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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 2237	Press -Mis.-
548-97	
Dated 24 . 7 . 1867.	

Not to be folded or roughly handled

No. 598. Read the following Circular from the Government of India, Public Works Department, (Account), dated Simla, the 2nd July 1867, No. 59 A. :—

Regarding the taking up of land for Public Works.

RESOLUTION.—The Governor General in Council observes that it seems necessary that attention should be enforced to the Rules promulgated with Circular No. 73 of 1864, regarding the sanction of estimates prior to the purchase of land required by Government for public works.

2. Several cases have lately occurred in which the Government has been committed to a large expenditure without being allowed the option of declining sanction, owing to the local authorities having at once proceeded to take up land on Act VI. of 1857, before any estimate had been sanctioned. The compulsory process, under Act VI. of 1857, ought never to be resorted to prior to the sanction of an estimate for the anticipated expenditure, since the mere service of a notice under it binds the Government to accept such land at whatever price may be thereafter determined by arbitration. Hence, it is evident that an estimate of the cost of the property framed on the result of arbitration under the Act, is not really such an estimate as permits the Government to decide whether or not to purchase. It is equivalent to a report of an amount of expenditure which must be incurred, and thus does not meet the requirements of Circular No. 73 above quoted.

3. When land is required for public purposes the Public Works Officer should, in the first instance, consult the Civil Authorities, and obtain from them an idea of the probable cost of the land per acre, or otherwise, together with the value of buildings, &c., on the property. Upon the information thus obtained an estimate should be framed and submitted for sanction. The Governor General in Council is quite aware that such an estimate may, in some cases, be very wide of the actual expenditure which may after all have to be incurred, since it is difficult to judge beforehand what the result of a private bargain or resort to arbitration may be. But still it is clear that common prudence requires that the Government should ascertain, to the best of the knowledge of its officers, what the cost of a purchase of land is likely to be before it commits itself to the purchase.

4. When sanction to an estimate framed as above directed, has been obtained, the Consulting Engineer, Executive Engineer, or other Public Works Officer concerned, should commit the matter to the Civil Authorities, who should endeavour to effect the purchase by voluntary agreement; failing this, reference should again be made by the Civil Officer to the Public Works Officer to ascertain whether the object sought cannot be secured otherwise, either by obtaining some other plot of land than what was originally intended, or in some other manner; and in the absence of special reasons to the contrary, resort should be had to the compulsory process under the Act only when all other means of arriving at a satisfactory settlement have failed.

5. The charges on account of the purchase of the land should be audited against the sanctioned estimate, and in case of any excess over the estimate, the cause should be explained, and sanction to the amount applied for in the usual manner.

*Proceedings of the Madras Government, Public Works Department,
24th July 1867.*

6. The Governor General in Council desires that the above Rules may be carefully attended to, as considerable loss to Government has been occasioned by failure to adopt some such measures as are above laid down.

ORDERED that the above Resolution be forwarded to all the Local Governments and Administrations, both in the Public Works and Railway Departments, for information and guidance.

Ordered also that a copy be forwarded to the Home Department in view to corresponding instructions being issued to the Revenue Officers.

Ordered further that a copy be forwarded to the Financial Department, for information.

(Signed) C. H. DICKENS, Colonel, R. A.,
Secretary to the Government of India.

No. 599. ORDER THEREON, 24th July 1867, No. 2,237.

ACCOUNT, No. 46.

Communicated to the undermentioned Officers for information and guidance:—

Superintending Engineers.

Consulting Engineer for Railways.

Do. do. for the Madras Irrigation and Canal Company.
Captain Kennedy.

(True Extract.)

(Signed) J. H. M. SHAW, STEWART, Major, R. E.,
Under Secretary to Government.

To the Superintending Engineers.

„ Consulting Engineer for Railways.

„ Do. do. for the Madras Irrigation and Canal Company.

To Captain Kennedy.

To the Revenue Department

„ Controller of Public Works Accounts.

„ Accountant General.

Exd. F. R. Bantleman.

*Cci
Print according to Rules*

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*Command to the under
mentioned Officers for
information and guidance*

*To Supg Engrs.
„ Cms Engr for Rys
„ Cms Engr for the M I & C
„ Capt Kennedy -*

*Start at George
24th July 1867*

*119 to SE ✓
To Cms Engr for Rys ✓
„ Cms Engr for the M I & C ✓
„ Capt Kennedy ✓
„ Revd. Dept ✓
„ Cont. Genl. ✓*

Despatched 25/7/67