

PRESS SERIES.

G.O., No. 212

Dated 19th April

[Despatch Abstract.]

Coming to the Hon. the Judges of the High Court, the Advocate-General and the Bd. of Rev. for favour of opinion, letter from the Govt. of India enquiring whether the Code of Civil Procedure should be amended so as to declare that standing crops shall be deemed to be movable property for the purposes of attachment or sale in execution of a decree or order of a Court, and that the crops of an agriculturist shall not be liable to attachment before Judgment.

BACK PAPERS.

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

FURTHER PAPERS.

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

J.
62
2,000-5-3-97

Revenue
Judicial (1898) Department.

SP 25/3

CURRENT No. ²⁴⁷⁸~~1319~~

21/3

From The Secy. of J.,
Home Dept.

Order
Endorsement No. 786. of 25th March 1898.

Transferred to the Rev.
separate.

Adm. Secy.

to Under Secy.

No. 297.

Dated 15th March 1898

Received 28/3 } 21st "
Registered 29/3 } "
Enclosures -

Spare copies 7.

SUBJECT.

Re: The Bill to provide for
relief of the agricultural class
incidental with Home Dept. letter
no. 23rd of 31st Oct '95, wh' dealt
with the question of the attachment
and sale of standing crops.

*Ans
25/3*

25/3/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT No. 1319.

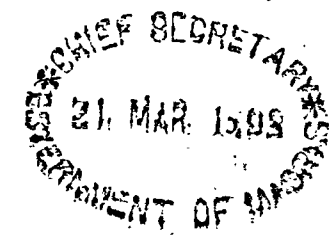
No. 297

FROM

J. P. HEWETT, Esq., C.I.E.,
Secretary to the Government of India.

TO

The Chief Secy. to the Govt. of Madras.



Home Department.
Judicial.

Calcutta, the 12th March 1898.

SIR,

I AM directed to invite attention to clause 24 (1) of the Bill to provide for the relief of the agricultural classes circulated with Home Department letter No. ^{24-Judicial} ₁₀₀₁₋₁₀₀₀ dated the 31st October 1895, which deals with the question of the attachment and sale of standing crops. That clause was devised to enact that, for the purposes of attachment and sale in execution of a decree or order of a Court, standing crops should be deemed to be moveable property; provided that not more than one-half of the standing crop of an agriculturalist should be attached or sold in execution, subject, however, always to the prior lien of the Government or of the landlord for the proportion of the revenue or rent due on account of the land on which such crop has been grown. An alternative proviso was suggested in the margin of the Bill, viz., that the Court or, when the decree is executed by the Revenue authorities, the Collector, should by order except from attachment and sale so much of the standing crop of an agriculturalist as it or he might determine to be required for seed grain and for the subsistence until the harvest next following of the agriculturalist, his family and his cattle. In the memorandum attached to the Bill the opinions of the Local Governments and Administrations were invited as to which of the provisos was considered preferable.

2. The proposal to declare standing crops to be moveable property for the purpose of sale and attachment has not been objected to, but both the provisos above mentioned have been opposed by most of the authorities consulted, and, in view of the character of the opposition to them, it seems to the Government of India that their further consideration must be dropped for the present. The Governor General in Council is, however, reluctant to abandon the attempt to obviate the hardships which exist under the present law in respect of the attachment and sale of standing crops. His Excellency in Council is advised that a simple declaration that standing crops are moveable property for the purposes in question will not effect completely the object in view. His Honour the Lieutenant-Governor and Chief Commissioner of the North-Western Provinces and Oudh has suggested as an additional measure necessary in the interests of the agricultural community that the attachment before judgment of crops, whether standing or on the threshing floor, should be prohibited.

3. It has been urged that an alteration of the law in this direction is urgent and that it could be effected by amendments in Chapters XIX and XXXIV of the Code of Civil Procedure.

In 80. 9-12-95
809 per
11/12/95
19.

4. I am to request that the Government of India may be favoured with the opinions of the Hon. Members in Council

and of such authorities as it may be considered necessary to consult whether the Code of Civil Procedure should be amended so as to declare that standing crops shall be deemed to be moveable property for the purposes of attachment or sale in execution of a decree or order of a Court, and that the crops of an agriculturalist, whether standing or on the threshing floor, shall not be liable to attachment before judgment.

5. I am to ask for an early reply to this reference.

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. Hewitt.

Secretary to the Govt. of India.

Letter from the Govt. of India, No. 297 D 15.3.98. (C. No. 2478)

G.O. No. 212 of 19th April 1898.

The letter read above will be communicated to the ^{the} Hon. Members of the High Court, the Director General and the Board of Revenue for favour of opinion. No favour of early reply is requested.

KD
19/4/98

19/4/8

To

The Hon. the Chief Justice with C. through the judicial rep. The Hon. the Director General the Board of Revenue (D. G. R.)

5

Government {1898} of Madras.
REVENUE.

Recd.

1898.

Enclosures

Regd.

Spare copies

G.O., No. 212, 19th April 1898.

APRIL.

Communicating to the Honourable the Judges of the High Court, the Advocate-General and the Board of Revenue, for favour of opinion, letter from the Government of India enquiring whether the Code of Civil Procedure should be amended so as to declare that standing crops shall be deemed to be moveable property for the purposes of attachment or sale in execution of a decree or order of a court, and that the crops of an agriculturist shall not be liable to attachment before judgment.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. P. HEWETT, Esq., C.I.E., Secretary to the Government of India, Home Department (Judicial), to the Chief Secretary to the Government of Madras, dated Calcutta, 15th March 1898, No. 297 :—

I am directed to invite attention to clause 21 (1) of the Bill to provide for the relief of the agricultural classes circulated with Home Department letter, No. 23-Judicial—1591-1600, dated the 31st October 1895, which deals with the question of the attachment and sale of standing crops. That clause was devised to enact that, for the purposes of attachment and sale in execution of a decree or order of a Court, standing crops should be deemed to be moveable property; provided that not more than one-half of the standing crop of an agriculturalist should be attached or sold in execution, subject, however, always to the prior lien of the Government or of the landlord for the proportion of the revenue or rent due on account of the land on which such crop has been grown. An alternative proviso was suggested in the margin of the Bill, viz., that the Court or, when the decree is executed by the Revenue authorities, the Collector, should by order except from attachment and sale so much of the standing crop of an agriculturalist as it or he might determine to be required for seed grain and for the subsistence until the harvest next following of the agriculturalist, his family and his cattle. In the memorandum attached to the Bill the opinions of the Local Governments and Administrations were invited as to which of the provisos was considered preferable.

2. The proposal to declare standing crops to be moveable property for the purpose of sale and attachment has not been objected to, but both the provisos above mentioned have been opposed by most of the authorities consulted, and, in view of the character of the opposition to them, it seems to the Government of India that their further consideration must be dropped for the present. The Governor-General in Council is, however, reluctant to abandon the attempt to obviate the hardships which exist under the present law in respect of the attachment and sale of standing crops. His Excellency in Council is advised that a simple declaration that standing crops are moveable property for the purposes in question will not effect completely the object in view. His Honour the Lieutenant-Governor and Chief Commissioner of the North-Western Provinces and Oudh has suggested as an additional measure necessary in the interests of the agricultural community that the attachment before judgment of crops, whether standing or on the threshing floor, should be prohibited.

3. It has been urged that an alteration of the law in this direction is urgent and that it could be effected by amendments in Chapters XIX and XXXIV of the Code of Civil Procedure.

4. I am to request that the Government of India may be favoured with the opinions of the Governor in Council and of such authorities as it may be considered necessary to consult whether the Code of Civil Procedure should be amended so as to declare that standing crops shall be deemed to be moveable property for the purposes of attachment or sale in execution of a decree or order of a Court, and that the crops of an agriculturalist, whether standing or on the threshing floor, shall not be liable to attachment before judgment.

5. I am to ask for an early reply to this reference.

Endt. No. 786, Judicial.

Transferred to the Revenue Department.

(Signed) A. R. KNAPP,
Ag. Under Secretary.

25th March 1898.

ORDER—No. 212, Revenue, dated 19th April 1898.

Miscellaneous.

The letter read above will be communicated to the Hon'ble the Judges of the High Court, the Advocate-General

and the Board of Revenue for favour of opinion.

2. The favour of an early reply is requested.

(True Extract.)

(Signed) G. S. FORBES,
Ag. Secretary to Government.

To the Hon'ble the Chief Justice,
through the Judicial Department.
„ the Hon'ble the Advocate-General.
„ the Board of Revenue (Land Revenue).

Encl. C. M. Thumbarawamy.

First copy sent to Press

Returned for signature

Despatched in print

EDWARD G. O. No.
150

REPLY No.

ENCLOSURE TO C. No.

NAME OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH PHOTO.

PAPERS NOT FILLED UP, BEING MEANT FOR REVISION
IN ORIGINAL.

NOTE—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.

NAME OF OFFICE
RETURNED

Under complete
Under only
Under complete and