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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Public Works DEPARTMENT

G.O. No.	4264 (w)	Press.
B.P. No.		Mis.
Dated	7-11-1878	197 .

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Not to be folded or roughly handled

426

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

7th November 1878, No. 4,264 W.

General
Account.

Read the following paper :—

No. 60. Circular from the Government of India, Public Works Department, (Account-General), dated Simla, 12th October 1878, No. 86 P.W.

The Governments of Madras and Bombay, in the Public Works Department, General, Irrigation, and Railway Branches.
The Governments of Bengal, North-Western Provinces, and Oudh, and Punjab, in the Public Works Department, General and Irrigation Branches.
The Chief Commissioners, Central Provinces, British Burmah, Mysore and Coorg, and Assam.
The Resident, Hyderabad.
The Agents to the Governor-General for Central India and Rajputana.
The Superintendent of Port Blair, and Chief Commissioner, Andaman and Nicobar Islands.
The Director-General of Telegraphs.
The Inspector-General of Military Works.
The Accountant-General, Public Works Department.
The Directors of State Railways.
The Director of State Railway Stores.
The Director-in-Chief, Indo-European Telegraph.
The Director, Persian Telegraph.
The Deputy Director, Persian and Turkish Telegraph.
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore and Lucknow.

COPY of the following forwarded to the Local Governments, Administrations, and Officers noted in the margin, for information and guidance.

2. The revised rule entered below should be substituted for paragraph 14, Section I, Chapter XIII of the Public Works Department Code.

Standing Orders Nos. 42 of 1873 and 46 of 1874 are accordingly cancelled.

(By order.)

(Signed) J. J. McLEOD INNES, Colonel, R.E.,
Deputy Secy. to the Govt. of India.

To the Secretary to the Government of Madras, Public Works Department.

From A. O. HUME, Esq., c.s., Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce, to the Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh, and Punjab, the Chief Commissioners of the Central Provinces, British Burmah, Mysore and Coorg, Assam and Ajmere, the Resident at Hyderabad, (Land Revenue and Settlement), dated 30th July 1878, No. 4.

In forwarding for — information of — — — — — copy of a rule which the Government of India in the Department of Public Works have decided to substitute for Rule 14, Chapter XIII, Section I, of the Code of that Department, relative to the acquisition of land for public purposes, I am directed to state that the Government of India believe that the instructions already issued in the Revenue Department for the guidance of officers taking action under the Land Acquisition Act, 1870, in — — — — — already provide for the necessary communication between, and co-operation of, Revenue and Public Works officers as prescribed in the revised rule. If, however, this is not the case, the Governor-General in Council will be glad if with the permission of — — — — — the rules on the subject in force in — — — — — are added to accordingly.

2. With reference to the sentence in the draft rule which mentions the acquisition of the land by private negotiation, I am to say that the expediency of acquiring the land in this way in preference to taking action under the Land Acquisition Act is a matter of which the Local Government or Administration of each province must be the best judge. The circumstances of different provinces and of different localities in the same province are so different that no universal rule can be laid down. It should be borne in mind that an inalienable title is secured by proceeding under the Act, and that the procedure therein provided seems in most cases calculated to save Government from the risk of paying more than the true market value (plus the addition of 15 per cent. directed in Section 42) for the land. It may, however, occur (especially in localities where the tenure of land is of a simple character) that there is no risk in respect of title in securing land by private bargain, that the price which would have to be paid in this way would be less than that likely to be awarded under the Act, and that more speedy acquisition of the land would thus be secured. Of this, however, the local Revenue authorities, as before observed, must be the best judges; and the Governor-General in Council does not doubt that their decision will in all cases be in favor of that course, which to a good title will join the greatest economy in the transaction.

3. It may be assumed that in cases where large appropriations are contemplated and lands are required for canals, railways and other extensive works, a special officer would be appointed to take up the lands under the Act.

No. 4.

Copy, with copy of the revised rule referred to, forwarded to the Public Works Department
Original papers returned.

REVISED RULE.

When land is required for public purposes, the officer of the Public Works Department should in the first instance consult the Chief Revenue officer of the district, and obtain from him the fullest possible information as to the probable cost of the land, per acre or otherwise, together with the value of buildings, &c., situated on the property, and for which compensation will have to be paid. Upon the information thus obtained, an estimate should be framed by the Public Works officer and submitted for sanction. When sanction to an estimate, framed as above directed, has been obtained, the Executive Engineer or other Public Works officer concerned should commit the matter to the Revenue officer, who will take the necessary preliminary action for the appropriation of the land under the Land Acquisition Act, or for its acquisition by private negotiation, subject to the instructions which he may receive from the Revenue authorities to whom he is subordinate.

These instructions provide that when the estimate originally framed and sanctioned is likely, when the land comes to be acquired, to be materially exceeded, the Revenue officer shall refer the matter again to the Public Works officer to ascertain whether the object sought cannot be otherwise secured, either by obtaining some other plot of land in lieu of that originally proposed for acquisition, or in some other manner. When such a reference is made, the officer of the Public Works Department should, in personal communication with the Revenue officer, consider the case, and, if it is found impossible to obtain the land required without materially exceeding the original estimate, submit a revised estimate for sanction.

No. 61.

ORDER THEREON, 7th November 1878, No. 4,264 W.

COMMUNICATED to the Public Works Code Committee for the issue of the necessary Standing Order.

(True Extract.)

Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Secretary, Madras Public Works Code Committee.

Encl. T. D. Ryan.
Spare Copies

4264
2

CENTRAL
ACCOUNT

Govt. of (1878) Madras.
PUBLIC WORKS.

THE SECRETARY, MADRAS PUBLIC
WORKS CODE COMMITTEE.

Local Revenue File.

Issued

Recd.

Recd.

C. O., 7th November 1878, No. 424 W.

NOVEMBER

Nos. 60 & 61.

Acquisition of Land for Public Works.
Circular from the Government of India for-
warding the revised rule for the -
mentioned to the Public Works Code Com-
tee for the issue of the necessary orders.

4261
3
Circular No. 86 Public Works.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

ACCOUNT.

General.

Simla, October 12th, 1878.

The Governments of Madras and Bombay, in the Public Works Department, General,
Irrigation and Railway Branches.
The Governments of Bengal, North-Western Provinces and Oudh, and Punjab, in the
Public Works Department, General and Irrigation Branches.
The Chief Commissioners, Central Provinces, British Burmah, Mysore and Coorg, and
Assam.
The Resident, Hyderabad.
The Agents to the Governor General for Central India and Rajputana.
The Superintendent of Port Blair, and Chief Commissioner, Andaman and Nicobar
Islands.
The Director General of Telegraphs.
The Inspector General of Military Works.
The Accountant General, Public Works Department.
The Directors of State Railways.
The Director of State Railway Stores.
The Director-in-Chief, Indo-European Telegraph.
The Director, Persian Telegraph.
The Deputy Director, Persian Gulf Telegraph.
The Consulting Engineers to the Government of India for Guaranteed Railways,
Calcutta, Lahore and Lucknow.

Copy of the fol-
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to the Local Gov-
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Officers noted in
the margin, for
information and
guidance.

2. The revised
rule entered below
should be substitu-
ted for paragraph
14, Section I, Chap-
ter XIII of the

Public Works Department Code.

Standing Orders Nos. 42 of 1873 and 46 of 1874 are accordingly cancelled.

By order,

Amleod Jones

Deputy Secy. to the Govt. of India.

No. 4 (Land Revenue and Settlement), dated 20th July 1878.

From—A. O. Hume, Esq., C.B., Secy. to the Govt. of India, Dept. of Revenue,
Agriculture and Commerce.

To—The Governments of Madras, Bombay, Bengal, North-Western Provinces and
Oudh, and Punjab.

The Chief Commissioners of the Central Provinces, British Burmah, Mysore and
Coorg, Assam, and Ajmere.

The Resident at Hyderabad.

In forwarding for information of _____ copy of a rule which the
Government of India in the Department of Public Works have decided to substitute for
Rule 14, Chapter XIII, Section I, of the Code of that Department, relative to the acquisition
of land for public purposes, I am directed to state that the Government of India believe that
the instructions already issued in the Revenue Department for the guidance of officers taking
action under the Land Acquisition Act, 1870, in _____ already provide
for the necessary communication between, and co-operation of, Revenue and Public Works
officers as prescribed in the revised rule. If, however, this is not the case, the Governor General
in Council will be glad if with the permission of _____ the rules on the subject
in force in _____ are added to accordingly.

*The Secretary to the Govt. of Madras,
Public Irrigation Branch.*

2. With reference to the sentence in the draft rule which mentions the acquisition of the land by private negotiation, I am to say that the expediency of acquiring the land in this way in preference to taking action under the Land Acquisition Act is a matter of which the Local Government or Administration of each province must be the best judge. The circumstances of different provinces and of different localities in the same province are so different that no universal rule can be laid down. It should be borne in mind that an indubitable title is secured by proceeding under the Act, and that the procedure thereon, provided some is most cases calculated to save Government from the risk of paying more than the true market value (plus the addition of 10 per cent. directed in Section 23) for the land. It may, however, occur (especially in localities where the tenure of land is of a simple character) that there is no risk in respect of title in securing land by private bargain, that the price which would have to be paid in this way would be less than that which would be awarded under the Act, and that more speedy acquisition of the land would thus be secured. Of this, however, the Local Revenue authorities, as before observed, must be the best judges, and the Governor General in Council does not doubt that their decision will in all cases be in favour of that course, which is a good title will put the greatest economy in the transaction.

3. It may be assumed that in cases where large appropriations are contemplated and lands are required for canals, railways and other extensive works, a special officer would be appointed to take up the lands under the Act.

NO. 1

Copy, with copy of the revised rule referred to, forwarded to the Public Works Department. Original papers returned.

Revised Rule.

When land is required for public purposes, the officer of the Public Works Department should in the first instance consult the Chief Revenue officer of the district, and obtain from him the fullest possible information as to the probable cost of the land, per acre or otherwise, together with the value of buildings, &c., situated on the property, and for which compensation will have to be paid. Upon the information thus obtained, an estimate should be framed by the Public Works officer and submitted for sanction. When sanction to an estimate, framed by as above directed, has been obtained, the Executive Engineer or other Public Works officer concerned should commit the matter to the Revenue officer, who will take the necessary preliminary action for the appropriation of the land under the Land Acquisition Act, or for its acquisition by private negotiation, subject to the instructions which he may receive from the Revenue authorities to whom he is subordinate.

These instructions provide that when the estimate originally framed and sanctioned is likely, when the land comes to be acquired, to be materially exceeded, the Revenue officer shall refer the matter again to the Public Works officer to ascertain whether the object sought cannot be otherwise secured, either by obtaining some other plot of land in lieu of that originally proposed for acquisition, or in some other manner. When such a reference is made, the officer of the Public Works Department should, in personal communication with the Revenue officer, consider the case, and, if it is found impossible to obtain the land required without materially exceeding the original estimate, submit a revised estimate for sanction.

264
4

GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.

ACCOUNT.

General.

To

Circular No. 86 P. W.

Dated Simla, October 12th, 1878.

Received

Revised rule for the acquisition of land for
Public Works.

Circular No. 86 Public Works.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

ACCOUNT.

General.

Simla, October 12th, 1878.

The Governments of Madras and Bombay, in the Public Works Department, General,
Irrigation and Railway Branches.
The Governments of Bengal, North-Western Provinces and Oudh, and Punjab, in the
Public Works Department, General and Irrigation Branches.
The Chief Commissioners, Central Provinces, British Burmah, Mysore and Coorg, and
Assam.
The Resident, Hyderabad.
The Agents to the Governor General for Central India and Rajputana.
The Superintendents of Port Blair, and Chief Commissioners, Andaman and Nicobar
Islands.
The Director General of Telegraphs.
The Inspector General of Military Works.
The Accountant General, Public Works Department.
The Directors of State Railways.
The Director of State Railway Stores.
The Director-in-Chief, Indo-European Telegraph.
The Director, Persian Telegraph.
The Deputy Director, Persian Gulf Telegraph.
The Consulting Engineers to the Government of India for Guaranteed Railways,
Calcutta, Lahore and Lucknow.

Public Works Department Code.

Standing Orders Nos. 42 of 1873 and 46 of 1874 are accordingly cancelled.

By order,

Deputy Secy. to the Govt. of India.

No. 4 (Land Revenue and Settlement), dated 20th July 1878.

From—A. O. Hume, Esq., C.B., Secy. to the Govt. of India, Dept. of Revenue,
Agriculture and Commerce.

To—The Governments of Madras, Bombay, Bengal, North-Western Provinces and
Oudh, and Punjab.

The Chief Commissioners of the Central Provinces, British Burmah, Mysore and
Coorg, Assam, and Ajmere.

The Resident at Hyderabad.

In forwarding for information of copy of a rule which the
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of land for public purposes, I am directed to state that the Government of India believe that
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for the necessary communication between, and co-operation of, Revenue and Public Works
officers as prescribed in the revised rule. If, however, this is not the case, the Governor General
in Council will be glad if with the permission of the rules on the subject
in force in are added to accordingly.

To the Secretary to the Govt. of Madras,
P.W.D. Railway Branch.

2. With reference to the sentence in the draft rule which mentions the acquisition of the land by private negotiation, I am to say that the expediency of acquiring the land in this way in preference to taking action under the Land Acquisition Act is a matter of which the Local Government or Administration of each province must be the best judge. The circumstances of different provinces and of different localities in the same province are so different that no universal rule can be laid down. It should be borne in mind that an indefeasible title is secured by proceeding under the Act, and that the procedure therein provided seems in most cases calculated to save Government from the risk of paying more than the true market value (plus the addition of 15 per cent. directed in Section 42) for the land. It may, however, occur (especially in localities where the tenure of land is of a simple character) that there is no risk in respect of title in securing land by private bargain, that the price which would have to be paid in this way would be less than that likely to be awarded under the Act, and that more speedy acquisition of the land would thus be secured. Of this, however, the local Revenue authorities, as before observed, must be the best judges; and the Governor General in Council does not doubt that their decision will in all cases be in favour of that course, which to a good title will join the greatest economy in the transaction.

3. It may be assumed that in cases where large appropriations are contemplated and lands are required for canals, railways and other extensive works, a special officer would be appointed to take up the lands under the Act.

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4264
6

GOVERNMENT OF INDIA
PUBLIC WORKS DEPARTMENT.

ACCOUNT.

General.

To

Circular No. 86 P. W.

Dated SIMLA, October 12th, 1878.

Received

Revised rule for the acquisition of land for
Public Works.

Circular No. 86 Public Works.
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PUBLIC WORKS DEPARTMENT.

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Simla, October 12th, 1878.

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The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore and Lucknow.

Public Works Department Code.

Standing Orders Nos. 42 of 1873 and 46 of 1874 are accordingly cancelled.

By order,

Deputy Secy. to the Govt. of India.

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To The Secretary to the Govt. of Madras,
Public Works Dept.

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3. It may be assumed that in cases where large appropriations are contemplated and lands are required for canals, railways and other extensive works, a special officer would be appointed to take up the lands under the Act.

No. 4

Copy, with copy of the revised rule referred to, forwarded to the Public Works Department. Original papers returned.

REVISED RULE.

When land is required for public purposes, the officer of the Public Works Department should in the first instance consult the Chief Revenue officer of the district, and obtain from him the fullest possible information as to the probable cost of the land, per acre or otherwise, together with the value of buildings, &c., situated on the property, and for which compensation will have to be paid. Upon the information thus obtained, an estimate should be framed by the Public Works officer and submitted for sanction. When sanction to an estimate, framed as above directed, has been obtained, the Executive Engineer or other Public Works officer concerned should commit the matter to the Revenue officer, who will take the necessary preliminary action for the appropriation of the land under the Land Acquisition Act, or for its acquisition by private negotiation, subject to the instructions which he may receive from the Revenue authorities to whom he is subordinate.

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For necessary action

Ph
28/10/18

Dy. S for W.

To W.

Draft G.O. herewith.

30/10

C

GOVERNMENT OF INDIA
PUBLIC WORKS DEPARTMENT.

ACCOUNT.

General.

To

Circular No. 86 P. W.

Dated SIMLA, October 12th, 1878.

Received

Revised rule for the acquisition of land for
Public Works.

Govt. C. B. Press, Simla—No. 83. P. W. D. A. B.—16-10-78—1370.

To C

[Exp. Wks. Form No. 500.]

PROCEEDINGS of the MADRAS GOVERNMENT

IN THE

PUBLIC WORKS DEPARTMENT,

No. 4264 W Under date the 7th Nov 1878

Read the following:—

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Recd
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31/10
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21-11-78

12480

Boyl. of (1878) 30dms.

PUBLIC WORKS

The Secy: *W. C. C. Council*

[Handwritten signature]

Printed

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Revised

Cost

7-1000 1878 No. 1264

No. 60 261

Acquisition of land for
Public Works. Circular
from the Govt of India
forwarding the revised
rule for the — Comd
to the Dr. for committee
for the issue of the ne-
cessary orders.

Ends in Rept.