

(1) Number of pages _____

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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	835	(W)	Press
B.P. No.			Mis.
Dated	3/3		18 76

Not to be folded or roughly handled

No. 545. Read the following letter from Colonel C. H. DICKENS, R.A., Secretary to the Government of India, Public Works Department, (Account-General,) to the Governments of Madras, Bombay, Bengal, the North-Western Provinces and the Punjab, in the Public Works Department, Buildings and Roads and Irrigation Branches; the Chief Commissioners of Oudh, Central Provinces, British Burmah, Mysore and Coorg and Assam; the Resident at Hyderabad; the Agents to the Governor-General for Central India and Rajpootana; the Superintendent of Port Blair, and Chief Commissioner, Andaman and Nicobar Islands; the Inspector-General of Military Works; the Director of State Railways; the Consulting Engineer to the Government of India for Guaranteed Railways, Calcutta, dated Fort William, 2nd March 1876, Nos. 212—23 A—G. :—

As the Code of the Public Works Department is now under revision, the Government of the Punjab have suggested that the rules contained therein relative to the acquisition of land required for public purposes might with advantage be reconsidered.

2. Those rules require that, when land has to be taken up, the Executive Engineer or other Public Works Officer concerned should, in the first instance, try in concert with the Civil Officers to arrange for the purchase of the land by voluntary agreement, and if this cannot be arranged, he must commit the matter to the Civil authorities in view to the acquisition of the land under Act X of 1870.

3. It has, however, been represented that the results obtained in many cases have proved the inexpediency of attempting to acquire land for State purposes by private negotiation; that the title accruing to land so taken up is not as good a one as can be obtained by the procedure under the Act; that in fact, with some exceptions, afterwards involving complications and difficulties, such attempts have been unsuccessful, and after much labor and loss of time have ended in recourse being had to the Act. It has therefore been urged that in all cases where there is any doubt about title, or where land is taken up for any work passing through a number of properties, such as land taken up for a railway or canal, the procedure under the Act should be, as a rule, adopted. A copy of the representation made by the Government of the Punjab on the subject is annexed for information.

4. On the other hand, it is observed that the procedure under the Act is open to the objection that the cost of land so taken up is likely to be enhanced, and that notification of intention to take up land compels the Government to take it up, and pay all expenses, whatever they may be, awarded under the Act; and that whilst ordinarily there is no harm in this, yet in certain cases it is desirable to have an opportunity of reconsidering parts of a project, (e.g., the site of a building or the alignment of a railway) if the cost of land is found to be enhanced in a particular locality: that in some cases it might even be better to give up a project altogether than to take up land for it at a cost disproportionate to the object in view. It is desirable, therefore, that opportunity should be allowed in special cases of reconsidering projects, if any unexpectedly large expense in land is likely to be involved.

5. In some cases the appointment of a special officer to arrange for taking up land has been advantageous in ensuring full consideration before the Act is applied, and in settling by cash payment on the spot, so as to obviate complaints and litigation, and so to secure the acquisition of land at reasonable cost.

*Proceedings of the Madras Government, Public Works Department,
31st March 1876.*

6. It is possible that the rules in force on this subject may be improved now that five years' experience of their working have been gained, and I am directed to request that the Government of India may be furnished with a full report on the working of the rules, with such suggestions as may be thought desirable for on the one hand securing to the owner a proper and promptly paid compensation for land, and on the other hand securing the Government against paying exorbitant prices.

From T. H. THORNTON, Esq., Secretary to Government, Punjab, and its Dependencies, to the Secretary to the Government of India, Public Works Department, dated 12th October 1875, No. 1,460.

As it is understood that the Public Works Code is at the present time under revision with a view to the publication of a new edition, I am directed to submit, for the consideration of the Governor-General in Council, the following observations of His Honor the Lieutenant-Governor, with reference to the Standing Order of the Government of India in the Public Works Department, No. 42 of 1873, as amended by Standing Order, No. 46 of 1874, regarding the purchase of land for public purposes.

2. By the present rule the Executive Engineer or other Public Works Officer concerned should, in the first instance, in concert with the Civil Officers, try to arrange for the purchase of the land by voluntary agreement. The Lieutenant-Governor would recommend that in all cases (1) where there is any doubt about title, (2) and where land is taken up for any work passing through a number of properties, such as land taken up for a railway or canal, the procedure under the Act be, as a rule, adopted.

3. The opinions of several officers of experience have recently been furnished on this subject, in connection with the preparation of a draft Circular regarding the acquisition of land. The Financial Commissioner, Mr. Egerton, has on previous occasions represented the inadvisability of lands being taken up for State purposes by private negotiation. He points out that the title accruing to land so taken up is not as good a one as can be obtained by the procedure under the Act; and he would recommend that where land is required for railways, canals, roads, or other large works, resort should be had to the provisions of the Act, a special officer being deputed for the purpose. Colonel Peile, the Engineer-in-Chief, Indus Valley (State) Railway, sees no objection to this proposal of Mr. Egerton so far as State Railways are concerned. Mr. Grant, the Engineer-in-Chief, Punjab Northern (State) Railway, considers that the results of all the experience of his Department in the acquisition of land in the Punjab for the purposes of railway construction have tended to prove the inexpediency of attempts to effect this acquisition by private arrangement. With some exceptions, afterwards involving complications and difficulties, these attempts have been unsuccessful, and after much labor and loss of time have ended in recourse being had, under the required declaration, to Act X of 1870. The plan adopted last year, under which all the land required for the new broad gauge line of the Punjab Northern (State) Railway was taken up and settled for by a special officer deputed by the Punjab Government, has, in the opinion of the Engineer-in-Chief, been eminently advantageous and successful. He would, therefore, strongly recommend the adoption of this mode of procedure in all similar cases.

4. His Honor the Lieutenant-Governor would point out that it is desirable to proceed under the Act not only for the purpose of obtaining a title unencumbered by mortgage or other lien, but with reference to the pre-emption law of the Punjab, which requires, under Sections 11 to 17, inclusive, of Act IV of 1872—the Punjab Laws Act—that all lands within a village boundary be offered, first, to all parties having a right of pre-emption, failing which a purchase is voidable within a year.

5. The objection usually urged against proceeding under the Land Acquisition Act is, that the cost of taking up the land is enhanced; but if the procedure resorted to by this Government in the case of land taken up for the Sirhind Canal and the Punjab Northern (State)

*Proceedings of the Madras Government, Public Works Department,
31st March 1876.*

Railway is adopted, namely, that of appointing a special officer to settle for land taken up by a cash payment, the Lieutenant-Governor believes that this objection will be fully met, and land with clear title procured at a very moderate cost.

No. 546.

ORDER THEREON, 31st March 1876, No. 835.

ACCOUNT, No. 21-A.

ORDERED that the papers be referred for the opinions of the Board of Revenue, of the Consulting Engineer for Railways, of the Chief Engineer for Irrigation, and of the Collectors of Chingleput, Godavery, Kistna, and Tinnevely.

(True Extract.)

(Signed) G. W. WALKER, Major-General, R.E.,
Secretary to Government.

To the Board of Revenue.

- " Consulting Engineer for Railways.
- " Chief Engineer for Irrigation.
- " Collector of Chingleput.
- " do. Godavery.
- " do. Kistna.
- " do. Tinnevely.
- " Revenue Department.

Exd. T. O'Connor.

Spare Copies

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Nos. 212-28 A-G.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

ACCOUNT.
General

To

THE GOVERNMENTS OF MADRAS, BOMBAY, BENGAL, THE NORTH WESTERN PROVINCES
AND THE PUNJAB, IN THE PUBLIC WORKS DEPARTMENT, BUILDINGS AND ROADS AND
IRRIGATION BRANCHES.

THE CHIEF COMMISSIONERS OF OUDH, CENTRAL PROVINCES, BRITISH BURMAH, MYSORE
AND COORG AND ASSAM.

THE RESIDENT AT HYDERABAD.

THE AGENTS TO THE GOVERNOR GENERAL FOR CENTRAL INDIA AND RAJPOOTANA.

THE SUPERINTENDENT OF PORT BLAIR, AND CHIEF COMMISSIONER, ANDAMAN AND
NICOBAR ISLANDS.

THE INSPECTOR GENERAL OF MILITARY WORKS.

THE DIRECTOR OF STATE RAILWAYS.

THE CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED
RAILWAYS, CALCUTTA.

Fort William, March 2, 1876.

SIR,

As the Code of the Public Works Department is now under
revision, the Government of the Punjab have suggested that the rules con-
tained therein relative to the acquisition of land required for public purposes
might with advantage be re-considered.

Those rules require that, when land has to be taken up, the Exe-
cutive Engineer or other Public Works Officer concerned should, in the
first instance, try in concert with the Civil Officers to arrange for the
purchase of the land by voluntary agreement, and if this cannot be arranged,
he must commit the matter to the Civil authorities in view to the acquisition
of the land under Act X of 1870.

3. It has, however, been represented that the results obtained in many
cases have proved the inexpediency of attempting to acquire land for State
purposes by private negotiation; that the title accruing to land so taken up
is not as good a one as can be obtained by the procedure under the Act; that
in fact, with some exceptions, afterwards involving complications and diffi-
culties, such attempts have been unsuccessful, and after much labor and loss of
time have ended in recourse being had to the Act. It has therefore been urged
that in all cases where there is any doubt about title, or where land is taken up
for any work passing through a number of properties, such as land taken up for
a railway or canal, the procedure under the Act should be, as a rule, adopted.
A copy of the representation made by the Government of the Punjab on the
subject is annexed for information.

7H.

4. On the other hand, it is observed that the procedure under the Act is open to the objection that the cost of land so taken up is likely to be enhanced, and that a notification of intention to take up land compels the Government to take it up, and pay all expenses, whatever they may be, awarded under the Act; and that whilst ordinarily there is no harm in this, yet in certain cases it is desirable to have an opportunity of re-considering parts of a project, (e. g., the site of a building or the alignment of a railway) if the cost of land is found to be enhanced in a particular locality: that in some cases it might even be better to give up a project altogether than to take up land for it at a cost disproportionate to the object in view. It is desirable, therefore, that opportunity should be allowed in special cases of re-considering projects, if any unexpectedly large expense in land is likely to be involved.

5. In some cases the appointment of a special Officer to arrange for taking up land has been advantageous in ensuring full consideration before the Act is applied, and in settling by cash payment on the spot, so as to obviate complaints and litigation, and so to secure the acquisition of land at reasonable cost.

6. It is possible that the rules in force on this subject may be improved now that five years' experience of their working have been gained, and I am directed to request that the Government of India may be furnished with a full report on the working of the rules, with such suggestions as may be thought desirable for on the one hand securing to the owner a proper and promptly paid compensation for land, and on the other hand securing the Government against paying exorbitant prices.

I have the honor to be,

SIR,

Your most obedient Servant,

W. A. D. A.

Colonel, R. A.,

Secy. to the Govt. of India.

No. 212 A.G.

To
The Secretary to the Govt. of Madras
P. W. Department
Irrigation Branch

GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.

ACCOUNT.
General.

To

THE GOVERNMENTS OF MADRAS, BOMBAY, BENGAL, THE NORTH WESTERN PROVINCES AND THE PUNJAB, IN THE PUBLIC WORKS DEPARTMENT, BUILDINGS AND ROADS AND IRRIGATION BRANCHES.

THE CHIEF COMMISSIONERS OF OUDH, CENTRAL PROVINCES, BRITISH BURMAH, MYSORE AND COORG AND ASSAM.

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THE INSPECTOR GENERAL OF MILITARY WORKS.

THE DIRECTOR OF STATE RAILWAYS.

THE CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS, CALCUTTA.

Nos. 212—28 A—G.

Dated March 2, 1875.

Received

Requests submission of a report on the working of the rules relative to the acquisition of land required for public purposes.

No. 219, P. W. D. Press—3-3-76—204.

Enclosure to Public Works Department Letter Nos. 212—28 A—G of 1876.

No. 1460, dated 12th October 1875.

From—T. H. Thornton, Esq., Secy. to Govt., Punjab, and its Dependencies,
To—Secretary to the Government of India, P. W. Dept.

As it is understood that the Public Works Code is at the present time under revision with a view to the publication of a new edition, I am directed to submit, for the consideration of the Governor General in Council, the following observations of His Honor the Lieutenant Governor, with reference to the Standing Order of the Government of India in the Public Works Department, No. 42 of 1873, as amended by Standing Order No. 46 of 1874, regarding the purchase of land for public purposes.

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No. 219 P. W. D. Press—3-3-76—204.

M. 1851/76

Nos. 212—28 A—G.

GOVERNMENT OF INDIA
PUBLIC WORKS DEPARTMENT.

ACCOUNT.
General.

To

THE GOVERNMENTS OF MADRAS, BOMBAY, BENGAL, THE NORTH WESTERN PROVINCES
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Fort William, March 2, 1876.

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Plf 31 March 76 W 545

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I have the honor to be,

SIR,

Your most obedient Servant,

(Signature)

Colonel, R. A.,

Secy. to the Govt. of India.

No 212 66.

To

The Secretary to the Govt of Madras
P. W. Department

Standing Order No. 42 of 1873 & 46 of 1874

P. W. 1876 Dept.
GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

ACCOUNT.
General.

No 1851

To

THE GOVERNMENTS OF MADRAS, BOMBAY, BEN-
GAL, THE NORTH WESTERN PROVINCES AND
THE PUNJAB, IN THE PUBLIC WORKS DE-
PARTMENT, BUILDINGS AND ROADS AND
IRRIGATION BRANCHES.

THE CHIEF COMMISSIONERS OF OUDH, CEN-
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THE INSPECTOR GENERAL OF MILITARY
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THE DIRECTOR OF STATE RAILWAYS.

THE CONSULTING ENGINEER TO THE GOV-
ERNMENT OF INDIA FOR GUARANTEED
RAILWAYS, CALCUTTA.

Nos. 212-28 A-G.

Dated March 2, 1875.

Received - 13 -

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Requests submission of a report on the working
of the rules relative to the acquisition of land re-
quired for public purposes.

No. 219, P. W. D. Press-3-3-76-204.

Pl 31 March 76 PW 545

P. H. D.

From the Government of India for
212-28 A-G, dated 2nd March 1876.

For Orders.

Submitted for
orders.

It is suggested that
the papers be referred
for the opinions of the
Board of Revenue, the
Consulting Engineer for
Railways, and the
Chief Engineer for Irri-
gation in the first
instance.

For the attention
of the Board of Revenue
in the first instance.

For the attention
of the Consulting Engineer
for Railways.

For the attention of the
Secretary to Government
S. H. B.

Ex. 204

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Ph 31 March 76 RW 545

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No 835

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Accts

Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

UNDER date the 31 March 76.

READ the following:—

From the Govt. of India. (H.C. No 212-28 A.L. 722
Printed March 1876.)

Ordered that the
papers be referred for
the opinions of the Board
of Revenue, of the Con-
-sulting Engineer for
Railways, of the Chief
Engineer for Irrigation,
and of the collectors of
Chingleput, Godavery,
Kistna and Simevelly.

Amr

- To the Board of Revenue 15
- " Consulting Engineer 21
- " Chief Engineer for Irrigation 5
- " Collector of Chingleput 5
- " " Godavery 5
- " " Kistna 5
- " " Simevelly 5
- " Revenue Dept. 5

Staff 20-4-76.

1857
Govt. of Madras.

PUBLIC WORKS.

To

The Board of Revenue

3/4/70

Dated

Issued

Recd

Encl.

G. O., 31st March 1876, No.

825-

Nos.

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Acquisition of Land required
for public purposes

Letter from the Govt. of India
requesting submission of a
report on the working of the
rules relative to the —
— issued for the opinion
of the Board of Revenue
to certain other officers.