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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 482 Press Mis.

17-18

Dated 3-3- 1875.

617

Not to be folded or roughly handled

Lands.

No. 17. Read the following Proceedings of the Board of Revenue, dated 19th February 1875, No. 395:—

Read the following:—

Proceedings of the Madras Government, dated 9th May 1873, No. 471, Public Department.

ABSTRACT.—Passing orders in connection with the Draft Order of the Government of India modifying the existing rules in the Code of Regulations of the Public Works Department relative to the taking up of land for public purposes in accordance with the provisions of the Land Acquisition Act X. of 1870.

———

Proceedings of the Madras Government, dated 14th August 1874, No. 1,024, Revenue Department.

ABSTRACT.—*Rate of Compensation to be allowed for Lands taken up for Railway or other Public Purposes.*—Forwarding to Board of Revenue, for their observations, letter from the Government of India regarding the —.

———

Proceedings of the Madras Government, dated 8th January 1875, No. 25, Revenue Department.

ABSTRACT.—*Land benefited by a Canal or other Work which may be required for a Subsidiary Work.*—Communicating to the Board of Revenue, for report, letter from Government of India asking for suggestions as to the best means of meeting the difficulty in granting compensation for —.

———

THESE orders refer to the manner in which land wanted for public purposes is to be obtained and the price settled.

2. From the *first* it appears that the Government of India have laid down a rule that when land is wanted for public purposes an estimate of its value is to be prepared and sanctioned, and the land is then to be taken up under Act X. of 1870. The Board are directed to revise the rules now in force in this Presidency as to the procedure observed in taking up land for public purposes, with reference to Section 59, Act X. of 1870.

3. From the *second* it appears that the Government of India are strongly impressed with the importance of great promptitude in settling for lands required for public purposes, and they suggest that District Officers should settle with proprietors the rate of compensation per acre for each well-established class of soil before the work commences and ground is broken.

4. From the *third* it appears that the Secretary of State thinks it would be equitable to legislate so as to prevent the charge of enhanced value on land wanted for completing a set of works when its value has been increased in consequence of the work already accomplished.

5. Government have pronounced the rule framed by the Government of India consistent with those now in force, but there is this difference: the rule

makes the resort to Act X. of 1870 applicable to all cases, though it is now applicable only to cases in which attempts to come to terms with proprietors fail. The Board are strongly of opinion that no change in this respect is advisable. The procedure at present is for the Collector or an officer appointed to the special duty to arrange with the proprietors, one by one, keeping recourse to Act X. of 1870 as a threat to compel reasonable terms, and it is working well. The acquisition of land is easy and rapid. Time is saved when the formalities of the Act are dispensed with. The possibility of an appeal to the Courts, which is a favorite amusement of the people, is kept out of sight. There is no reason to believe that a higher price is paid.

6. There is a great deal to be done in the way of ensuring greater promptitude in settling for lands required for public purposes, but administrative measures are all that is required. The existing rules are strong enough.

7. There is no need of the legislation suggested by the Secretary of State so far as this Presidency is concerned, and the Board are disposed to deprecate it.

8. With regard to Section 59, Act X. of 1870, the Board submit that no new rules are required, that it is unnecessary to give the rules now in existence the force of law, and that it is inexpedient to invest them with a character which would prevent their being altered or added to without a reference to the Governor-General in Council.

(A true Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 18. ORDER THEREON, 3rd March 1875, No. 482.

To be recorded.

(True Extract.)

W. HUDLESTON,
Chief Secretary.

To the Board of Revenue.
,, Revenue Department.

Exd. J. H. Burns.

Govt. of [1875] Madras.

FINANCIAL.

To

THE BOARD OF REVENUE,
&c., &c., &c.

Dated March 3rd.

Issued

Recd. *Mail.*

G.O., 3rd March 1875, *No.* 482

MARCH.
Nos. 17-18.

Lands.—The opinion of the Board of Revenue, that the rules now in force regarding the manner in which lands required for public purposes are taken up and compensation settled for them require no change, recorded.

No. 395.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th February 1875.

Read the following :—

Proceedings of the Madras Government, dated 9th May 1873, No. 471, Public Department.

ABSTRACT.—Passing orders in connection with the Draft Order of the Government of India modifying the existing rules in the Code of Regulations of the Public Works Department relative to the taking up of land for public purposes in accordance with the provisions of the Land Acquisition Act X. of 1870.

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2. From the *first* it appears that the Government of India have laid down a rule that when land is wanted for public purposes an estimate of its value is to be prepared and sanctioned, and the land is then to be taken up under Act X. of 1870. The Board are directed to revise the rules now in force in this Presidency as to the procedure observed in taking up land for public purposes, with reference to Section 59, Act X. of 1870.

3. From the *second* it appears that the Government of India are strongly impressed with the importance of great promptitude in settling for lands required for public purposes, and they suggest that District Officers should settle with proprietors the rate of compensation per acre for each well-established class of soil before the work commences and ground is broken.

4. From the *third* it appears that the Secretary of State thinks it would be equitable to legislate so as to prevent the charge of enhanced value on land wanted for completing a set of works when its value has been increased in consequence of the work already accomplished.

5. Government have pronounced the rule framed by the Government of India consistent with those now in force, but there is this difference: the rule makes the resort to Act X. of 1870 applicable to all cases, though it is now applicable only to cases in which attempts to come to terms with proprietors fail. The Board are strongly of opinion that no change in this respect is advisable. The procedure at present is for the Collector or an officer appointed to the special

duty to arrange with the proprietors, one by one, keeping recourse to Act X. of 1870 as a threat to compel reasonable terms, and it is working well. The acquisition of land is easy and rapid. Time is saved when the formalities of the Act are dispensed with. The possibility of an appeal to the Courts, which is a favorite amusement of the people, is kept out of sight. There is no reason to believe that a higher price is paid.

6. There is a great deal to be done in the way of ensuring greater promptitude in settling for lands required for public purposes, but administrative measures are all that is required. The existing rules are strong enough.

7. There is no need of the legislation suggested by the Secretary of State so far as this Presidency is concerned, and the Board are disposed to deprecate it.

8. With regard to Section 59, Act X. of 1870, the Board submit that no new rules are required, that it is unnecessary to give the rules now in existence the force of law, and that it is inexpedient to invest them with a character which would prevent their being altered or added to without a reference to the Governor-General in Council.

(A true Extract.)

H Eltons

Acting Secretary.

To the Acting Secretary to Government, Revenue Department.
,, the Acting Chief Secretary to Government, Public Department.

Exd. W. H. French.

Pub. P. Cons. 3 Sep 25-25
es. Sept 25 — 1422 &
Rev. P. 8 Sept 25 1457.

3rd March 1875, No. 482.

His Governor in Council agrees with the Board.

25/2/75

To the Board of Revenue
Revenue Department
Dcated 1/3

25/2/75

His Excellency the Governor in Council.

1875.

Board of Revenue,

MADRAS.

Proceedings 19th February 1875, No. 395.

Despatch to Secretary of State.

Encl

Received 26th March 1875.

FEBRUARY.

No. 395.

Lands—taken up for public purposes in the Madras Presidency.—Opinion expressed that the rules now in force, regarding the manner in which lands required for public purposes are taken up and compensation settled for them, require no change.

Govt. of Madras.

Finl

G. O., 3rd Mch., 1876, No. 482

Nos. 17-18.

Lands. Concurrence expressed in the opinion of the Bd. of Revenue that the rules now in force regarding the manner in which lands req^d for public purposes are taken up, & compensation settled for them, requires no change.