

Local & Munl. (1895-) Department.

MISCELLANEOUS.

G.O., No. 738 L

DATED 30th April 1895-

[Despatch Abstract.]

Lands.

Requesting the Accountant General to state whether a general order applicable to all municipalities and local boards such as that proposed by the Collector of Godavari can be issued by Government under rule 16 of rules on page 212 of the Civil Account Code, Volume I, in regard to the acquisition of ---- required by them.

BACK PAPERS.

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

FURTHER PAPERS.

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

[7]

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.	
G.O., DATED	30-4-95
No.	738L

INDEXED.

When given for copying.

[Despatch Abstract.]

Lands.

Requesting the Account. General to state whether a general order applicable to all municipalities and local boards such as that proposed by the Collector of Godavari can be issued by Govt. under rule 12 of the rules on page 212 of the Civil Account Code Vol. I in regard to the acquisition of — whereby efficient Sanitary control of the structure & mode of working of tanneries can be secured by District Board Authorities by requiring the issue of licenses.

Local and Municipal Dept.

Local & Municipal Dept.

CURRENT No. 1079

Government of Madras
Sanitary Board office
General Sanitation Dept

To
The Chief Secretary
to Government

9. APR. 1895

Dated 8th
Despd 9th
Recd } April 1895

Proceedings dated 8th April 1895
N^o 9

Encls: Nil.

Suggesting that it is
able when proceeding
and Act N^o V of 1884
provision, be made
hereby efficient Sanitary
control of the structure &
mode of working of tanneries
can be secured by District
Board Authorities by requiring
the issue of licenses.

(With order)

READ AGAIN ORDER OF GOVERNMENT, DATED
189 , No. , MISCELLANEOUS.

BACK PAPER, No.

OF 189 .

FURTHER PAPER, No.

OF 189 .

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.

Copied by

Examined by

Acquisition of lands for municipalities
and Local Boards

9462

7382

Ch.
misc

Papers to be read in Proceedings:—

Again G.O., dated

189 , No.

Current No. 946 of 1895, dated 22nd March 1895 from the Revenue Department.

Order. 4/30-4-95 No. 738 Lms

The Accountant-General will be requested to state, whether a general order applicable to all municipalities and local boards such as ~~the one~~ ^{that} proposed by the Collector of Kodavari can be issued by Government, under Rule 16 of the rules on page 212 of the Local Account Code, Volume I. It would appear from the wording of that rule that the procedure therein allowed should be adopted only in particular cases. If there is no objection to the issue of a general order, the Accountant-General should submit a draft for the approval of Government.

V.N. 10/4/95 C.R. 21.11. 25/4/95

To the Accountant-General. 12/2
Order 4/6/95

25.11.

Revenue.

LOCAL FUND (1895) DEPARTMENT.

Current Number 2087

From

THE ACCOUNTANT-GENERAL,

MADRAS,

To

THE Secretary to Government,

Revenue Department,

Fort St. George

No. L-98
699

Dated

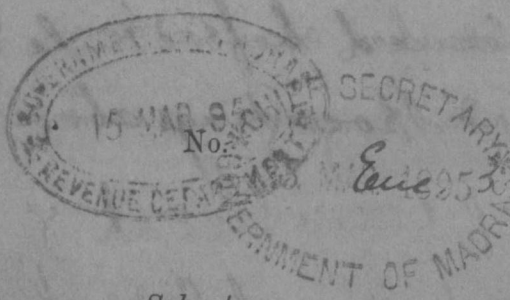
13

Received

15

March

1895.



Subject.

Forwarding, with remarks, the Proceedings of the Board of Revenue (Land Revenue) No 131 of date 15 June 1895 submitting letter from the President District Board Kodavari and requesting sanction of Government to the adoption in respect of municipalities as well as local fund boards of the procedure laid down in Rule 16 of the rules on page 212 of the Civil Account Code Volume I 5th Edition.

Transferred

AR 15/3
2/6-3

104-8 94 No 3052

7-7-483

1341-9-370 Lm

10/1/90 930-10-74

Local & Municipal Dept.
R. CURRENT No. 946 L

Endowment No. 574 B

Transferred to the Local & Municipal Dept.

S. J. P. Jeyaraj
Secretary to Government.

Fort St. George
22nd March 1895

RS
20-3-95

29/3
29/4

cho L-70
699

Endorsement.

Forwarded to the Secretary to Government, Revenue Department, with the remark that in view of how Standing Order No 11, rule 11 regarding mode of payment of compensation as revised by Board's Proceedings, 370, dated the 12th September 1894, (Land Revenue), stands, there is no objection to the proposal of the Collector, Godavari, being sanctioned. This Office letter cho L-70 dated 17th July 1894, to the Chief Secretary to Government (Local and Municipal Department) was issued before rule 11 was revised by the Board's Proceedings above quoted.

Fort Saint George,
Acctt. Genl's Office.
13th March 1895

Accountant-General

1895.

Board of Revenue

(Land Revenue),

MADRAS.

To
The Secretary to Govt.
Revenue Dept.
thru the Secy. Genl.

Proceedings, dated 15-1-1895,
No. 131 Mis. Routine Enclosures.

Subject.

Submitting for the orders of Govt. thru the Secy. Genl. letter from the Collr of Godavari regarding the adoption in respect of Municipalities and Local Fund Boards, of the procedure laid down in rule 16 of the rules on page 212 of the Civil Account Code, Vol I, 5th Edn, in regard to the acquisition of lands required by them

as well as Local Fund Boards, of the
Procedure laid down in rule 16 of
the rules on page 212 of the Civil
Account Code, Volume I 5th Edition.

(True Extract)

Linnoguch
Secretary.

To The Secretary to Govt. Rev. Dept.
with 2 letters in original to be
ret'd & a copy of P.S. 370
Through the Accountant Genl. 1-9-94.



Proceedings of the Board of Revenue

(Land Revenue).

Dated 15 January 1895.

No. 131. His

READ Letter from N. J. H. Le Franc Esq., Collector
of Godavari, dated 3rd December 1894
No. 1865, to the Secretary to the Commissioner
of Land Revenue, Madras.

Resolution

Submitted to Government
with the request that, in the circum-
stances represented by the Collector,
it will be pleased to reconsider the
decision in its order No. 1420 L.
His (Local and Municipal) dated
31-7-94 forwarded with G.O.
Revenue 3054 and sanction the
4-8-94
adoption, in respect of Municipalities
as

To be returned
to Revenue Board
with reply.

218/12

Revenue {1894} Department.

BOARD'S GEN. REG. NO. 1944 OF 1894
LAND REVENUE.

From

The Collector,

Godavari District.

No. 1865 of 1894
ENG.

Dated 3rd.

Despatched 4th December 1894.

Received

SUBJECT.

Requesting the Board to obtain the sanction of Government for adopting the procedure laid down in rule 16 of the rules appended to B.S.G. II with regard to payment of awards in cases where lands are acquired for local bodies, as otherwise the ready payment of compensation contemplated in the new B.S.G. II is not possible.

1895
REVENUE DEPARTMENT.
Enclosure 2
T. General No. 2087

18-12-94

3 20
order, so far as the local bodies are concerned.

I have the honor to be,

Sir,

Your most obedient servant.

1st Lt W. J. de Laun

Collector.

Thomasudaram
for collector

220
3/12

To

The Secretary to the Commissioner

of Land Revenue.

as soon as he passes an award. But such payments in advance cannot be made by these bodies without the previous sanction of the Local Government (vide Rule 16 of the rules on page 212 of the Civil Account Code vol I, 5th edition)

2. The sanction of Government for adopting the above procedure was once before this applied for, but the Government simply communicated the Accountant General's opinion that no change in the procedure laid down in Local Fund Public Works rule 45 was called for (vide correspondence ending with Board's Proceedings 4647 mis 20.8.94).

3. Under the above rule the Local Fund Engineer issues a cheque for the amount covered by each award, only after he receives a copy of the award. But what is now wanted is that the Estimated Cost of acquisition should be placed at the disposal of the awarding officer, before the several awards in respect of the work are passed.

4. I have, therefore, the honor to request that the Board will be pleased to address the Government again on the subject or to modify the new Board's Standing

Page 10

370 320
1-954

(But on totally different grounds
WT.)

Communicating
3054
4-8-94

So 1420 1/2
31-7-94

Dec 120 8 12/11/95-

Read the following:-
G.O. 830-4-95 No. 7382

No. 1865 of 94
Eng.

GODAVARI DISTRICT,
COLLECTOR'S OFFICE,

Cocanada, 3rd December 1894

Despatched 4th December 1894

FROM

W. J. A. Le Lamer
Esquire,

Collector,

Godavari District.

TO

The Secretary to the Commissioners
of Land Revenue, Madras.

SIR,

In para 11 of the revised Board's Standing Order 11, it is laid down that, if awardes are present, payment should be made immediately on making an award. This is not possible in cases where lands are acquired for local and Municipal bodies as the Collector or the Divisional Officer cannot, under the existing rules, make payment until the Local Land Engineer or the Municipal Chairman issues a cheque for the amount of the award. If the new Board's Standing Order is to be strictly carried out in the case of local and Municipal bodies also, the estimated cost of acquisition must be placed at the disposal of the awarding officer, before he actually makes an award, so as to enable him to make payment

REVENUE DEPARTMENT.

1894.

Board of Revenue

(Land Revenue),

MADRAS.

Printed October 11th.

Proceedings, 1st Sept. 1894, No. 370.

Limbo 738

Communicating to all Collectors, for information and guidance, Government Order giving certain instructions to be noted in connection with the payment of money compensation under Act I of 1894; and re-issuing Standing Order No. 11 revised with reference to the provisions of the Act above quoted and the instructions of Government.

REVENUE DEPARTMENT.
Enclosure No. 3
Serial No. 2087

II.
Statement showing Progress in disposal of Claims to Compensation for Lands required for Public Works including Railways, &c.,
for the half-year ending 18

Name of the taluk and village in which land has been taken up.	When taken up.	Land for which compensation remained unpaid at the end of the previous half-year.		Land taken up during the half-year.		Total.		Land for which compensation has been paid during the half-year.		Land for which compensation remained unpaid at the end of the half-year.		Land shown in columns 11 and 12 for which compensation has been settled.		Remarks explaining cause of delay in payment of compensation, &c.
		Number of persons to whom the land belongs.	Extent.	Number of persons to whom the land belongs.	Extent.	Number of persons to whom the land belongs.	Extent.	Number of persons to whom the land belongs.	Extent.	Number of persons to whom the land belongs.	Extent.	Number of persons to whom the land belongs.	Extent.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
			ACS.		ACS.		ACS.		ACS.		ACS.		ACS.	
			CTS.		CTS.		CTS.		CTS.		CTS.		CTS.	

NOTE.—1. Separate entries should be made for each item in the column showing date of acquisition.
2. Column 10 should only show the area for which compensation has been actually paid.

(True Copy and Extract.)

(Signed) L. M. WYNCH,
Secretary.

(True Copy.)

(Signed) C. CLARK,
Registrar.To all Collectors.
" the Secretary to Government, Revenue Department.

Exd. A. Grubert.

to be specified, the money will be deposited in Court under section 31 (2) of the Act. The notice should be served in the manner prescribed in section 45 of the Act. If the Collector's tender is accepted by the parties present, or if the parties afterwards appear before him in person or by duly-authorized agents to take payment, whether in pursuance of the notice served or otherwise, the Collector should take a receipt in the Form B given in the appendix and make the payment at once, if possible in cash, if not, by an order on the Treasury. Where the offer of payment is accepted but the parties do not appear to receive the payment, the counterfoil receipt in Form B should be filled up from the award statements leaving the space for the signature of the payee blank and altering the words 'Paid in my presence to' to 'Pay to'. The original should then be forwarded to the Sub-Treasury Officer, within whose jurisdiction the parties entitled to payment reside for disbursement of the amount to them. The Sub-Treasury Officer will furnish to the officer who issued the Pay orders a periodical return of the payments made thereon. If the compensation tendered is refused or if payments are not taken within the time specified, or if any of the other contingencies mentioned in section 31 (2) of the Act occur, the procedure prescribed in that section should be followed, as it will prevent the accumulation of interest charges under section 34.

The rules issued by the Government of India in regard to the payment of compensation for lands acquired for public purposes by the Public Works Department under the old Act X of 1870 and the audit of such payments are given in the appendix. They are applicable *mutatis mutandis* to the acquisition of lands by any department of Government so far as they are not inconsistent with the provisions of Act I of 1894 and the instructions contained in this Standing Order.

II. *Commutation of money payment into grant of fresh land, &c.*—Under the 3rd and 4th clauses of section 31 of the Act, it is open to the Collector or other officer duly empowered under sections 3 and 7 to arrange with the persons entitled to compensation for a commutation of the money payment awarded under section 11 into a grant of other lands in exchange or of a bariz deduction or an assignment of assessment or, if such person be a zemindar or inamdar, into a reduction of peishkash or quit-rent as the case may be. If the party has only a limited interest in the land acquired, the sanction of the local Government must be obtained for making any of the above arrangements in lieu of payment in cash. In other cases falling under clause 4 of section 31, such sanction is unnecessary and these may be dealt with by the Collector or other officer on his own authority. A report embodying such cases should, however, be submitted for the information of the Board in the form given in the appendix so as to reach it

within one month of the close of the calendar half-year to which they relate.

12 When fresh lands are assigned as an equivalent for money compensation, the money value of such lands should ordinarily be calculated on the same principles as those on which the market value of the lands to be acquired was made out. In arranging for exchanges, the Collector should ordinarily deal only with the party in whose favour the money compensation is awarded; and if an arrangement in regard to the selection of land cannot be come to within a reasonable time, say six months from the date of the tender, the party should be left to take the money compensation awarded. The assignment of lands in exchange should be restricted to such lands as would otherwise be assigned under the ordinary darkhast rules, preferential claims under those rules being set aside, except in cases in which the Collector may be satisfied that the *bona fide* and reasonable requirements of resident ryots will thereby be prejudiced.

13. Compensation by assignment of assessment on occupied land should only be adopted with the consent of the occupants of the lands previously obtained.

14. When compensation takes the form of reduction of peishkash or quit-rent, the amount to be deducted will be one-fifteenth of the cash payment for which such deduction is substituted.

15. Whenever portions of the land held by a zemindar or inamdar are required for public purposes, the owner will, in addition to compensation for the land taken up, be entitled to a proportionate reduction of his total peishkash or quit-rent, the amount to be deducted bearing the same proportion to the rental of the land taken up as the whole amount of peishkash or quit-rent bears to the total revenue of the estate.

16. *General instructions.*—Awards of Collectors under section 11 of the Land Acquisition Act should invariably be registered except when the compensation settled does not exceed Rs. 50. Registration of Courts' orders on references made under Parts III and IV of the Act is unnecessary as the object of the Registration is merely to protect third parties from fraud in the matter of acquisition of title by Government. The necessary alterations should also, in all cases, be made in the village accounts.

Statement of lands required to be temporarily occupied
for (note the purpose here).

* Details of the purpose of temporary occupation should be shown in this column.

Board's Proceedings, 13th December 1893, No. 699.

STANDING ORDER NO. 11, PARAGRAPH 11.

Rules issued by the Government of India in respect of payment of compensation for lands taken up for public purposes.

1. After all preliminaries in respect to estimate, &c., 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.

2. Officers who are especially 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 same manner as an Executive Engineer as described in Chapter 24 of the Civil Account Code. The following procedure shall be observed by such officers.

3. When the amount of compensation is accepted by the persons interested and an award is made under section 14 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; through the Executive Engineer of the Division concerned who will fill up column 9 and forward it on to the Examiner. In the case of lands acquired for Guaranteed Railways the statement should be forwarded through the Consulting Engineer for Railways. Before signing the copy, the officer should carefully satisfy himself that it correctly shows the amounts due under the award and should himself, both in the original and copy, enter the total of column 6 of the statement in words.

4. In paying the amounts due under the award, the officer shall take the receipt of each person to whom money is paid on a separate voucher in the appended form (marked B), containing a reference to the item showing the amount due to that person in the statement prescribed in the preceding paragraph. The date of payment should also be entered on the voucher. The officer shall forward the receipts of the payees 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.

5. In the event of the payees not presenting themselves for payment within a year from the date of the award, the amounts due may be paid into the treasury on revenue deposit and vouched for in the accompanying form (marked C).^{*} Every endeavour should, however, be made to secure the presence of the payees to receive payment so as to avoid as far as possible payment into the treasury on

deposit. When the payees ultimately claim payment of sums placed on deposit, the amounts will be paid to them, in the same manner as ordinary revenue deposits, under the authority of the Collector.

6. When the compensation offered is not accepted by the persons interested and the amounts payable are consequently settled by the award made by the court under the provisions of Part III of the Act, the special officer shall, as soon as he ascertains what the award of the court is, prepare a statement in form A showing the amounts due under the award and forward a copy to the Examiner through the Executive Engineer or the Consulting Engineer for Railways as the case may be in the same manner as prescribed in paragraph 3. In paying the amounts due under such award, the officer shall take from each person to whom a payment is made a receipt in form B, or, in the event of the payees not presenting themselves for payment within a year from the date of the award, from the treasury officer in form C, containing a reference to the entry showing the amount due in the statement just referred to, and shall forward those receipts to the Examiner of Public Works Accounts in forwarding to him the accounts of the month in which the payments are made.

7. The special officer should, as far as possible, arrange to make the payments due in or near the village to which the payees belong. This will make it more easy to secure the attendance of the payees and so reduce the number of sums which it will be necessary to place on deposit under paragraph 5.

8. 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 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 below.

9. 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 the award made by him or by the civil court 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 showing the amounts due and forward a copy thereof to the Examiner of Public Works Accounts concerned through the Executive Engineer or the Consulting Engineer for Railways as the case may be in the manner prescribed in paragraphs 3 and 6.

10. In making the payments due under the award, the Collector shall take from each person to whom payment is made a receipt in form B containing a reference to the particular entry in the award showing the amount due to

the payee. 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. In the event of the payees not presenting themselves to receive payment within a year from the date of the award, the amounts may be placed on revenue deposit and receipts taken in form C in the same manner as is provided in rule 5.

11. 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 due to each payee separately, in which case he should countersign the receipt in form B 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 due 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.

12. 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 B or C, and that the amount paid on such receipt is the amount payable to the payee under the award as shown in the statements, of which he will have received copies under the preceding orders.

13. The Examiner will, as he receives the vouchers, fill in the entries in column 8 of the award statement (form A); when all the vouchers showing either payment to the payee or payment into the treasury on deposit have been received, he will forward a copy of the completed statement in form A 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, and any reports regarding the payment of sums placed on deposit under rules 5 and 10 above, will be disposed of by the chief revenue authority without reference to the Examiner.

14. 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 statements and accounts being sent direct to the Examiner of Military Works Accounts.

15. 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.

16. 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.

NUMBER AND DATE OF STATEMENT DATE OF AWARD		Name of work for which land has been acquired Number and date of declaration in Statement showing compensation awarded by		of the Village of		under Section		, Act X of 1870, to all the persons interested in the plot of land situated in field No.		page		District.	
Serial num-ber.	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 other amounts due to the payee in connection with the acquisition of the land.	Remarks.	Number and date of voucher.		Date on which possession of the land was handed over to the departmental authorities for whom it is acquired.		Date.	Reference to the report, stating the date.
				RS.	A. P.			RS.	A. P.	Number.	Date.		
1	2	3	4	5	6	7	8*	9					

NOTE.—Each award statement should be confined to the lands to be taken under one declaration, i.e., the awards given in one statement, but as many separate statements submitted as there are declarations.

[illegible]

Dated _____ *Treasury Officer.*
Received the above amount and credited to Revenue deposits.
For payment.

NOTE.—This form should be used *where* claimants who have failed to present themselves in the absence of claimants who have failed to present themselves.

Dated _____ 189 .
Received the above amount and credited to Revenue deposits.
Treasurer.

NOTE.—This form should be used where the absence of claimants who have failed to present themselves is proved.

STANDING ORDER No. 11, PARAGRAPH 11.
Statement of compensation for lands taken up for public purposes for the half-year ending

Statement of compensation for lands taken up for public purposes for the half-year ending																											
Taluk and village.		Nature of compensation.																									
1	Serial number.	3	Name of the estate or nature of the inam, whether personal or for ritable service.	Assessment on entire estate or inam.			Assessment on portion lost.			A. Fresh grant of land.										B. Reduction of peishkash or quit-rent.				19	20	21	Remarks.
				4	5	6	7	8	9	10	11	12	13	14	15	16	17	18									
				Description of land.	Extent in acres.	Assessment.	Extent in acres.	Rate per acre.	Assessment.	Village.	Description.	Demarcation number.	Extent in acres.	Assessment.	Additional quit-rent if the value of the land proposed to be taken exceeds that lost.	Proportionate peishkash or quit-rent on portion lost.	Further reduction of peishkash or quit-rent in cases where money has not been made.	Total reduction of peishkash or quit-rent recommended in columns 16 and 17.	Peishkash or quit-rent on entire estate or inam.	Purpose for which the land was taken up.							
																					22						

N.B.—When compensation takes the form of heriz deduction or assignment of land revenue, the fact should be noted.

N.B.—When compensation takes the form of beriz deduction or assignment of land revenue, the fact should be noted in the column of remarks with particulars of village, &c.

STANDING ORDER No. 11, PARAGRAPH 18.

I.
Statement showing Progress in disposal of Applications for Lands required for Public Works including Railways, &c., in the District of

Name of the department applying.	Date of application.	Extent of land remaining to be transferred at the end of the previous half-year.	Extent of land applied for during the half-year.	Total.	Extent of land transferred during the half-year.	Date of transfer.	Extent of land remaining to be transferred at the end of the half-year.	Extent of land shown in column 8 for which compensation has been settled.	Remarks explaining cause of delay in transfer, &c.
1	2	3	4	5	6	7	8	9	10
		ACS.	ACS.	ACS.	ACS.	CTS.	ACS.	CTS.	

NOTE.—Separate entries should be made for each item in the column showing date of application.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—the following Government Order, dated 7th July 1894, No. 483, Revenue :—
Read—the following Proceedings of the Board of Revenue (Land Revenue), dated 24th April 1894, No. 172 :—
Read—the following letter from W. H. MICHAEL, Esq., Sub-Collector in charge, Górávari district, to the Secretary to the Commissioners of Land Revenue, dated Cocanada, 15th March 1894, Ref. No. 604-Eng. :—

I have the honour to state that the Board in its Proceedings, No. 123, dated 16th March 1893, recommended that Collectors should be authorised to delegate to their subordinates the duty of paying over the amounts awarded as compensation and pointed out the inconvenience caused by the rule that Collectors should pay it themselves and it appears from Government Order, dated 10th April 1893, No. 737, Judicial, that Madras Government suggested to India Government that the Act might accordingly be amended, but no amendment has been made.

2. The rule is causing great hardship to parties who are sometimes obliged to undergo much expense and trouble in travelling great distances and waiting for many days if the Divisional officer (invested with the powers of a Collector under the Land Acquisition Act) happens to be in camp, and very often all for the sake of a very trivial amount. I submit that it is very hard on land-owners that they should be put to so much trouble and expense in order to obtain compensation for their land which has been taken away from them by Government. The Tahsildars are now paying large sums of money on their own responsibility in many other cases than compensation. It is not apparent why there should be any objection to payment of compensation by Tahsildars.

3. The Board is aware that even when the present rule of acquisition under the Act was not enforced, the Examiner of Public Works often complained that payment of compensation was not prompt and regular. This was almost in every case due to the fact that the parties concerned did not choose to travel to receive petty sums. Under the present system there would be no end to complaints, and almost all small sums (the majority of amounts due to individuals are always small) will be unclaimed and undisbursed and will have to be ultimately transferred to revenue deposits.

In conclusion I request that the Board will be pleased to address Government and obtain definite orders on the subject, as the matter is one that requires immediate attention. If the Board thinks that Government is not inclined to recommend any amendment to the Act, I beg to suggest that the Tahsildars may be specially appointed under section 3 (c) of Act I of 1894 by the Local Government to make payments of compensation money.

Resolution—dated 24th April 1894, No. 172.

The Collector's letter read above will be submitted for the orders of Government with reference to Government Orders, dated 2nd September 1891, Mis. No. 4074, and 23rd December 1892, No. 1291.

2. Under the orders quoted above, payment of compensation for lands taken up for public purposes can be made only by the Collector or by any other officer specially appointed to perform the functions of a Collector under the Land Acquisition Act. These orders are based on a literal construction of the wording of the Act and on the Government of India rules appended to Board's Standing Order No. 11 (new edition). Section 40 of the old Act (corresponding to section 31—1 of the new Act) says that the Collector shall tender payment. Rule 10 of the Government of India rules requires the Collector to "take a receipt from each person." Reading this with rule 7, it appears that this is to be done as far as possible in the payee's village. Having taken the receipt from the payee, the Collector may, under rules 10 and 11, either (a) disburse the money himself from an advance previously drawn from the treasury for the purpose, or (b) encase the receipt for payment at a treasury. The former course entails the Collector's carrying a heavy cash-chest with him, and the latter puts the payees to the inconvenience of appearing before the Collector to sign the receipt and then going to the treasury officer to get payment.

3. Section 31 (1) of Act I of 1894 no doubt requires that the Collector or other officer specially appointed by Government (usually the Divisional officer) shall tender payment. The Board doubts, however, whether this should be construed literally so as to preclude these officers getting the money paid by their subordinates. It can hardly have been the intention of the framers of Act I of 1894 that the Collector should himself serve the notice on the occupier under section 9 (3); that he should himself conduct the whole inquiry under section 11; or that he should take possession in person under sections 16, 36 (1) and 47. Yet such is the plain meaning of these sections if they are taken literally as section 31 (1) has been.

4. The Board, therefore, ventures to request that the orders quoted above be reconsidered. The practice hitherto has, it is believed, been for the Collector or the Divisional officer to have receipts in form B prepared in counterfoil in his office from the award statements, leaving the space for the signature of the payee blank and altering the words "Paid in my presence to" to "Pay to." The original receipts are then forwarded to the Tahsildar with a list and he sends for the parties and pays them, taking their signatures when they appear and sending a weekly list of cheques paid. So far as the Board is aware there have not been any complaints of misappropriation or of any money not reaching the payees' hands. Generally it would be much easier for a Tahsildar than for a Divisional officer to detect an attempt at fraudulent personation. The Advocate-General, in his opinion communicated in Government Order, dated 16th October 1877, No. 3113, saw no objection to Tahsildars making payments under the old Act and the wording of the corresponding section of the new Act has undergone no alteration. That officer may, however, be consulted again if Government deems it necessary.

(True Copy and Extract.)

(Signed) L. M. WYNCH,
Secretary.

To the Secretary to Government, Revenue Department.
" Collector of Gódvári.

Order—dated 7th July 1894, No. 483, Revenue.

Miscellaneous.

The Board of Revenue will be informed that under the new Land Acquisition Act (I of 1894), the Collector has to make payments himself only when his award is accepted by the parties concerned and that the practice described in paragraph 4 of its Proceedings read above is the procedure intended by Government when payment has to be made by means of an order on the treasury.

2. The following instructions should be noted in connection with the payment of money compensation under the Act:—

(i) In cases in which the claimants appear and accept the Collector's award, a receipt in form B should be taken by the Collector and payment made at once if possible in cash, if not, by an order on the treasury.

(ii) In cases in which the claimants do not at once accept the Collector's award but do so afterwards, payment should be made in the manner described in paragraph 4 of the Board's Proceedings.

(iii) Where the claimants do not accept the award and in the other cases referred to in section 31 (2), the Collector should deposit the amount in court.

(iv) When the claimants or parties interested have failed to appear before the officer making the award, he is bound nevertheless under sections 11, 12 (2) and 31 (1) to make an award and to send to the parties an intimation of the award as well as an offer of payment. The notice containing the intimation of the award as well as the offer to pay the same should be served through the Tahsildar or Deputy Tahsildar and the Collector should act as in cases (ii) or (iii) above, according as he ascertains through those officers that the offer is accepted or not.

(True Extract.)

(Signed) E. GIBSON,
Ag. Secretary to Government.

To the Commissioners of Land Revenue.

RESOLUTION—dated 1st September 1894, No. 370.

Communicated to all Collectors for information and guidance.

2. Standing Order No. 11 will be revised with reference to the provisions of Act I of 1894 and the instructions contained in the Government Order read above, and re-issued as follows:—

Lands taken up for public purposes.
G.O., 6th May 1891, No. 408, and Bd.'s Procs., 16th August 1892, No. 437.
Method of acquisition.—Whenever lands not in the possession of Government are permanently required for public purposes, they should invariably be taken up under Act I of 1894, as acquisition under that Act gives Government an indefeasible title. In acquiring lands for temporary occupation, the Act (Part VI) should be applied wherever practicable.

2. Whatever the department requiring the land may be, the acquisition must be made by the Collector as hereinafter provided.
G.O., 6th May 1891, No. 408.

3. *Procedure preliminary to putting the Land Acquisition Act into force.*—Applications for lands required by other departments for public purposes should be made to the Collector by the district head of the department concerned, accompanied by a sketch. The Collector will thereupon, either personally or through one of his subordinates, inspect the locality in company with an officer of the department requiring the land. The land should then be staked out on the ground, and a statement of its position, area, &c., should be prepared in the form given in the appendix in view to estimating the probable cost of the acquisition. The

statement should be forwarded under the Collector's signature to the officer who made the application. The entries in columns 5 to 17 of the statement will, as a rule, be based on the information obtainable from the village authorities, who should be held responsible for its correctness. Where part only of a registered revenue field is required, the fact should be noted in column 7.

4. A statement should invariably be taken from the owners or occupiers of the land embodying their objections, if any, to its acquisition and should be forwarded to Government with the application referred to in paragraph 7 *infra*.
G.O.s., 29th June 1869, No. 1865, and 6th May 1891, No. 408.

5. In estimating the value of land for purposes of the statement referred to in paragraph 3, the Collector should be guided by the following considerations:—
Bd.'s Procs., 8th May 1875, No. 1204, 1st Nov. 1875, No. 3015, and 19th Sept. 1888, No. 806.

(1) The value of the land should ordinarily be its market value, i.e., the amount it would be likely to fetch if sold under ordinary conditions.

(2) If there is difficulty in estimating this, the market value of similar lands in the neighbourhood should be adopted.

(3) Where even this *datum* is not ascertainable, the estimated value of the land should be calculated as follows:—

(a) In the case of ryotwari lands, it should be taken at 15 times the assessment, unless the land has been permanently improved since the assessment was imposed, in which case it should be calculated at 15 times the net income derived from it.

(b) In the case of inam or zemindari lands—

(i) If the land bears a survey or paimaish assessment, compensation for the zemindar's or the inamdar's *melvaram* right should be calculated at 15 times the difference between such assessment and the proportionate peishkash or quit-rent, and for the occupancy right whether possessed by the proprietor himself or by a tenant, at 15 times the assessment.

(ii) If the land bears no such assessment, compensation for the proprietor's *melvaram* right should be calculated at 15 times the difference between the rental and the proportionate peishkash or quit-rent on the land. In this case, if the proprietor himself possesses the occupancy right in the land, no separate compensation will be necessary for such right, as it will be included in the amount of rental. If, however, a tenant possesses the occupancy right, compensation for his interest should be calculated at 15 times the rent he pays.

(iii) In the case of waste lands in zemindari and inam villages, compensation should be calculated with reference to the *present* value of their estimated rental. This present value is to be determined by first estimating the rental with reference to the rates of similar lands under cultivation, and then applying to it the proportion given in the second column of the statement in the appendix corresponding to the number of years within which the land taken up is likely to come under the plough. If, however, it is not possible to estimate this period with any degree of accuracy, the present value of the rental may be fixed at half its estimated amount.

6. Whenever land is required for an extensive public work, the cost of a special officer to settle the compensation should be provided for in the estimated cost of the acquisition. The additional charge involved will, to a great extent, be repaid by a reduced payment on account of the value of the land and by saving of interest and other charges consequent on a much prompter settlement of compensation.

7. After the estimated cost of the acquisition has been sanctioned by a competent authority either separately or as part of the estimate of the project or scheme for which the land is required and intimation of

this fact has been received by the Collector, the latter should submit to the department of the Government Secretariat concerned, in the form given in the appendix, either the necessary draft declaration for the permanent acquisition of the land under section 6 or an application for permission for temporary occupation of the land under section 35 of the Act, as the case may be.

8. *Procedure after the Act is put into force.*—After the publication of the declaration above referred to, the procedure prescribed in the Act should be followed.

Note.—If, when the land comes to be acquired, the original estimate of its value proves to be much under the mark, the Collector or the special officer appointed to perform his duties under sections 3 and 7 of the Act will do well to inquire of the officer who originally applied for the land whether the acquisition shall be completed.

9. Awards of Collectors may be based on reports of subordinate officers, provided that notice of the date on which the award is to be made has been given to the parties interested, so that they may appear if they see fit.

In the event of any dispute arising which subordinate officers are unable to adjust, the Collector or other officer duly authorized should proceed to the spot and conduct matters in person.

10. Except in cases of urgency to which section 17 of the Land Acquisition Act applies, possession of the land should, as permitted in section 16 of the Act, be taken only when an award has been made under section 11.

Note.—Loss of produce during the period intervening between the dates of taking possession and payment of compensation is not an item for which compensation is separately awardable under the provisions of the Act. The claim on this account is met by section 34, which provides for the payment of interest at 6 per cent. on the amount of compensation settled from the date of occupation to that of payment.

11. MODE OF PAYMENT OF COMPENSATION.

I. *Money payment.*—Immediately on making an award under section 11, the Collector or other officer duly empowered should tender payment of the compensation settled to such of the persons entitled thereto as are then present either personally or by their representatives. To those who are not so present, a notice should at once be sent through the Tahsildar or the Deputy Tahsildar

intimating the fact of the award having been made and stating that, unless payment of the amount awarded is taken, either personally or through a duly-authorized agent within a time

When given for copying _____
When copied _____ } 189
When examined _____
When signed _____

READ AGAIN G.O., No. 189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—

A = Copy in full.
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Q = Copy heading only.

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 29-4-95

No. 736. L.

INDEXED.*When given for copying.*

[Despatch Abstract.]

Tamurice

Stating that the suggestion of the Sanitary Board that provision should be made for securing efficient sanitary control of — which are not situated in municipalities, will be considered in connection with the amendment of the Local Boards Act.

BACK PAPER, No.

OF 189

READ AGAIN ORDER OF GOVERNMENT, DATED
189, No. MISCELLANEOUS.

FURTHER PAPER, No.

OF 189

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not pagel).

N.R. -

A - Copy in full.
B - Not to be copied.
P - Copy abstract only.
Q - Copy heading only.

Copied by
Examined by

Local & Municipal Dept

Government of Madras

Sanitary Board Office
General Sanitation Department

Proceedings of the Sanitary Board No. 9
dated 8th April 1895.

Present.

Surge. Lieut. Col. W. G. King M.B., M.D.P.H.,

Ag. Sanitary Commissioner

J. A. Jones Esq. M.I.C.E., F.R.S.E.,

Sanitary Engineer to Government.

Read the following:-

Letter of the Sanitary Commissioner No. 1403
dated 26th July 1894, inviting the atten-
tion of the President, District Board,
Chingleput, to a Report by the District
Sanitary Officer dated 19th February 1894 as
to the unsanitary condition of tanneries
at Tiruvottur.

Letter No. 2879 dated 11th Feb 1894 from
the President, District Board, Chingleput,
to the Sanitary Engineer suggesting a
survey with reference to drainage of the
tanneries in question and

Resolution. It being evident in the existing state of Law ^{it is} impossible to efficiently control the sanitary condition of tanneries which are not situated within the limits of a Municipality, and, as a result, that contamination of air, soil and sub. soil water must occur with both simple organic and - pathogenic matter to the detriment of the inhabitants in their neighbour- hood, the Sanitary Board would respectfully represent to Government the desirability when proceeding to amend Act No V of 1884, that provision be made whereby efficient sanitary control of the structure, drainage, water supply, and mode of working of tanneries can be secured by District Board authorities, by re- quiring the issue of licenses.

(True Extract)

W. E. Knox
Supt. Lt. Col.
Joint Secretary, San'y Bd.

The amending
is not to be
up until after
bill to amend
the Municipal
is now before the
Council in private
Law. Please
H. M. S. & W. in the file

In the case of
under section 108
of 1884

The Chief Secretary

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Examined by

H. M.
Musc

order of 29-4-95 No 736
The suggestion will be considered in
connection with the amendment of the
Local Boards Act.

V. P.
7/4/95

CGI
23-IV.

24/4/95.

Seen
CGI
26-IV.

HC
Note this

Indever
Please return this
after 29/4

The Sanitary Board

2/5/95