

Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No 1406

Dated. 5th July 1895

INDEXED.

[Despatch Abstract.]

LAND ACQUISITION ACT I OF 1894.

Communicating to the Hon. the Judges of the High Court, for necessary action, letter from the Government of India requesting that instructions may be issued for the guidance of the courts concerned in this Presidency for giving effect to its orders in regard to payments into court of compensation money for land taken up for public purposes under the---

BACK PAPERS.

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

FURTHER PAPERS.

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5TH JULY 1895, No. 1406, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

From C. H. A. HILL, Esq., Officiating Under Secretary to the Government of India, Home Department (Judicial), to the Chief Secretary to the Government of Madras, dated Simla, the 17th June 1895, No. 13 Judicial-926.

I am directed to invite attention to paragraphs 9, 10 and 21 of the Resolution of the Finance and Commerce Department noted in the margin, prescribing rules regarding the payment of compensation for land taken up for public purposes under the Land Acquisition Act, I of 1894 ; and to request that, with the permission of His Excellency the Governor in Council, the High Court at Madras may be moved to issue instructions for the guidance of the Courts concerned in the Madras Presidency for giving effect to the orders of the Government of India in regard to payments into Court of compensation-money for deposit under the Act and the investment of such deposits. It appears to the Government of India that the necessary instructions might advantageously be drawn up in consultation with the Accountant-General, Madras, and I am to request that this may be suggested to the Chief Justice and Judges of the High Court at Madras.

ENCLOSURE.

Resolution of the Government of India, Finance and Commerce Department (Accounts and Finance—Rules and General Matters), dated Simla, the 10th May 1895, No. 2209-A.

Read again—

Resolution No. 1580, dated 29th June 1886, prescribing the procedure for the payment of compensation for land taken up for public purposes.

Resolution—The Land Acquisition Act, X of 1870, having recently been amended as Act I of 1894, the following rules regarding the payment of compensation for land taken up for public purposes under the Act, are substituted for those published in the Resolution of 29th June 1886 read in the preamble.

Land Acquisition Officers.

2. After all preliminaries in respect to estimate, etc., that may be required under departmental rules in force for the time being have been duly carried out, the land will be taken up under the Act either by the Collector or by some special officer who is placed at the disposal of the Public Works Department, and invested with the powers of a Collector under the Act ; the procedure differs in the two cases.

Procedure of Special Officers appointed under the Act.

3. Officers who are specially employed for this work, being invested with the powers of a Collector under the Act and placed at the disposal of the Public Works Department, are regarded as Public Works disbursers, and are supplied with funds in the manner prescribed in article 467 of the Civil Account Code. The following procedure shall be observed by such officers.

4. When an award is made under section 11 of the Act, the officer shall have a statement prepared in the appended form (marked A) showing the amounts payable to each person under the award, and shall, on the day the award is made, forward a copy of the statement, signed by himself, to the Examiner of Public Works Accounts with whom he is in account. Before signing the copy, the officer should carefully satisfy himself that it correctly shows the amounts due under the award, and should himself enter the total of column 6 of the statement in words both in the original and copy. A subsidiary statement in form A A giving particulars regarding the acceptance, by the persons concerned, of the amounts entered in column 6 of the award statement should also be furnished to the Examiner as soon as possible. If the subsidiary statement is not complete on the day that the award is made, the necessary entries in column 7 of statement A will be made in the Examiner's office on receipt of the statement in form A A.

5. In cases where an award has been made by a court under section 26 of the Act, a second award statement should be prepared in the accompanying form (marked B) by the land acquisition officer as soon as the decision of the court is ascertained, and a copy thereof forwarded to the Examiner of Public Works Accounts. On receipt of this statement, the Examiner will proceed to check the entries in columns 1 to 4 with the original award by the officer.

6. Any change in the apportionment of the officer's award made by a court under section 30 of the Act, should also similarly be communicated to the Examiner for the necessary corrections in the award statement. And if under section 31 (3) of the Act, it has been arranged to grant a compensation otherwise than in cash, the nature of such compensation should be clearly specified in the column of remarks in the award statement.

7. Under section 12 (2) of the Act the officer is required to give notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made. When the compensation awarded is either accepted by the persons entitled thereto according to the award, or is not objected to under section 18 (1) of the Act, or when the persons admitted to be interested agree to receive payment under protest as to the sufficiency of the amount, the officer makes payment to the payees direct. In all other cases the officer deposits the amount of the compensation in a civil court as provided in section 31 (2) of the Act. The officer should, as far as possible, arrange to make the payments due in or near the village to which the payees belong, in order that the number of undischarged sums to be placed in deposit on account of non-attendance may be reduced to a minimum.

8. In making direct payments to the persons interested under the award, the officer shall take the receipt of each person to whom money is paid on a separate voucher in the accompanying form (marked C), containing a reference to the item showing the amount due to that person in the statement prescribed in paragraph 4. In cases where payments are made to a number of persons under a single award, an acquittance roll in form C C may be substituted for separate receipts in form C. The officer shall forward the separate receipts of the payees or the acquittance roll, as the case may be, to the Examiner of Public Works Accounts with whom he is in account, when forwarding to him the account of the month in which the payments are made.

9. All payments into court for deposit under the Act should be made by means of cheques in favour of the presiding officer of the court, payable by order of the court to credit of civil court deposits. The cheques should be accompanied with receipts, in triplicate, in form D duly filled up, of which one will be retained by the court for record, and the other two returned duly signed to the Collector, who will keep one copy and forward the other to the Examiner of Public Works Accounts with the accounts of the month in which the payments are made. Payments of the amounts deposited shall be made under the rules for the payment of civil court deposits.

10. When a court has awarded any compensation in excess of the officer's award, the further payment due, as entered in column 6 of the award statement in form B, should be made into the court by means of a cheque, and the procedure described in

the preceding paragraph should be followed, form D being used with the necessary changes to give full particulars of the order of the court.

11. A Local Government may authorize any particular land acquisition officer to make all or any of his payments by cheques, provided no inconvenience is caused thereby to the payees in consequence of the property being situated at a distance from the treasury. The use of cheques should be safe-guarded by a strict observance of the following rules:—

- (1) Every cheque-book should contain a certain number of cheques, with consecutive printed numbers, and each book should contain its own serial number.
- (2) The serial number of the cheque-book, and the number of cheques it contains, should be reported to the treasury officer before the book is brought into use.
- (3) The cheque-book should be kept under lock and key by the land acquisition officer himself.
- (4) The cheques should be filled up by the land acquisition officer, with his own hand, in words as well as figures, and cheques should be enfaced "under Rs."
- (5) A periodical examination of pass-books from the treasury with the counterfoils of the cheque-book should be made by the land acquisition officer himself.

Payments under the Act after the special officer is relieved of his special duties.

12. In any case in which a reference is made to the civil court, and the award of the court is not made till after the special officer has been relieved of his special duties, the further payments due under the award shall be made by the Collector, who will observe the same procedure as if the reference to the civil court had been made by himself, as prescribed in paragraphs 9 and 10 above.

Procedure of Collector or other civil officer not specially employed for land acquisition.

13. When the land is taken up by the Collector or other civil officer not specially employed for the work, such Collector or civil officer is not a Public Works disburser, but draws money for payment due under his award from the civil treasury. Such Collector or civil officer shall, as soon as he makes the award, or as soon as he ascertains that an award has been made by the civil court, prepare a statement in form A or B or in both, as the case may be, showing the amounts due, and forward a copy thereof to the Examiner of Public Works Accounts concerned in the manner prescribed in paragraphs 4 and 5. Additions and alterations in the award statement should also be communicated to the Examiner as prescribed in paragraph 6, and a subsidiary statement in form A A should, if necessary, be furnished as laid down in paragraph 4. The procedure laid down in paragraph 7 should also be observed by such Collector or civil officer.

14. In making the payments due under the award, the Collector shall take from each person to whom payment is made a receipt in form C, containing a reference to the particular entry in the award showing the amount due to the payee. In the case of payments to a number of persons under a single award, an acquittance roll may be substituted for separate receipts as laid down in paragraph 8. These receipts will be the treasury officer's vouchers for the payments, and shall be forwarded by him with the accounts of the month to the Accountant-General of the province, who will in ordinary course forward them to the Examiner of Public Works Accounts. For payments into civil courts the procedure laid down in paragraphs 9 and 10 should be observed.

15. The treasury officer has no concern with the award or with the award statement; he makes the payments on the authority of the Collector, or other officer assessing compensation. The Collector may either draw the amount to be disbursed to each payee separately, in which case he should countersign the receipt in form C, and make it payable at the treasury to the payee, altering the words "paid in my

presence ^{in cash} to "pay"; or he may draw the total amount to be disbursed by him under the award on his own receipt as an advance, and after making the payments forward the receipts of the payees to the treasury officer in adjustment of the advance. In the former case, an advice list of the forms passed for payment should be sent to the treasury officer, who in turn should send weekly an advice of orders paid.

Audit by Account Officers.

16. Whether the payment is made by a special officer or by the Collector (or other civil officer), the audit of the Examiner of Public Works Accounts shall consist in seeing that every payment is supported by a receipt in form C or D, and that the amount paid on such receipt is the amount payable under the award, as shown in the statement of which he will have received copies under the preceding orders. The Examiner will also note in the last column of form A the date on which possession is taken, as reported to him by the Executive Engineer or other officer.

17. The Examiner will, as he receives the vouchers, fill in the entries in the appropriate columns of the award statements (forms A and B); and as he receives the reports of possession, he will fill in the entries in column 10 of the statement in form A: when all the vouchers showing either payment to the payee or payment into the court on deposit and the reports of possession have been received, he will forward a copy of the completed statements in forms A, A A, and B to the chief Revenue authority. This will complete the audit of the Examiner; any other or further returns or reports from the officers who assess or pay compensation will be disposed of by the chief Revenue authority without reference to the Examiner.

18. When the land is acquired for and the cost is debitable to the Military Works Department, the procedure above laid down will be observed, the Examiner of Military Works Accounts being substituted for the Examiner of Public Works Accounts.

19. When the land is acquired for and the cost is debitable to any other department than the Public Works Department or Military Works Department, the procedure will also be the same, the Account officer who will audit the payments being substituted for the Examiner of Public Works Accounts.

Procedure when no money Compensation is paid.

20. In cases in which compensation is granted in the shape of other land in exchange, or remission of revenue, as provided in section 31 (3) of the Act, and the land is acquired for Government purposes, no adjustment of the value of the land given in exchange will be required, unless it is separately purchased by Government. If, however, the land is acquired for a body financially independent of Government, the value of the Government land given in exchange, and the capitalized value of the abatement of land revenue should be charged against advances of funds (paragraph 22) made by that body.

Investment of Compensation money deposited in Court.

21. Investments under sections 32 and 33 of the Act of money deposited in court should be arranged for, in the case of purchase of Government securities, in communication between the court and the Civil Accountant-General concerned, and purchases of land should be effected under the court's orders through the Collector or other Revenue authority of the province. The Accountant-General will inform the court what sum should be remitted to enable him to make the investment, and this amount will be paid from the deposits in court.

Audit, adjustment and recovery of payments on behalf of bodies financially independent of Government.

22. In any case in which land is acquired for a municipality or other body financially independent of Government, the Local Government may direct that the payments, instead of being made and audited in the same manner as the ordinary

payments of such body, shall be made and audited as if the land were being acquired for Government. If the Local Government issues such an order, the Collector or other officer who makes payments on account of the land acquired shall draw funds from the treasury and make payments in the manner laid down in these rules, using the forms prescribed, and shall render his accounts to the Civil Accountant-General. The municipality or other body will pay the estimated cost of the compensation to the credit of Government in advance on such dates and in such instalments as the Local Government may direct, further payment to Government being required as soon as the Accountant-General reports that the payments made exceed the amount received in advance. The Accountant-General will deal with the accounts and payments as prescribed in these rules, debiting the payments against the advances received from the municipality or other body.

Ordered, that this resolution be communicated to all Local Governments and Administrations, to the Home and Revenue and Agriculture Departments, to the Comptroller-General with reference to his letter No. 683, dated 11th August 1894, and to all Accountants-General and Comptrollers.

Ordered also that a copy of this resolution be forwarded to the Public Works Department for information and for the issue of further orders.

(Signed) R. NATHAN,
Offg. Under Secy. to the Govt. of India.

[illegible]

Name of work for which land has been acquired _____.

No. and date of declaration in _____ Gazette, viz., No. _____, dated _____, page _____.

Statement showing compensation awarded by _____ under Section _____, Act I of 1894, to all the persons interested in the plot of land situated in the village of _____ in estate _____, No. _____ on the Revenue Roll of the district of _____, Pergunnah _____.

1	2	3	4	5	6	7	8	9*	10*
Serial Number.	Names of persons to whom payment is due under the award.	Area of land.	Abatement of land revenue.	A valuation of any buildings that may be taken upon the land.	Total amount due to each person, including the amount shown in column 5, the amount awarded for the land, interest, costs and any other amounts due to the payee in connection with the acquisition of the land.	Distribution of the amount in column 6 taken from the subsidiary statement A A.	Remarks.	Date on which possession of the land was handed over to the Departmental authorities for whom it is acquired.	
								No.	Date.
		A. R. P.	BS. A. P.	BS. A. P.	BS. A. P.				

* To be filled up in the Examiner's office.

NOTE 1.—Each Award statement should be confined to the lands to be taken under one declaration, *i.e.*, the awards given for lands acquired under more than one declaration should not be incorporated in one statement, but as many separate statements submitted as there are declarations.

NOTE 2.—Regarding column 7, see* note to statement A A.

Particulars regarding the acceptance by the persons concerned of amounts entered in Award Statement No. _____, dated _____.

Name of work for which land has been acquired _____.

No. and date of declaration in _____ *Gazette vis.*, No. _____, dated _____ page _____.

[illegible]

NOR.—In noting these particulars in the Award statement, it may be sufficient to enter the letter *a*, *b*, or *c*, as the case may be, in column 7 of the statement, when the whole amount of the award is shown in one of the three sub-columns *a*, *b*, or *c*, in this statement.

No. and Date of Statement _____.

Name of work for which land has been acquired_____.
No. and date of declaration in_____ *Gazette*, viz., No._____ dated_____ page_____.
Statement showing the amount of compensation awarded by the Court of_____ under Section 26 of Act I of 1894.

1	2	3	4	5	6	7	8
Serial number in the statement of award under section 11 of the Act.	Names of persons to whom payment is due under the award.	Amount originally awarded.	Amount paid by Collector under the original award.	Total amount awarded by the Court.	Further payments due.	Remarks.	No. and date of voucher.
		RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.		

No. of Voucher _____
 Name of work for which the land has been acquired _____
 Serial No. _____ in Award statement No. _____, dated _____
 Name of payee _____

† In figure 1, the acquired

Paid in
of villa

of Rupees⁹

I _____ of _____ zillah _____

do hereby acknowledge to have received Rs. 1

_____ on account of cost of land taken up by Government,
as detailed on reverse.

as detailed on reverse.

Signature of the payee.

Locality 2

No. of Voucher _____

Name of work for which the land has been acquired _____

Serial No. _____ in Award statement No. _____, dated _____

Name of payee _____

* In words.

of Rupees *

I _____ of _____, zillah _____

do hereby acknowledge to have received Rs.-

_____ on account of cost of land taken up by Government,
as detailed on reverse.

as detailed on reverse.

Signature of the payee—

Locality -

NOTE.—The receipt should be in English; but when the payee is unable to write in English, he may give a receipt in the vernacular.

Note.—The receipt should be in English; but when the payee is unable to write in English, he may give a receipt in the vernacular.

DETAILS OF LAND, ETC., AND THEIR VALUES.

, Zillah—

Mausa

Perjannah

Zillah -

Land

Bigha

Cotta—

Chutack

Land

Bigha

Cotta

Chittack

Value

Ruppes

Annas

Pics.

Value—

Rupees

Annas

Pies.

CC

Consolidated voucher for payment made during 189 , in accordance with *Acad* statement No. , dated
on account of land acquired for in the district of , Tehsil
Mauza .

Paid in my presence in cash to the above persons the total sum of rupees * annas * pies * only.
by cheque

Dated the _____ 189 .

* In words,

Signature of Officer.

Exd. A. Raitt.

Communicated to the Honourable the Judges of the High Court for favour of the necessary action.

J. F. PRICE,
Chief Secretary.

Gobt. of {1895} Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 5th July 1895, No. 1406.

JULY.

Land Acquisition Act, I of 1894.

Communicating to the Hon'ble the Judges of the High Court, for necessary action, letter from the Government of India requesting that instructions may be issued for the guidance of the Courts concerned in this Presidency for giving effect to its orders in regard to payments into Court of compensation-money for land taken up for public purposes under the —.

Judicial Deptt
CURRENT No. 3065

From, The Govt. of India
Home Deptt (Jud)

No. 13 Judl.
926

Dated 17th } June 1895
Recd 27th }
Even 7th of the M.

Subject.

Regarding the payment of
compensation for land taken up
for public purposes under the
Land Acquisition Act, I of 1894.

228/6

Res. No. 2209A. 10.5.95

C/

of 5th July 1895 No. 1406
Comd to the Hon. the Judges
of the High Court for favour
of necessary action.

4/7/95.

To the Hon. the C. J. }
... Finl. Deptt. }
... R. D. 7 }
... P. N. D. 11 }
... 15/7/95 }
... 25/7/95 }
... 28/7/95 }

CURRENT NO. 3065.

13 full
No. 926

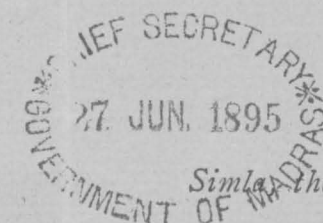
FROM

C. H. A. HILL, ESQ.,
Offg. Under-Secy. to the Govt. of India,

TO

The Chief Secretary to the Govt. of Madras.

Home Department.
Judicial.



Simla the 17 June 1895.

SIR,

I AM directed to invite attention to paragraphs 9, 10 and 21 of the Resolution of the Finance and Commerce Department noted in the margin, prescribing rules regarding the payment of compensation for land taken up for public purposes under the Land Acquisition Act, I of 1894; and to request that, with the permission of His Excellency

the Governor in Council — the High Court at Madras

may be moved to issue instructions for the guidance of the Courts concerned in the Madras Presidency for giving effect to the orders of the Government of India in regard to payments into Court of compensation money for deposit under the Act and the investment of such deposits. It appears to the Government of India that the necessary instructions might advantageously be drawn up in consultation with the Accountant-General

Madras, — and I am to request that this may be suggested to the Chief Justice and Judges of the High Court at Madras.

I have the honour to be,

SIR,

Your most obedient Servant,

C. Hill

Offg. Under-Secy. to the Govt. of India.

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MSD 1011 G O, No.
192

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BRING MEANT FOR DESPATCH
IN ORIGINAL

N.B. -

- A = Print in full.
- H = Not to be printed.
- P = Print abstract only.
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