M.R.O. 1—39,000—16-10-39.

MADRAS RECORD OFFICE.

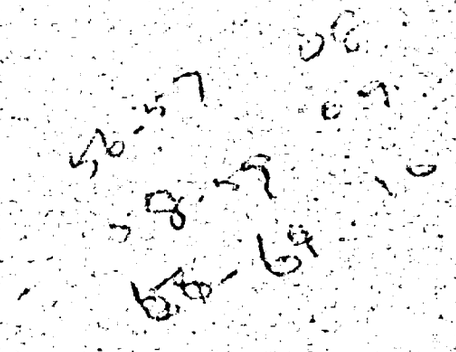
Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	1607	Press / Mis.
55-56. Dated	7-11-	19 1864

3/4

Not to be folded or roughly handled



Proceedings of the Madras Government, Judicial Department, 7th November 1864.

No. 55. Read the following Proceedings of Government in the Financial Department, dated 28th October 1864, No. 551.

Communicating the orders of the Government of India respecting the Budget provision and the payment for lands taken up for public purposes. } (Vide Proceedings Financial Department, dated 28th Oct. 1864, Nos. 68 & 69.)

No. 56. ORDER THEREON, 7th November 1864, No. 1607.

To be recorded.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. Cartledge.

No. 63. Read the following Extract from the Proceedings of the Government of India in the Financial Department, dated Simla, 7th October 1864, No. 2833.

Read an endorsement of the Government of the North-Western Provinces, No. 3900A., dated 31st August 1864, forwarding for information a letter to the Deputy Auditor and Accountant General of those Provinces, laying down or approving of the following rules, subsidiary to the orders in the Financial Resolution, No. 1090, dated 6th July 1864, regarding the Budget provision and the payment for lands taken up for public purposes, viz :—

I.—That the cost of purchasing outright, by a cash payment, as distinguished from annual compensation, lands required for works to be constructed—

	Shall be provided for in the Estimate of
1. From Local Funds.	1. Local Funds under "Debt."
2. By the Public Works Department, for the Educational Department.	2. The Public Works Department.
3. For the Educational Department by itself, or through other agency than the Public Works Department.	3. The Educational Department, under F. V.
4. For any other Department, except the Military, by Public Works Agency.	4. The Public Works Department.
5. For any other Department, except the Military, by other than Public Works Agency.	5. In the Civil Estimates under E, as additional to the Public Works allotment for the Provinces.
6. For the Military Department, by Public Works Agency.	6. In the Public Works Budget.
7. For the Military Department, without Public Works Agency.	7. In the Military Estimates.

II.—That the foregoing charges, when not debitable to the Public Works Budget, should be adjusted under the audit of the officer who passes expenses against the estimate on which the charge may be provided for.

III.—That the annual rent for any lands taken up for public purposes will be paid by the Public Works Department only, for buildings on occupation by itself, or which are in course of construction through its agency; but that for all other buildings, including those finished and made over by the Public Works Department, the rent will be provided for in the estimates of the Department which occupies the buildings, as a charge of the Department, and not as one appertaining necessarily to Public Works.

Resolution.—The Governor General in Council is pleased to approve of these rules, on the understanding that the cost of lands for buildings to be constructed by Civil officers who may act as Public Works Disbursers will be provided for in the Public Works Budget, and with a reservation regarding the instructions for the treatment of the cost of land, or the cost of buildings taken up for military purposes.

2. With the probable exceptions of land required for the Stud Department, or for Military Cantonments, it can rarely happen that land will be taken by the military authorities, excepting through the instrumentality of the Public Works Department. All possible cases cannot be defined beforehand. The inquiry would entail a long fruitless correspondence.

3. The rent of buildings used for barrack purposes is paid by the Public Works Department, but under a specific order of the Government of India in the Military Department, as the solitary exception to the rule, that the Department which occupies buildings should pay any rent for them.

4. While sanctioning with these qualifying remarks the rules laid down by the Government of the North-Western Provinces, the Governor General in Council observes that the annual compensation, in the form of rent for lands taken for public purposes, may be either a compensation for proprietory right in the land, or in satisfaction of a claim by the Revenue Department for Government ground rent, which may have been remitted on the settlement with the proprietor of the estate from which the lands were taken, or which may be otherwise charged by the Revenue Department to the Department occupying the lands. In the latter case, there should be no charge against any Department which is maintained from the general revenues; in the former case, an annual compensation for the proprietory right should be the last resort. Where

ever practicable, the Land should be purchased outright by the payment of a lump sum in quittance of all claims. The growth of charges for annual compensation should be carefully watched by the Local Governments and Administrations, who will doubtless keep up such a register of the lands appropriated for public purposes for which rent or annual compensation may cease to be paid under the foregoing orders, as will keep the lands in view and ensure their being turned to account whenever the area of ground attached to the buildings or cantonments for which the lands are appropriated may be reduced.

Ordered that a copy of this Resolution be communicated to the Public Works and Military Departments, and to all the Local Governments and Administrations.

2. Also, to the Auditor General and Accountant General, and the several Deputy Auditor and Accountants General, and Civil Paymasters.

(True Extract.)

(Signed) E. H. LUSHINGTON,
Secy. to the Govt. of India.

No. 69. ORDER THEREON, 28th October 1864, No. 551.
Communicated to the several Departments of the Secretariat.
(True Extract.)

G. J. Cumberlege
Chief Secretary.

To the Judicial Department.

List of Letters

Proceedings of Govt. Financial
Dept. 28th Oct. 1864.
No. 69.

Paid 28th Feb. 1865.
Rs. 2 3 7 1/2.

Rs. 22 12

Communicated to the Public Works,
Mil. Dept. of the Govt., &c.,
&c., &c., &c., by forwarding
a copy of the Resolution;
and to the Auditor General,
Accountant General, &c., &c.,
&c., for information.

No. 1609 — 7 Feb. 1865.
To be recorded.

55. 57.

Ed. H. Cartledge