Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 1975

DATED 5th May 1898

[Despatch Abstract.]

Recording B.P. passing orders on letter from the Collector of Madras regarding printing and selling certain application forms on water-marked paper and furnishing the Collector with a copy of B.P. No: 4951, (Rep: Rev.) dy 12 November 1897 containing instructions regarding the method of working the notification prescribing the use of special water-marked paper.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (189 8) Department.

CURRENT No. 2761

5/157/98

Order issued. No. 1975 dated 5.5.98.

Recorded.

KD 24/4/98

To the Board of Rev (L.D.)

Despd. 9.5.98.

From Board of Revenue Land Revenue

No. 81.

Dated 24.3.98.

Received } 6th April.
Registered } 7-4-98

Enclosures —

Spare copies —

SUBJECT.

Passing orders on letter from the Collector of Madras regarding printing and selling of certain application forms on water-marked papers and furnishing the Collector with a copy of Board's Proceedings Nos. 495, (Sep: Rev.) dated 12th November 1897 containing instructions regarding the method of working the notification prescribing the special water-marked paper.

C2/5/98.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

REVENUE DEPARTMENT.

1898.

Board of Revenue

(Land Revenue),

MADRAS.

Printed April th.

Proceedings, No. 81, 24th March 1898.

MARCH.

Passing orders on letter from the Collector of Madras regarding printing and selling certain application forms on water-marked paper and furnishing the Collector with a copy of Board's Proceedings, No. 4951 (Separate Revenue), dated 12th November 1897, containing instructions regarding the method of working the notification prescribing the special water-marked paper.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—the following letter from J. N. ATKINSON, Esq., Acting Collector of Madras, to the Secretary to the Commissioners of Land Revenue, dated 7th March 1898, Ref. No. 837-G. and B. :—

In bringing into use the special water-marked paper recently supplied to this district as per correspondence ending with Board's Proceedings, No. 555 (Separate Revenue), dated 20th August last, the following special *forms have to be printed for supply to the public :—

*Specimens enclosed.

(*a*) Applications for copies of public documents.
(*b*) Do. for quit-rent certificates.
(*c*) Do. of objections to quit-rent certificates.
(*d*) Do. for pointing out the limits of private holdings.
(*e*) Income-tax objection petitions.

Forms (*a*) and (*e*) are now supplied to the public free of cost and the rest are sold at six pies each, and the proceeds credited to "XXIII Stationery and Printing." The Deputy Collector proposes, and I agree with him, that all these five forms may be printed on the water-marked paper and sold at six pies per form, of which three pies will cover the cost of paper and the remainder of printing; and the proceeds will accordingly go to the credit of "IV Stamps" and "XXIII Stationery and Printing" equally, the larger forms being compressed so as to fit in with the size of the paper. I have the honour to request the Board's sanction for the price above referred to.

2. I also request to be informed whether the statements put in under sections 9 and 10 of the Land Acquisition Act I of 1894, should, from and after the first proximo, be rejected, if not written on the special water-marked paper. I think they should not, as the ruling in question is only an administrative order not having the force of law and will not, therefore, be acted on by courts having to decide compensation cases.

RESOLUTION—No. 81, dated 24th March 1898.

The Board approves the Collector's proposal in paragraph 1 of his letter read above.

2. With reference to the question raised in paragraph 2 of the letter, the Collector will be informed that the notification prescribing the special water-marked paper applies only to plaints, petitions and similar documents and does not cover statements tendered under sections 9 and 10 of the Land Acquisition Act, 1894. The Collector

will also be furnished with a copy of Board's Proceedings, No. 4951 (Separate Revenue), dated 12th November 1897, containing instructions regarding the method of working the notification.

(True Copy and Extract.)

Secretary.

To the Secretary to Government, Revenue Department,
" Collector of Madras,
Copy to all other Collectors,
} with copy of Board's Proceedings, No. 4951 (Separate Revenue), dated 12th November 1897.

APPENDIX.

PROCEEDINGS of the Board of Revenue (Separate Revenue), Mis. No. 4951, dated 12th November 1897.

Read—the following letter from A. C. TATE, Esq., Collector of Cuddapah, to the Secretary to the Commissioner of Salt, Abkári and Separate Revenue, dated 27th August 1897, Ref. on Cur. No. 262-Rev. G. & B. :—

With reference to Board's Proceedings, No. 255 (Separate Revenue), dated 30th June 1897, I have the honour to state that I have informed the Superintendent of the amount of water-marked papers required.

2. But my attempt to satisfy myself that a refusal by a Revenue Court to accept a plaint not written on this particular kind of paper would be legal has resulted in failure, and I note that in the proposed draft notification the Board has not specified the authority under which the notification is proposed to be issued.

3. For suits under Act III of 1895, a rule framed by the Board under section 20 thereof might legalise the proposed action. Procedure under Act VIII of 1865 is similar to that in civil suits, and a rule made by the High Court under section 652 of the Civil Procedure Code is apparently necessary.

4. Besides this, the rules under the Stamp Act have the authority of the Government of India, and when plain paper is required in addition to impressed sheets for writing a document, the Government of India rule does not require that any particular kind of plain paper shall be so used, whereas the notification now proposed prescribes in all such cases a particular kind of plain paper.

5. I have the honour to place the above remarks before the Board for its consideration.

Read—the following letter from C. H. MOUNSEY, Esq., Collector and District Magistrate of Salem, to the Secretary to the Commissioner of Salt, Abkári and Separate Revenue, dated 27th September 1897, Ref. No. 1354-Cur. :—

In reference to Board's Proceedings, No. 355 (Separate Revenue), of the 20th August 1897, in regard to the introduction of water-marked paper, I have the honour to ask if my presumption is correct that the notification in no way applies to anything in the nature of an appeal in which the law allows one, or to cases of objection petitions in income-tax cases—in fact in all cases in which plaint to Revenue Courts are allowed by law.

2. I have some doubt if the restriction does not conflict with stamp rule 5 (*e*) of the Government of India framed under powers conferred by sections 9, 15, 17, 32, 51 and 56 of the Indian Stamp Act, 1879, which lays down that when "a single sheet is found insufficient . . . . so much plain paper may be subjoined thereto." This seems to lay no restriction upon the sort of plain paper that may be used, and is a Government of India notification.

3. I am afraid one of the consequences of the notification may be somewhat embarrassing to Government. I mean that notices of suits will be sent upon ordinary paper and if rejected and no enquiry made (which is what the parties would like), Government may often find themselves without any time to find out the true facts of a case and be unnecessarily saddled with law costs or lose their cases. Further, if a plaint be rejected as not written upon the paper in question and limitation consequently deprives the litigant of his legal remedy, what will be the result? Also section 13 of Act III of 1895 gives a right to any person to sue for certain village offices, &c. I am in doubt, if such a person will lose his right if he sues not writing his plaint on water-marked paper. I expect my doubts are misplaced as the system seems to be working in other provinces, but having them and wishing for instructions, I think it my duty to submit them to the Board of Revenue.

Resolution—Mis. No. 4951, dated 12th November 1897.

The Collectors of Salem and Cuddapah will be informed that although it is doubtful whether Revenue officers can reject an application or petition written upon paper sufficiently durable for record, merely because it is not written upon the special water-marked paper, there is no objection to their returning it if written upon paper obviously unfitted for the purpose. In so returning it they should add that paper of an approved quality can be obtained from any stamp vendor. The use of the paper cannot be legally enforced in purely Revenue offices, but every effort should be made to introduce it as widely as possible as such a measure cannot but conduce to the great convenience of the public generally.

(True Copy and Extract.)

(Signed) N. S. BRODIE,
Acting Secretary.

To the Collector of Salem.
" " of Cuddapah.

Exd. Shaik Karim.

When given for copying ____
When copied ____
When examined ____ } 189
When signed ____

READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT.							
STATEMENT WITH DITTO.							
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

N.B.—

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