

16-4-35 BTT

[L. & M.]
[P. 009-8-5-96.]

Local & Munl. (1895.) Department.

MISCELLANEOUS.

G.O., No. 21392.

DATED 7th Nov 1895.

[Despatch Abstract.]

Lands.

Deprecating, with remarks, the adoption of the course proposed by the Collector of Godavari, in regard to the acquisition of ---- for local bodies.

Consider such as that proposed by the

BACK PAPERS.

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

FURTHER PAPERS.

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

Enclom
Draft Order

681

(1) For Local Boards.

Substitute the following for Corrigenum
No. 229:—

*in 80 800 2
8-5-94*

The Engineer should pay the
estimated cost of the Compensation
in advance to the "Collector" appointed
by Government, on such dates and
in such instalments as the
Government may in each case
direct, and should obtain from
the "Collector" in the first instance
a receipt for each such payment,
and subsequently, as awards are
made, Orders investing the land
in the Local Board. The payments
made should be taken by the
Engineer to the Service head Concerned,
but should be entered by the

audit

Can be such as near good

Audit Branch in the Objection Book under "items adjusted but awaiting final clearance" and the clearance of these by orders investing the land in the Local Board or otherwise, Carefully watched, any delay in the receipt of such orders being brought to notice.

2. For Municipalities.

When land is acquired for a Municipality, the Chairman shall pay the Estimated Cost of the Compensation in advance to the "Collector" appointed by Government, on such dates and in such instalments as the Government may in each Case direct, and shall receive from the "Collector"

in

in the first instance a receipt ^{again} for each such payment, and subsequently as awards are made, or orders investing the land in the Municipality.

The Payments made will be taken to the Service head concerned in the Municipal books, and will also be entered in a special register in which the adjustment of them by orders investing the land in the Municipality or otherwise will be recorded.

This register should be periodically reviewed by the Chairman and delay in the receipt of orders from the "Collector" brought to his notice

GO N^o 2139 L 37-1-95

LOCAL FUND DEPARTMENT.

Read before paper

No. *L.F.D.*
189

168
Fort St. George,
Accountant-General's Office,
25 July 1895.

Local & Municipal Dept.

From

CURRENT No. *2066 L*

J. C. Harrison, Esquire, C.S.,
Offy. ACCOUNTANT-GENERAL

TO THE GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,
Local and Municipal Deptt.,
Fort Saint George.

SIR,

In reply to Government Order N^o 738 L
Miscellaneous, dated the 30th April 1895, requesting
me to submit, if there is no objection, a
draft of a general order bearing upon the
acquisition of land for Local Funds and
Municipalities, I have the honor to
observe that the present procedure
is prescribed by the orders of Government

Municipal
G.O. N^o 330 M(L & M) dated 9th March 1891. *marginally*
Local Board: G.O. 1761 L (L & M) dated 2nd July 1891. *noted.*
Local Fund Public Works Rules No 75 as finally
revised by Corrigendum No 229.

2. I may however point out that para 21
of Appendix C of the Civil Account Code
apparently

2066 L/95

790. 824
8.5.94

apparently Contemplates that orders should be passed in each case. There may be cases of small importance where it is hardly necessary to pass the accounts through the Collectorate. Moreover Government will not by a general order save a reference in each case, for, the amount of Compensation has to be paid under the rules "on such dates and in such instalments as the Local Government may direct". No order can be passed to cover all such cases for obviously account must be taken of such varying considerations as the total payable, the rapidity with which awards are made, and the financial position of the Local body.

3 I enclose however two draft orders

orders but would suggest some sort of preamble as the following:-

"When ^{a municipality} ~~a Local Board~~ desires to acquire land, it should obtain the order of Government as to the method to be followed in the acquisition. In such cases in which the Government decides that the land should be acquired as if for Government, the ^{the Engineer} Chairman ~~or the~~ Engineer &c..."

I have the honor to be,
Sir,

Your most obedient servant,
M. Harrison
Officiating Accountant General

C. S. J.

LOCAL FUND (1895) DEPARTMENT.
Local Municipal Dept.
CURRENT No. 2066 L
From

THE ACCOUNTANT-GENERAL,

MADRAS,

To

THE Chief Secretary to Govt.,

Local and Municipal Department,
Fort St. George.

No. L.F.D.
189

Dated 25 } July 1895.
Received 25 JUL 95

No. En-1

Subject.

Submitting drafts of a general order bearing
stating that no order can be
passed covering all such cases, since
account must be taken of such vary-
ing considerations as the total
payable, the rapidity with which
awards are made etc. and sub-
mitting two draft orders for the
approval.

upon the subject of payment of compensa-
tion for lands acquired for Local Fund
and Municipal purposes.

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O., dated 30th April. 1895, No. 738 L

Current No. 2066 L of 1895, dated 25th July 1895 from the Accountant-General

Current No. of 189 , dated from the

FOR ORDERS.

In his letter dated 29th April 1894, No. 859, the Collector of Godavari stated that when lands are acquired for Local Fund works, a copy of the award has to be forwarded to the President of the District Board for issuing a cheque in favour of the awarding officer, that if the work appertains to the District Board the President directs the Local Fund Engineer to issue a cheque, and if not, he forwards the copy of the award to the President of the Taluk Board concerned, who asks the Local Fund Engineer to issue a cheque, and that the Engineer then issues a cheque, which goes to the awarding officer for payment through the Taluk and District Board Presidents. As this procedure caused great delay in many cases and was very inconvenient, he re-quested that the Government might be pleased to sanction the adoption of the procedure laid down in Rule 21 of

Commissioner's order that proposed by the

of Appendix C on page 212⁴ of the Civil account Code, under which the Local Board ^W should pay the estimated cost of the compensation to the credit of Government in advance, if the Local Government directed that the land shall be acquired as if required for Government purposes. This proposal having been referred to the Accountant-General for remarks, he stated in reply that no change in the present procedure, which was laid down in Local Fund Public Works Rule 75 was called for, as the delay complained of by the Collector of Godavari arose out of the unnecessary intervention of the Presidents of Taluk Boards and ^{might} be avoided if the Local Fund Engineer issued cheques on the sanction of the President of the District Board. These remarks of the Accountant-General were communicated to the Collector vide G.O. dated 31st July 1894 No. 1420 L. ^{Subsequently}

2. ^{On this} the Collector of Godavari pointed out in his letter dated 3rd December 1894 No. 1865 that under para 11 of the revised Boards' standing order No. 11, payments for lands have to be made immediately on making an award, if the awarders are present, and that this was not possible in the case of lands acquired for Local Boards and Municipal

It is not clear how the Collector's proposal to sanction payments in advance would lessen the correspondence. A "Collector" ^W still have to inform Pres. of the Dist. Bd. of the probable of the award, & the President ^W have ask this Engineer for a cheque, the ^W have to forward as before.

What he meant by the remark is not, however, at all clear.

Municipal Councils, as the Local Fund Engineer or Municipal Chairman issues a Cheque only after a copy of the award reaches him through the proper channel. He therefore requested that either the Boards' standing order should be amended so far as it concerns local bodies or that orders should be issued by Government under Rule 75 of Appendix C of the Civil Account Code Volume I, for payments being made in advance by the local bodies, so that the amounts of the awards may be paid to the parties concerned without delay. In forwarding this letter to Government the Accountant-General remarked that in view of the revised Boards' standing order No. 11, there was no objection to the proposal of the Collector of Godavari being sanctioned. Upon this, the Government ^{then asked} to know whether a general order applicable to all Local Boards and Municipal Councils such as that proposed by the

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1895 No. 738 L.

Government. under the rule of the Civil
Account Code above referred to, the wording
of which appeared to allow the adoption of
the procedure therein referred to only in
particular cases, and requested the Accountant
General to submit for approval a draft
of a general order, if there was no objection
to the issue of one - vide G.O. Dated 30th April
1895 No. 738 L.

are 3. In the current read above the
the Accountant General now states that he
be
is agrees with the Government in considering
that the ruling of the Account Code in
question contemplates that orders should
be passed in each case, as there may be
cases of small importance where it would
be hardly necessary to pass the accounts
through the Collectorate, and he further
says that the Government cannot by
a general order save a reference in each
case, for the amount of compensation
has to be paid under the rule, on such
local Boards and
Municipal

Local Boards & Municipal

in

Local Government may direct.
The Accountant General, therefore,
submits for the approval of
Government drafts of two orders,
one for Local Boards and the
other for Municipal Councils,
directing that in cases where
a Local Board or Municipal
Council desires to acquire land
it should obtain the order of
Government as to the method
to be followed in the ac-
quisition. In cases in which
the Government decides that
the land should be acquired
as if for Government, the
Local Fund Engineer or the
Chairman should pay the
estimated amount of the
compensation in advance to
the Collector appointed by
Government on such dates.

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as the Government may,
in each case, file, and should
obtain from the Collector in
the first instance a receipt for
each such payment and as
subsequently, as awards are
made, orders investing the
land in the Local Board or
the Municipal Council. The
draft orders also contain
instructions for the record
of the expenditure in the
Local Fund and Municipals
accounts and its subsequent
adjustment.

4. Orders are solicited
as to whether the draft
orders submitted by the
Accountant General may
be approved or whether rule 11
of the Boards standing order
No. 11 may be modified as

Municipal

Local Boards & Municipal

Councils

submitted
5. It has been pointed out
in the margin of para. 1. above
that the difficulties complained of
by Mr. Le Tara in his letter in
Go. 1420. L. are inseparable
31.7.94
from any system. The
only difficulty remaining, then, is the
fact that B. S. O. No. 11. para. 11.
directs that all payments be made
at once to awarders who are
present when an award is made,
thereas in acquisitions for Boards
& Councils it is necessary to first
get the D. S. Engineer's or the
Chairman's cheque for the amount.
The Acct. General's circulars B.
render it necessary for Govt. to
fix date in each case whether
land should be acquired as if
for Govt. & then fix dates &
instalments for the advance
payments. It is submitted
that this B. entail a great
deal of correspondence over

matters which even at present
require an amount of writing
disproportionate to their importance.

It v. seem much easier to
get para 11 of B.S.O. No. 11
altered in such a way as to
exclude cases of acquisition
for local bodies from the rule
requiring payment on the
spot to awarders who are
present. The passage in
the B.S.O. is based upon
the orders of Govt in G.O.

483. (Revenue), (vide please
7.7.94 735-L.
18p. 320 in G.O. 30.4.95)
1.9.94

R.D. might be asked to
revise the ^{the instructions} rule as it is impossible
to carry it out.

If this be done payment in
cases of acquisition for local bodies
in all cases
can again follow the old
understood rules in G.O.s

330-M. and 1761-M.L.
9.3.91 23.7.91
11.15.8.95 30/8/95

Acquisition of
lands for local Bodies

H.M.
(for orders).

(J. 31(1))
The law seems to me to require
that the money shall be,
if possible, paid down at once.
Why should not the "Cdr." pay at
once from the Treasury & then
recover from the local body?
That will be much the ^{the} sim-
plest way, I think. The money
paid wd. be debited as an
advance recoverable & could
always be adjusted in the
next, if not in the same, month's
accounts of the Collectorate, without
the necessity of any correspondence
out of the district. In fact, I don't
see ~~how~~ why, when the "Cdr." pays
the money, the T.D.C. should not
at once debit the payment to
the acct. of the local body con-
cerned, which is kept in the
Treasury by the T.D.C.

H.M.
31/8/95

[G]
25
000-23-7-96

L.M. DEPARTMENT.

C. No. 2066-L.

IN
A

FOR ORDERS.

Please see H.M.'s note written
submitted that the suggestion
made by H.M. may be referred
to the Act. General for remarks.

W.S. 95
L.F. Rule 75. ^{or} in any case
require amendment, & there may
be account fit/falls in the way.

W.D. 4/1
3/9

108

Acquisition of
land for local
bodies

20664

FOR ORDERS.

Refce. 1310
16/9/95

Sec. 31 (1) of the Act appears
to require that payment should, if
possible, be made at once.

The Account^t. General will be
requested to report whether there are
any objections to a simpler system
being introduced under which the
"Collectors" under the Act should pay the
parties at once from the Govt. Treasury,
afterwards recover the amount from
the local bodies. The money paid

perhaps be debited as an advance
recoverable, & could be adjusted in the
next, if not in the same month's acc^t.
with little correspondence. [Or perhaps
the Treasury Officer might be directed
to debit the payment at once to the
account of the local body which was
kept in the Treasury by him]

W. H. G. (from orders)

To Secy 16/9/95
The Accountant General

LOCAL FUND DEPARTMENT.

Fort St. George,
Accountant-General's Office,

1st October 1895.

No. 1310

Local & Municipal

CURRENT

From

J. C. Harrison Esquire, C.S.

Offg. ACCOUNTANT-GENERAL

TO THE GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,
Local and Municipal Department,
Fort Saint George.

SIR,

In reply to Under Secretary's Memorandum
No. 1310 dated 16th September 1895 on the subject
of the acquisition of land by local bodies,
I have the honor to say that if Government
desires a simpler system, it would probably
be better to lend a Government Officer
to the local body, in which case, Govern-
ment could prescribe its own rules under
the acts applicable. Otherwise Government
money being employed, the procedure
laid down in Appendix C to the Civil
Account Code is obligatory. If how-
ever Government will indicate the

modification

But under the
Land acq. Act
the Collector is the
only officer who can
settle compensation

modification it desires to introduce in
the present rules, I will enquire of the
Comptroller General whether he wishes
can be met.

I have the honor to be,
Sir,
Your most obedient servant,
H. M. Mason
Offy Accountant General

R

Local & Municipal Dept.
LOCAL FUND (1895) DEPARTMENT
CURRENT No. 2853

From

THE ACCOUNTANT-GENERAL,
MADRAS,

To

THE Chief Secretary to
Govt., Local and Municipal Department, Fort St.
George.

No. 278
311

Dated 10th October 1895
Received 2 OCT. 95

No.

Subject.

Stating that it would
probably be better to lend a
Government officer to the
local body and that the
Comptroller General of Accounts
will be enquired of the desir-
ability of introduction
of the wishes of the Govern-
ment, if informed of the
same.

Offering remarks on the subject of
payment of Compensation for lands
taken up for local bodies

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LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O. No 738 L. Local and Municipal dt 30th April 1895
and Current No. 2066 L and 2853 L

From the Accountant General

FOR ORDERS.

Please see the notes and orders
on the first of the Currents read above
and the Reference made thereon to the
Accountant General. He now states
in reply (Vide the second Current) that
if Government desires a simpler system
than the one laid down in Rule 21 of
Appendix C on page 214 of the Civil
Account Code (5th Edition) for pay-
ment of Compensation for lands ac-
quired for Local Boards and Muni-
cipal Councils, it would probably be
better to lend a Government officer
to the local body, in which case
Government could prescribe its own

X What this means
I cannot say
Wor I
BS

rules under the Acts applicable.
This suggestion, however, is not understood, as there is no advantage in lending a Government Officer to the local body, the procedure adopted for drawing money and paying compensation being the same in all cases.

2. The procedure laid down in Appendix C to the Civil Accounts Code for drawing money would, as has been pointed out in the Note on Cur No 2066 L, entail a great deal of Correspondence and be otherwise inconvenient, but the Accountant General states that if Government will indicate the modification it desires to introduce in this rule, he will enquire of the Comptroller General whether its wishes can be met.

139
17/10/95
May the Acct. General be asked to apply to the Compt. General to permit the introduction of the system described in the reference to him?

The plan proposed in the latter

I think so - There is no practical necessity for requiring the local body to pay in advance, and, anyway, if there is any risk of losing it, it is not paying, it is not losing money that will be risked

M

I am afraid it is not possible to have it as it exists.
But we could easily add to the section referred to something like this: - Provided that if the Council shall have given previous authority in writing such Treasury or Bank may at once pay out of such funds any sum which the local body has incurred on behalf of the Council.

8/10/95

part of H.M.'s note dated 31.8.95 on note for orders in council 2066 L. seems to be opposed to see 28(2) of Act IV of 1884 & Secs. 54(2) & 56(2) of Act V of 1884. But it would be the simplest of all perhaps if the Comptroller General had no objection to its introduction the Acts could be amended.

M. J. G.
1/2
30/10/95

Acquisition of lands for local bodies.

FOR ORDERS.

Accordingly be requested to consider the desirability of adding to sec 25 (2) of Act IV of 1884, in the Draft Bill to amend Act at the Board :- provided that if the Local Council shall have given previous authority in writing, such Treasury or Bank may at once pay out of such fund without such order any expense which the Local Govt. has incurred on behalf of such the Local Council.

4. Similar amendments will be inserted into sec. 54 (2) + 55 (2) of Act I of 1884 when it comes up for amendment.

W.S. 11.95
 7/11/95
 Secy of Revenue
 Act. General
 Leg. Off.
 2/11/95

Submitted to CS for perusal as regards local boards of the order. The matter may, it is submitted, be over until the amendment of Act I of 1884 is taken up. Meanwhile the following may serve.

"Read again go. 737. read C. No. 2566.2.
 order No. 2129 Lms 7-11-95
 The Govt. considers that with adoption of the course proposed by the Collector of Godavari recommended by the Board of Godavari considerable increase in revenue is therefore to be expected. The simplest method of reaching the object in view is probably to transfer the "Collector" under the Act to draw the money required for the acquisition from the funds placed to the credit of the Local body concerned. This course is however apparently precluded by the wording of sec. 25 (2) of Act IV of 1884, + sec. 54 (2) + 55 (2) of Act I of 1884.

3. The legislative Dept. will

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189.

READ AGAIN G.O., No. 189.

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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 A = Copy in full
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