
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IN G.O. No.
189

to C No.

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1. NY 11.

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