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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	3187	Press	Original
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Dated	8. 11	1951	1875

Not to be folded or roughly handled

From

THE CONTROLLER,
PUBLIC WORKS ACCOUNTS.

To

The Secretary to Government,
Public Works Department.

Fort Saint George, 26 October 1875.

Sir,

With reference to your letter

N^o 446 dated August 2^d 1875 forwarding
to me for report a copy of the proceedings
of the Board of Revenue under date
June 17th 1875 with regard to the payment
of compensation for land taken up
for Public Works, I have the honor
to submit for the consideration of
Government the following remarks.

1. The observations of the Board
have reference to the payment of
compensation of land,

1st In cases where the land has
been already taken up and

2^d In all future cases where land
may be required.

3. Taking the second of these
just in order, the rules at present

in force for taking up land for Public works are as follows:-

The estimate for a work drawn up by a P.W. Officer invariably includes the value of the site; the price per acre for the land entered in the estimate being as advised by the Civil Authorities, to whom the Public Works Officer applies to learn the probable cost of this item in the estimate.

On the estimate being sanctioned, and the land required for the commencement of the work, the P.W. Officer submits the case to the Civil Authorities, who, if they find either by voluntary agreement or under Act 10 of 1870 they can secure the land for about the amount entered in the estimate thereon they acquire it and hand it over to the Public Works Department. If, on the contrary, the Civil Authorities find there is likely to be any considerable excess over the sanctioned amount, they apply again to the Public Works Officer either to submit to Government a revised estimate for the increased sum required, or to arrange for some cheaper ground by changing, if possible,

4. These instructions appear clear, and if carried out it is evident that for the price that may eventually be paid for the land there is in every case, as pre-existing sanction of Government. In their opening paragraph where the Board speak of payments for compensation being made in paid bills from the Controller without their previous sanction of Government, there is evidently some misconception on the part of the Board as to the duties of our Auditor. The Controller of P.W. Accounts not being a sanctioning authority, the mere fact of his passing a bill implies of necessity a sanction of Government against which the charge has been audited.

5. As regards actual payments for compensation, the ordinary course is for the Civil Authority to submit a bill to the District Engineer who after countersigning the bill forwards it to the Controller. On

return of the audited bill, the collector
makes the payment, which eventually
appears in an exchange account with
the Civil Department as a debit to the
Public Works Department. The Controller
advises the Range Officer concerned of
the debit thus raised, and in this way
the item finally appears in the
Range accounts against the sum
made for land in the estimate for
the year. The Board in their report
suggests that there is no necessity
for this precaution on the part of the
Controller. I think the necessity exists
simply on the ground that payments
for land are not made by the Public
Works Officer who keeps the accounts
of the work in which these payments
are eventually to appear, and who is
primarily responsible to Government for
the estimate not being exceeded. It
is, I think, important for the P.W. Accounts
Department to have early information

as to these payments, which otherwise
would only be known on receipt of
the exchange accounts from the
Accountant General, Madras. The
system works well elsewhere and should
not, I think, be departed from without
some strong reason being advanced
for so doing. With regard to the Board's
proposal to limit the power of the
collector in settling the price of land,
I cannot see that any advantage
would be derived from taking this
course. The price of the land is
fixed either under the Land
acquisition act or by voluntary
agreement. In the former case,
no action on the part of the Board
of Revenue could affect the amount
awarded under the Act. In the
latter case, I cannot believe that
the solicitations of the Board of
Revenue would induce an obstinate

landholder to abate his terms to any appreciable extent. I anticipate that the only effect of referring claims for compensation to the Board would be delay in placing the Public Works Department in possession of the land; the eventual saving in the price of the land being little or nothing. - The balance of advantage appears to me to rest with the collector having full power, without reference to the Board, to settle the price of all land taken up for Public Works under the present rules.

8. The foregoing remarks apply to all future cases, in which land may be required for Public Works, whether Imperial, Provincial or Local. With regard to past acquisitions of land, if any case has occurred of land having been occupied without compensation having been paid, and from the terms of the Board's letter, I am reluctantly forced to the conclusion not only that such cases have occurred

but also that cases of the sort are more frequent than I could otherwise have thought possible; it seems to me almost a misuse of the word sanction to apply it in respect to a liability which Government has already incurred, and which could be legally enforced against Government in any Court of Law. -

9. At this period, discussions regarding the formal allotment of funds appear altogether out of place. - Whether funds are or are not formally available, common honesty requires that debts should be settled before further expenditure is incurred. The discussion should in my opinion be limited to the single issue of how most speedily can be settled claims in the adjustment of which I feel keenly that the honor and credit of this Government are alike involved. -

10. So far from limiting the powers of the collectors in settling

past claims for compensation, I am
of opinion that the action hitherto
taken has been inadequate to meet
the necessities of the case. - I am of
opinion that a definite date should
be fixed and that all Civil Officers
should be held responsible for settling
within that date all the present
outstanding claims. -

11. In the settlement of such
claims I agree with the Board of
Revenue that the countersignature
of the District Engineer as a guarantee
that the land has been taken for
Public Works will be sufficient without
reference to this office. - Besides, the
Government of India have already laid
down that the award of the Court
or a certified copy of it is a sufficient
authority to the Controller to pass
charges for compensation when the
land has already been taken up.

12. The claims themselves
must be met from the P.W. Budget,

but it is an open question whether
the interest at 6 per cent. per annum
which under the Act such claims
carry from the date of occupation
should not be more fairly a charge
on the Civil Budget in all cases
when the delay in payment has
not been directly caused by the
officers of the P.W. Department. -

13. In para 5 of their Proceedings
the Board of Revenue point out that
collectors should satisfy themselves
before making payments that
there is provision in the Estimate of
the work and the Budget.

The rules more properly point out
the advisability of taking all these
precautions before the land is occupied
and Government committed to the
expenditure. After any of Her Majesty's
Subjects have for purposes of State been
ousted from their property, it is to me
perfectly inconceivable that any doubt
should exist as to their right to the
immediate payment of the money

1 compensation awarded them. The
2 orders of the Government of India
3 are explicit on the point, and are
4 at variance with the suggestions of
5 of the Board.

6 "On all occasions, however, the
7 "first duty of the Local Depart-
8 "mental Authorities is to pay up
9 "in full from the general funds
10 "at their command the whole
11 "amount of the judicial award
12 "under the provisions of the Act."

13 14. The proposals of the Board
14 of Revenue in para 4 to make an
15 annual provision in the Public Works
16 Imperial Budget for past claims on
17 Accounts of land might, if accepted,
18 be almost held to imply a recognition
19 on the part of the Public Works Department
20 that the present irregular system of
21 taking up land without paying down
22 compensation, is to continue. The
23 Board of Revenue doubtless do not
24 contemplate the continuance of such

25 a system to the extent of its requiring
26 a regular annual Budget Provision, but
27 as the proposal of the Board might
28 undoubtedly be held to have this
29 meaning, I do not think in its present
30 shape it should be entertained. If
31 the remaining months of the current
32 official year are not sufficient for the
33 adjustment of the outstanding claims
34 for land, an exceptional provision
35 might be made in the next year's
36 budget at the special request of the
37 Board of Revenue. For the future
38 the estimates for works included in the
39 Public Works Budgets should include
40 the value of the land required, and
41 this can be made available to the
42 Civil Department for disbursement
43 as soon as the land is occupied.

44 15. From the above remarks govern-
45 ment will understand that I do
46 not recommend any change in the
47 present system. All that is required
48 is for some one to see that the

rules at present in force are properly
attended to. - Should Government be
of opinion that good will result therefrom,
I will compile in a neat pamphlet
all the orders regarding the acquisition
of land for Public Works, and forward
it for the approval of Government.

I have the honor to be

Sir,

Your most obedient servant.

Stoneway-London

Controller of P.W. Accounts.

Yours

J. H. J.

P. W. 1895 Defam
no: 6730

The Controller
of P.W. accounts

The Secretary to Government
P.W. Department.

Paid 20 { October 1875
 Received 21 {

A 110th

Submitting for
consideration certain
remarks with re-
-ference to the pay-
-ment of compensation
for land - 11-25

№ 193a

No 72. Read Proceedings of the Board of Revenue, dated 17th June 1875,
No 1,658

UNDER the existing practice and rules, no payment of money compensation is made without the sanction of the Board in the case of local works, and Board's Standing Order, No 141 of Government in the case of Imperial works. The Board beg to inquire whether the instructions now given in the second of the orders above read, which direct that payments may be made on the receipt of passed bills from the Controller of Public Works Accounts in the case of new acquisitions, and without such previously audited bills in cases in which lands were taken up years ago, are intended to supersede the necessity for the previous sanction of the Board and Government.

2. The Board are of opinion that it is not desirable to do away with the security of sanction altogether, but they think that much labor and delay would be saved if Collectors were authorized to sanction settlements of compensation where the amounts concerned do not exceed, say, Rupees 200, and provided the compensation granted does not exceed twenty times the assessment of the land taken up in the case of Inam lands and ten times the assessment in the case of Ryotwari lands.

3. If the Government approve of the course above suggested, the Board think that there will be no necessity for the bills being pre-audited by the Controller of Public Works Accounts. Bills may be sent to him on payment of the money.

money.

4. As regards funds, the Controller states, and Government approve, that payments need not be deferred till formal allotments of funds in the case of compensation long due for lands taken up for public works carried out by the Public Works Department. Collectors will carry out this order so far as Imperial works are concerned. In the case of local works, also, payments may be made with the sanction of the Local Fund Boards if funds are available, the necessary application for the amounts being placed at the disposal of the Public Works Department being sent in as soon as the payment is made. To avoid inconvenience and frequent references on the subject, Collectors should in future provide in the annual Local Fund Budgets a suitable sum for compensation of lands taken up during the previous years. A similar arrangement might also be made in the Public Works Budget in the case of Imperial works.

5. In the case of lands taken up during the year for works under progress, Collectors should satisfy themselves before making payments that there is provision in the estimate of the work and the budget. If there is no such provision, application should be made for an allotment direct to the Board in the case of local works, and, through the District Engineer, to Government in the case of Imperial works.

6 Where fresh lands are proposed to be granted in lieu of land lost, or where quit-rent of Inams is reduced on account of lands taken up, the Board

10/11/75 no 149-157.
- 7-12-112

P. W. 1875 Sept.
Cobl. of 1873 21/10/75

REVENUE.

No: 5423

INDUSTRIAL WORKS DEPTMT.



233

AUGUST
No 7273

... taken up for
... to the District of
... Placed in
... 1875
... 1875
... 1875
... 1875

Referred -
Go no 3184 8/11/75

Oct 30-10-75
10/12/75 no 112-113

No 446.

Referred to the
Controller of Public
Works Accounts for
Report.

Submitted -
Major Genl. R.
Letter to Fort. P. D.

Recommended.
27 August 1875 3

Chaplin

Go. 8 November 75
No 3184. ought
to go to all District
Engineers with spare
Copies for Range
Officer - Adm

No 3187

Public Works Department

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 8 Nov 75.

Read the following:—

Abroad
Proceedings of the Revenue Dept. — M. S. 1192 dated 9th Sept 1875.
From the Controller of Public Works Accounts } — M. S. 1101 dated 20th Oct 1875.

His Excellency the Governor in Council approves entirely of the Controller's arguments, and conclusions, and requests that he will, in communication with the Under Secretary in the Public Works Department, prepare a Chapter of the Public Works Code dealing exclusively and completely with the subject of Compensation for Lands taken up for

415

The Controller's letter is excellent. I am sure it will be useful to the Govt. and the

for state purposes,
for the information
and guidance of
Officers and Sub-
ordinates of the Re-
venue and Public
Works Department.

G.M.W.

193-194	5	✓
Control		
Under Secy to Govt	2	✓
Res. Dept	21	✓
at Lugo		Office

Dropped 23-11-75

6/15
Ctbl. of 1875
PUBLIC WORKS.

10/11/01
Ctbl. No Accts

Date

To

For

Folio

8 Nov 1875 3187

Dec

193-194

Consideration for Cont. to Recd
for Public Works of Pro-
prietorship of the arrangements
& conditions of the Controller of
the Accts regarding the
and direction from the Commis-
sion with the Under Secy in
charge of the Chapter