

Revenue (1888) Department.

PRESS SERIES.

G.O., No. 243

Dated 29th April

[Despatch Abstract.]

Standing Order no. 31. A

Approving, subject to certain corrections,
the _____ regarding the acts of Guardians
for minors.

BACK PAPERS.

Revenue (1898) Department.

CURRENT No. 1522.

*Print run 20 No
affixed 6/11/98*

Read also Cuo. 2641 of 98

From the Board of Revenue,
(Land Revenue), Madras.

Order 11243 of 20th April 1898.

The ~~present~~ S.O. No. 31A

Submitted by the Board of Revenue

in its Proceedings read above

is approved ^{as revised by} Subject to

Certain verbal alterations.

KD
5/4/98

Sgt

No. 436 His

Dated 17th February 1898.

Received 21/2

Registered 22/2

Enclosures /

Spare copies

SUBJECT.

Passing orders on letter from the
Collector of Coimbatore regarding the
acceptance of relinquishments made
by guardians of minors in the District
and submitting to Government propo-
sals for the amendment of the Board's
Standing Orders on the subject.

To the Board of Revenue (Land Revenue)

BACK PAPERS.

G.O.	No.	Department.	Date.
107/13	15		50
Act VIII	17		1874
B.C. 129	29-5		74
" 1973	27		74
131 202	16-3		89

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Combatore Collectors' Office

25th January 98.

From a Buttenworth, Esq.,
actg Collector of Combature,
To The Secretary to the Commissioners of
Land Revenue, Madras
Ct. of letter from J. A. Cumming, Esq., Acting
Sub. Collector of Combature to the Collector
of Combature dated 16th January 1878 RoC No 257
of 1897.

I have the honour to make the following
reference for orders.

2. In its Proceedings No 1291 dated 29 May 1874
and 1973 dated 23 July 1874 the Board has
laid down that it would be unsafe to accept
and register the transfer or relinquishment by
minors' guardians of lands belonging to minors. This
order of the Board so far as it relates to the transfer
of land by the minors' guardians seems to have
been modified in its Proceedings No 202 L.R.
dated 16th March 1889 which authorises
such transfers under certain conditions, but
apparently, the rule regarding relinquishment
by such guardians remains unaltered. If this
presumption is correct the Board has wrongly
amended para. 8 of Board's S.O. No 31 which
relates to relinquishments instead of para. 8 of
S.O. No 20 which relates to transfer of
Registry of holdings. There has been a confusion.

Flag G.

118 -
Relinquishment

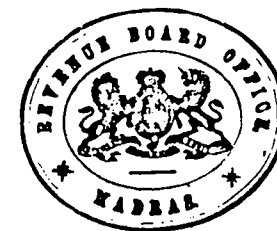
between transfer razzinamas & absolute relinquishments.

3. I make this reference because the Jaisildan of Bhavani wants to be instructed whether he can accept relinquishment by the minor's guardian in a case pending before him.

R.O.C. No 112 of 98 -
Rev.

True Copy submitted to the Board for favour of orders. I understand the Board's Proceedings dated 16th March 1889 No 202 L.R., to override the orders of 1874 & that applications for transfer of patta as well as relinquishments of land to Government may be accepted and acted upon when made by the guardian of a minor on his behalf. If this is correct Board's S.O. No 20 might be amended to make this clear.

P.W. Singh
for Acting Collector



Proceedings of the Board of Revenue
(Land Revenue)

No 486 His., dated 17th February 1898.

Read _____ endorsement of the Collector of Coimbatore, to the Secretary to the Commissioners of Land Revenue, Madras, Ref: on C. No 112/Rev. of 98, dated 25th January 1898.

-----&:-----

52
Resolution:----- With reference to the opinion expressed by the Collector in his endorsement read above, the Board observes that since the date of the Proceedings quoted, the Guardian and Wards Act (Act VIII of 1890) has become law. The only guardians who should henceforth be recognized by the Revenue officers as competent to deal with a minor's patta lands are such as have been duly appointed or declared to be guardians of a minor's property under chapter II of the Act.

2. Sections 23 and 29 of the act declare the ~~free~~ restrictions under which a guardian may transfer the immovable property of his ward, and transfers or relinquishments of any part of a minor's holding may be acted upon if made by his guardian in accordance with the said sections, and not otherwise.

3. Subject to the approval of Government, para 8 of Standing Order No 51 will now be cancelled and the following inserted as Standing Order No 51A.--

51A.---"Acts of guardians for minors."

"No guardians should be recognized by the Revenue officers as competent to deal with a minor's patta lands, except such as have been duly appointed or declared to be guardians

of a minor's property under chapter II of the Guardian and Wards Act (India Act VIII of 1890). Sections 23 and 29 of the act declare the restrictions under which a guardian may transfer the immovable property of his ward, and transfers or relinquishments of any part of a minor's holding may be acted upon if made by his guardian in accordance with the said sections, and not otherwise." If arrears accrue on such lands, the lands should be attached and leased out, if no (Circ Extract).

suitable tenant can be found, recommendation should be made that the arrears be waived. L. D. K. wa. m. k. a. n. n. u. 28 FEB 1898
Apt Secretary.

(vide C. No 2641)

To the Secretary to Government, R.D.,
with Collector's letter in original to be returned.
To the Collector of Coimbatore.

M.S.N.

Revenue (1898) Department.

CURRENT No. 2641

Order

From

The Board of Revenue
Madras.

Dep. No. 28.6

Dated 1st April 1898.

Received 2/4

Registered 4/4

Enclosures —

Spare copies

SUBJECT.

Requesting Govt. to make
certain addition at the
end of S. O. No 31A, Sug-
gested in para 3 of R.F.

486
17.2.98.

BACK PAPERS.

G.O.	No.	Department.	Date.

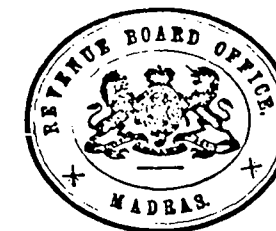
FURTHER PAPERS.

G.O.	No.	Department.	Date.

Reference on No. of 1893.

In replying the above should be quoted.

(LAND REVENUE.)



Reference No. 386 dated 1st April 1898.

It is requested that the following words may be added at the end of Standing Order No. 31A suggested in para 3 of B.P. 486 dated 17th Feb. 1898

" If arrears accrue on such lands, the lands should be attached and leased out; if no suitable tenant can be found recommendation should be made that the arrears be written off "

Receiv
Secretary

To
The Secretary to Govt. Rev. Dept.

B.P. No. ⁴⁸⁶ 17-2-98 & ³⁸⁶ 17-4-98
(C. Nos. 1522 & 2641)

To Secretary

The Board of Revenue proposes to substitute a new S.O. to be numbered 31.A in lieu of para 8 of S.O. No. 31. The proposed S.O., as amended by Cuo. 2641 is reproduced below with certain alterations made in red ink, which, it is thought, will meet with approval.

2. A draft order is put up on the docket sheet of the current month. 31.A. Acts of Guardians for Minors. Shall No. Guardian should be recognized by the Revenue officers as competent to deal with a minor's patta lands, except ~~such as have been~~ ^{a guardian} duly appointed or declared to

I suppose this will be a separate S.O. not a part of S.O. 31. If so 'shall' may be used. For it is not 'should', but should it not in para 5, 6 & 7 of S.O. 31. The other alterations are approved.

26/4/98

And further amended -
The Board's English is acceptable.

8/2

7/2

14/4/98

to be ^{the} guardian of a minor's
property under Chapter II
of the Guardian and Wards
Act (India Act VIII of 1890).
(Sections 28 and 29 of the
Act declare the restrictions
under which a guardian
may transfer the im-
movable property of his
ward, and transfers or
relinquishments of any
part of a minor's holding
^{shall be accepted unless}
may be acted upon if
made by his guardian
in accordance with the
said Sections, and not

otherwise. If arrears accrue,
or such lands the lands
^{shall}
should be attached and
leased out; if no suitable
tenant can be found, ~~then~~
~~otherwise~~, recommendation
should be made that
^{may be recommended to}
the arrears be written
off.

To: Secy

No. proposed S.O. will be a reference to the
and not a reference of S.O. 2/3; as the order is numbered 31A

KO

28/4/98

28/4/98

28/4/98

Proceedings of the Board Rev

NO. 1973. d/27th July, 1874

Read the following letter from A. Wedderburn Esq.,—
Collector of Coimbatore, to J. Grose Esq., Secretary to the Board of
Revenue, dated 17th June 1874, No. 144.

With reference to the Proceedings of the Board of —
Revenue, dated 29th May 1874, No. 1291, I have the honor to submit one
Copy of Head Asstt. Collr's letters No. 79 of the cases which necessi —
of 16th April, and No. 130 of 13th June 74. tated my reference to the
Board for instructions.

2. It will be seen by Mr. Underwood's letter (No. 130 of
13th June 1874) that the management of a minor ryot's property, of —
which the yearly assessment is Rupees 11.2.4 could not be advantagea —
geously taken under Government management.

3. I did not consider it necessary to specify in my —
letter of reference instances of what, by nature of things, is a not
uncommon occurrence.

Enclosure 1.

From W. G. Underwood Esq., Ag. Head Asstt. Collector, to
A. Wedderburn Esq., Collector, Coimbatore, dated Sooloor, 16th April 74,
No. 79.

I have the honor to refer the following case for —
orders.

2. Two minors (1) Munjundan and (2) Sinnon, have putta
for four fields in Tottambavee village, Coimbatore Taluq. Their mater
nal grand-father seems to act as guardian.

3. As they are unable to cultivate the land it is —
waste, and has been transferred by gift to one Desee by the guardian

4. The Tahsildar is in doubt if he can accept the raze
namah either from the minors themselves or the guardian.

5. As the land cannot be sold for arrears it will re
main waste, and no one will be able to make durbast for it unless
razeenamah is accepted.

From the same officer, dated Coimbatore, 13th June —
1874, No. 130.

With reference to Board's Proceedings No. 1291 dated

29th May 1874, and my former letter No. 79 dated 16th April 1874, on which the reference was made to the Board of Revenue, I have the honor to state that the yearly assessment of the land is Rupees 11.2.4.

2. The guardians of the minors have until now paid the assessment, but now declare their inability to do so longer.

3. Under the circumstances it seems to me that it would not be worth the while of Government to undertake the management, but I have the honor to request your instructions as to what course you would wish me to pursue.

4. In all probability the land would sell for very little after lying waste, as it would require a considerable outlay to bring it again under cultivation.

In the case described the Board do not think the Collector should accept and register a transfer or relinquishment by the Minor's guardian, but he may accept the kist from any one in possession, and if arrears accrue he can attach the land and let it out to any one who will take it. If no one will take it the arrears must be written off annually in the usual way.

/sd/ J. Grose
Secretary.

(True Copies)

K. S. Swaminathan
Asst. Secretary. 25 MAR 1898

Government {1898} of Madras. REVENUE.

Recd.

Regd.

1898.

Enclosures

Spare copies

G.O., No. 243, 29th April 1898.

APRIL.

Standing Order No. 31-A.

Approving, subject to certain corrections, the — regarding the acts of Guardians for Minors.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), Mis. No. 486, dated 17th February 1898:—

Read—the following letter from J. A. CUMMING, Esq., Acting Sub-Collector of Coimbatore, to the Collector of Coimbatore, dated 16th January 1898, Ref. on C. No. 251-Rev.:—

I have the honour to make the following reference for orders.

2. In its Proceedings, No. 1291, dated 29th May 1874, and No. 1973, dated 27th July 1874, the Board has laid down that it would be unsafe to accept and register the transfer or relinquishment by minors' guardians of lands belonging to minors. This order of the Board so far as it relates to the transfer of land by the minors' guardians seems to have been modified in its Proceedings, No. 202 (Land Revenue), dated 16th March 1889, which authorises such transfers under certain conditions, but apparently, the rule regarding relinquishment by such guardians remains unaltered. If this presumption is correct, the Board has wrongly amended paragraph 8 of Board's Standing Order, No. 31, which relates to relinquishments instead of paragraph 8 of Standing Order, No. 20, which relates to transfer of registry of holdings. There has been a confusion between transfer razinamas and absolute relinquishments.

3. I make this reference because the Tahsildar of Bhavani wants to be instructed whether he can accept relinquishment by the minor's guardian in a case pending before him.

Endorsement thereon by A. BUTTERWORTH, Esq., Acting Collector of Coimbatore, dated 25th January 1898, Ref. on C. No. 112-Rev.

True copy submitted to the Board for favour of orders. I understand the Board's Proceedings, No. 202 (Land Revenue), dated 16th March 1889, to override the orders of 1874, and that applications for transfer of patta as well as relinquishments of land to Government may be accepted and acted upon when made by the guardian of a minor on his behalf. If this is correct, Board's Standing Order, No. 20, might be amended to make this clear.

Resolution—Mis. No. 486, dated 17th February 1898.

With reference to the opinion expressed by the Collector in his endorsement read above, the Board observes that, since the date of the Proceedings quoted, the Guardian and Wards Act (Act VIII of 1890) has become law. The only guardians who should henceforth be recognized by the Revenue officers as competent to deal with a minor's patta lands are such as have been duly appointed or declared to be guardians of a minor's property under chapter II of the Act.

2. Sections 28 and 29 of the Act declare the restrictions under which a guardian may transfer the immoveable property of his ward, and transfers or relinquishments of any part of a minor's holding may be acted upon if made by his guardian in accordance with the said sections, and not otherwise.

3. Subject to the approval of Government, paragraph 8 of Standing Order, No. 31, will now be cancelled and the following inserted as Standing Order No. 31-A:—

“31-A. *Acts of Guardians for Minors.*—No guardians should be recognized by the Revenue officers as competent to deal with a minor's patta lands, except such as have been duly appointed or declared to be guardians of a minor's property under chapter II of the Guardian and Wards Act (India Act VIII of 1890). Sections 28 and 29 of the Act, declare the restrictions under which a guardian may transfer the immoveable property of his ward and transfers or relinquishments of any part of a minor's holding may be acted upon if made by his guardian in accordance with the said sections and not otherwise.”

(True Copies and Extract.)

(Signed) L. D. SWAMIKANNU,
Assistant Secretary.

To the Secretary to Government, Revenue Department,
with Collector's letter, in original, to be returned.
Collector of Coimbatore.

READ—also Reference from the Board of Revenue (Land Revenue), No. 386, dated 1st April 1898.

It is requested that the following words may be added at the end of Standing Order, No. 31-A, suggested in paragraph 3 of Board's Proceedings, No. 486, dated 17th February 1898:—

“If arrears accrue on such lands, the lands should be attached and leased out; if no suitable tenant can be found, recommendation should be made that the arrears be written off.”

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

To the Secretary to Government, Revenue Department.

ORDER—No. 243, Revenue, dated 29th April 1898.

Miscellaneous.

The Standing Order, No. 31-A, submitted by the Board of Revenue in its Proceedings read above is approved as revised by Government.

(True Extract.)

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

To the Board of Revenue (Land Revenue).

APPENDIX.

“31-A. *Acts of Guardians for Minors.*—No guardian shall be recognized by a Revenue officer as competent to deal with a minor's patta lands, except a guardian duly appointed or declared to be the guardian of a minor's property under Chapter II of the Guardian and Wards Act (VIII of 1890—India). And no transfer or relinquishment of any part of a minor's holding shall be accepted unless made by his guardian in accordance with sections 28 and 29 of the Act. If arrears accrue, the lands shall be attached and leased out; if no suitable tenant can be found, the arrears may be recommended to be written off.”

For A. Shuk Karim.

20 Copies.

Final copy sent to Press

Revised for signature

Revised in print

READ AGAIN O. G. No.
123

RECEIVED NO.

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