1885.

9o

P. W. DEPARTMENT.

Current No. 5093 / 5366 / 5882

From The Chief Engr for Irrgn.

Enclos.—4

No. ~

Dated 30-6-85

Received 4-7-85

Subject.

Remarks reg: proposed change in the payments for compensation for land taken up for public purposes.

Disposal.

No/1550D Dated 7th July/85

To C/

For any further suggestions you may have to offer with respect to E.I.'s notes.

Sd/ J.S.S.

1885.

P. W. DEPARTMENT.

Current No. 5093.

From The Financial Dept

Enclos.—

No. 906 Mis

Dated 1st June/85

Received 9 " "

Subject.

For G for remarks papers regarding compensation for land taken up for public purposes.

Disposal.

No. 1379D Dated 10th June 1885

To C

For remarks

Sd/ C.B.

D.W.

707 W d/ 15-3-81
2627 W d/ 18.11.80
No. 1033 d/ 6.4.80.
G.O B No. 2725 W d/ 26.11.80
Memo No. 462 d/ 9.10.80.
G.O. No. 2578 W d/ 10.11.80.

B/ 2578 W d/ 10-11-80
A/ 707 W d/ 15-3-81.
B/ 2725 W d/ 26-11-80
No. 1379 D d/ 10-6-85

No.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SALARIES, ESTABLISHMENTS, &c.
Land Revenue.

RESOLUTION.

Simla, the May 1885.

It has been brought to the notice of the Governor General in Council that the orders regarding the payment of compensation for land taken up for public purposes under the Land Acquisition Act, 1870, and the audit of such payments are not everywhere carefully observed, and that it is desirable to consolidate and in some respects to modify these orders.

2. His Excellency accordingly, in supersession of all previous orders, directs that the following procedure shall be observed.

3. Land is taken up under the Act either by the Collector or by some special officer placed at the disposal of the Public Works Departm[illegible] and invested with the powers of a Collector under the Act; and the proc[illegible]e differs in the two cases.

4. Officers who are specially 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.

5. 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 showing the amounts payable to each person under the award, and shall at once forward a copy in duplicate of the statement in the appended form (marked A), signed by himself, to the Examiner of Public Works Accounts with whom he is in account. Before signing the copy, the officer should carefully satisfy himself that it correctly shows the amounts due under the award under the sub-heads named.

6. 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 accompanying 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 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. In the event of the proprietors not presenting themselves for payment, the amount when remitted to the Treasury as revenue deposits should be vouched for in accompanying form (marked C).

7. 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 in the same manner as prescribed in paragraph 5. 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 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.

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 himsef, as prescribed in paragraphs 9 and 10 below.

9. When the land is taken up by the Collector or by a 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 in the manner prescribed in paragraphs 5 and 7.

10. In making the payments due under the award, the Collector shall take from each person to whom payment is made a receipt 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.

11. 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 of the payee, 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.

12. When the land is acquired for and the cost debitable to the Military Works Department, the procedure above laid down will be observed, the Examiner of Military Works Accounts being substituted for the Examiner of Public Works Accounts.

13. When the land is acquired for and the cost 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.

14. When all the payments are made under each award, the Examiner of Public Works Accounts will complete the statement received by him under paragraphs 5 and 7 above in respect of the payments made, and forward a copy to the chief revenue authority; and this, so far as the Examiner of Public Works Accounts is concerned, will be his final audit, all further final bills being disposed of by the chief revenue authority without reference to the Examiner of Public Works Accounts.

J. F. FINLAY,

Offg. Under-Secy. to the Govt. of India.

AMINER, P.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SALARIES, ESTABLISHMENTS, &c.
Land Revenue.

RESOLUTION.

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Re/ Ju+
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6028

To

No.

Dated Simla, the *May 1885.*

G. C. B. Press, Simla.—No 7 C. F.—9-5-85—215.

NOTES.

1. Each award statement should be confined to the lands to be taken under one declaration—*i.e.*, the awards given for lands acquired under more than one declaration should not be incorporated in the one statement, but as many separate statements submitted as there are declarations. The statement should be submitted in duplicate to the Examiner of Public Works Accounts.

2. In cases in which the award has been made under Section 14 of the Act, the Collector, as required by Clause 33, Section 1, should sign one or other of the following certificates, which may be applicable:—

Certified that the prices awarded are not in excess of those for which similar lands are actually sold in the neighbourhood.

Collector.

Or

Certified that the prices awarded are not in excess of those for which similar lands in the neighbourhood might be reasonably expected to command.

Collector.

3. Column 4 is intended to show the total capitalised value of the land revenue abated.

4. Column 5 should only be filled up when capitalised value of the Government revenue is paid to the proprietor under Rule VI of the Government Rules.

5. The difference between columns 4 and 5 will be the amount of capitalised value of revenue abated, but not paid, chargeable against the project of the Public Works Department, for which Capital and Revenue Accounts are kept.

6. Column 19 will only be filled up in the Office of the Examiner of Public Works Accounts.

A.

No. of Statement.

Name of work for which land has been acquired________

No. and date of declaration in *Calcutta Gazette, viz.,* No.____, dated________, page____

Amount of sanctioned estimate________

Sanctioning authority________

*Statement showing compensation awarded by*________*under Section*____, *Act X of 1870, to all the persons interested in the plot of land situated in the village of*________, *in estate*________, *No.* *on the Revenue Roll of the District of*________, *Pergunna*________

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
Serial No.	Names of persons in whose favour the award has been made.	Area of the land acquired.	Amount of capitalised value of revenue payable under Rule III or IV of the Government Rules.	Amount of capitalised value of revenue payable under Rule VI of the Government Rules at years' purchase.	Market value determined by the Collector with reference to Section 15, Clause I of Section 24 of the Act.	Damages and expenses assessed by the Collector with reference to Section B and Clauses 2, 3, and 4 of Section 24 of the Act.	Total award, columns 6 *plus* 7.	Additional compensation awarded under Section 42 of the Act, calculated at 15 per cent. on the market value shown in column 6.	Total of columns 8 *plus* 9.	Amount of interest and the period for which awarded under Section 42 of the Act, calculated at 6 per cent. on the amount shown in column 10.	Other expenses as explained in the column of remarks.	Costs decreed to Government.	Costs decreed against Government.	Total of columns 10, 11, and 12, and *minus* column 13, or *plus* column 14.	Total amount to be disbursed, columns 5 *plus* 15.	Explanation of difference between the estimated cost and total of columns 5 *plus* 10.	Remarks.	No. and date of vouchers.	
																		No.	Date.
		Acres.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.				

B.

No. of Voucher________

Name of work for which the land has been acquired________

Serial No.____in Award Statement No.________

Name of payee________

I________, of________,

pergunna________, zilla________,

do hereby acknowledge to have received Rs.________

________on account of cost of land taken up by Government, as detailed on reverse, in full of all demands, and I do hereby give up my right, title, and interest in the land for the consideration received.

*Signature of the payee*________

*Locality*________

*Paid in my presence to*________, *resident of village*________, *station*________, *pergunna*________ *district*________ *the sum of Rupees*________, *annas*________, *pies*________ *only.*

________, *Deputy Collector.*

Note.—The receipt should be in English; but when the payee is unable to write in English, he may give a receipt in the vernacular.

B.

No. of Voucher________

Name of work for which the land has been acquired________

Serial No.____in Award Statement No.________

Name of payee________

I________, of________,

pergunna________, zilla________,

do hereby acknowledge to have received Rs.________

________on account of cost of land taken up by Government, as detailed on reverse, in full of all demands, and I do hereby give up my right, title, and interest in the land for the consideration received.

*Signature of the payee*________

*Locality*________

*Paid in my presence to*________, *resident of village*________, *station*________, *pergunna*________ *district*________ *the sum of Rupees*________, *annas*________, *pies*________ *only.*

________, *Deputy Collector.*

Note.—The receipt should be in English; but when the payee is unable to write in English, he may give a receipt in the vernacular.

DETAILS OF LAND, &C., AND THEIR VALUES.

Mouza ________, *Pergunna* ________, *Zilla* ________

Land ________ *Bigha* ________ *Cotta* ________ *Chuttack.*

Value ________ *Rupees* ________ *Annas* ________ *Pies.*

DETAILS OF LAND, &C., AND THEIR VALUE.

Mouza ________, *Pergunna* ________, *Zilla* ________

Land ________ *Bigha* ________ *Cotta* ________ *Chuttack.*

Value ________ *Rupees* ________ *Annas* ________ *Pies.*

C.

NO. OF VOUCHER .

Name of work for which land has been acquired ________

Received from the Land Acquisition Officer ________ *the sum of Rs.* ________ *on account of compensation for land taken up for the above purpose, payable to the following parties, to be held in the revenue deposits in the Treasury Accounts.*

Serial No. in Award Statement No.	Names of parties.	Area of land.	Amount payable to each.			Remarks.
		Acres.	Rs.	A.	P.	
	Total ...					

Dated 188 . { *Signature of Treasury Officer* ________

Locality ________

NOTE.—This form should be used when the amounts of compensation due are sent to Treasury in the absence of proprietors who have failed to present themselves for payment.

C.

NO. OF VOUCHER .

Name of wrok for which land has been acquired ________

Received from the Land Acquisition Officer ________ *the sum of Rs.* ________ *on account of compensation for land taken up for the above purpose, payable to the following parties, to be held in the revenue deposits in the Treasury Account.*

Serial No. in Award Statement No.	Names of parties.	Area of land.	Amount payable to each.			Remarks.
		Acres.	Rs.	A.	P.	
	Total ...					

Dated 188 . { *Signature of Treasury Officer* ________

Locality ________

NOTE.—This form should be used when the amounts of compensation due are sent to Treasury in the absence of proprietors who have failed to present themselves for payment.

ENCLOSURE
11 JUN 85
EXAMINER, P.W. ACCOUNTS

24
Out
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[illegible]

Procs of the Madras Govt.
Read the following

No. 710.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SALARIES, ESTABLISHMENTS, &c.
Land Revenue.

To

LOCAL GOVERNMENTS AND ADMINISTRATIONS AND THE
COMPTROLLER GENERAL.

Simla, the 11th May 1885.

SIR,

I AM directed to forward the draft of a Resolution which it is proposed to issue on the subject of the procedure to be observed in bringing to account the payments of compensation for land taken up for public purposes under the Land Acquisition Act, 1870.

2. I am directed to request that the Govt. of India may be favoured with the opinion of H.E. the Governor in Council as to the proposed orders on the subject.

I have the honour to be,
SIR,
Your most obedient Servant,

J. F. FINLAY,
Offg. Under-Secy. to the Govt. of India.

Order, 1st June 1885, No. 906 (Mis)

Forwarded to the departments of Government for remark.

(True Extract)

Offg. Under Secretary

To
The P.W. Dept

Xd S.D

ENCLOSURES
P. W. ACCOUNTS

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SALARIES, ESTABLISHMENTS, &c.
Land Revenue.

To
Local Governments and Administrations.
The Comptroller General.

~~2~~3
~~5366~~/85
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No. 710.

Dated Simla, the 11th May 1885.

Received

No. 362 Ed/ July 4. 1885

Proposed change in the procedure of bringing to account payments of compensation for land taken up for public purposes under the Land Acquisition Act, 1870.

Govt. C. B. Press, Simla.—No. 124 C. F.—9-5-85.—230.

Fin 1268/85

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of charges incurred will be made
to them through this office.

C.

16/6

16/6

To E. J.

For favor of opinion
on the draft Resolution.

29.6.85
W.

A.G. 83/16.

11. 6. 85. Enc: 3.

No. 1379 D of 10th June 1885

To

G. O. No 707 W 15. 3. 81 Engg.
B. No 2725 W. 26. 11. 80
Mis No 2578 W. 10. 11. 80

For remarks

Co
Dw

9. 6. 85

No. 203 of 17th June /85.
Enc: 3.

To W.

Your O. N. No. 1379 D. dated 10th. June 1885.

The proposed orders will be suitable from an Accounts point of view. The general rules in force at present will be found in Code paras 1537 et seq, (Standing Orders Nos. 105 and 173 of 1883 and 6 and 284 of 1884) see also Form M. 183. Under the proposed rules, no Officer of the P. W. Department has to countersign any of the documents connected with the acquisition of the land, so unless they make local enquiry as to cost etc., the first intimation

of

O. 18. 6. 85. R. 4. 7. 85

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11 JUN 1885
ENCLOSURES
P. W. ACCOUNTS

5366
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[6]

Govt. of (188) Madras.

(9)

To

The PWd

Recd 7/6/85. Ec. 3/2

Proceedings, dated 1st June 1885
No. 906 Rev

Subject.

No. 362 E dt. July 14. 1885

Forwarding for remarks papers regarding Compensation for land taken up for public purposes

With order

6

E. I. Form No. 34-F.

Keep-with.

No. dated 188 .

GOVT. OF MADRAS 1885. P.W. DEPT.

CHIEF ENGINEER FOR IRRIGATION.

Ootacamund ~~Madras~~, 30th June 1885.

OFFICE NOTE.

Circulation Register.

To	From	Despatch Date.	Receipt Date.
W.	E. I.	1-7-85	

I think the proposed orders are generally unobjectionable, but there is one point which requires notice – it appears from C's note that the first intimation of charges incurred will be made to Executive Engineer through the C's office – now, in arranging the allotments for the year, a certain sum is provided for compensation for land, this amount will, it

is

6028/85

at the disposal of the officer who has to pay compensation, and if, from any cause, the amount of compensation to be paid cannot be settled within the year, it will lapse, and will go to swell the amount of short expenditure for which the Executive Engineer is held responsible. What is wanted I think, is some intimation to the Supg Engineer, say 4 months before close of official year, of the amount that cannot be expended from the allotment for compensation to enable him to arrange for transferring it to other items on which it may be expended — probably this could be arranged through C.

E. I.

Chepauk
7th July/85

Recd 4/7/85.
En 4.
No. 1550 D

R. No. 251.
7/8. 7. 85.
Encl. 4

To C

For any further suggestions you may have to offer with respect to E I's notes

No. 362 Ed July 14. 1885

[Form No. viii.]

(5)

GOVT. OF MADRAS. 1885. P. W. DEPT.

EXAMINER, P. W. ACCOUNTS.

Madras, 9th July 1885.
Received 9th July 1885
OFFICE NOTE No. 263.

To

W.

Encs: 5.

KEEP-WITH Genl. No.

dated 188 .

Your O. N. No. 1550 D. dated 7th. July 1885.

The allotment for land will as usual, be placed (with the allotment for the work) at the disposal of the Divisional Officer, not of the Civil Officer, and it will be the duty of the Divisional Officer to watch the expenditure against the item "Land" as he watches that against the work as a whole, and to ascertain from the Civil Officer, what likelihood there is of the allotment for Land being spent in part, in full, or being insufficient and to take action accordingly.

C.

8/7

8/7

Mi No 2578 W. 10-11-80.
G.O. No 707 W. 15. 3. 81 Orig.l
B. No 2725 W. 26. 11. 80
No 1379 D. 10. 6. 83.
" 1550 D. 7. 7. 83

(5)

No 362 Edf July 14th 1885

Submitted to W.

Cd.

D.W.

9. 7. 85

A.B. 52/7.

Co. 10. 7. 85.

W.

The procedure proposed in cases of land-compensation seems unobjectionable, but as the subject is an important one in connection with Irrigation projects & Railways, and as in practice there may occur difficulties in following exactly the procedure to be observed, I would recommend that the opinions be taken of those Supdt's Engineers who have practical experience of the taking-up of land & awarding compensation.

Cd.
18. 6. 85

To W.

It will perhaps be sufficient to refer this paper to E.I. for opinion.

The Finl. Dept. are unable to give us any spare copies of the G. of I. draft Resolution, & to refer the paper to Supdg. Engrs. would involve either printing, or a large amount of copying work.

The matter is purely one of account, & the C sees no objection to the proposed procedure. If E.I. also sees no objection, reply to Financial Dept can be drafted at once.

Cu
27. 6. 85

P. W. Department

randum

Adverting to G.O. Finl. dated 1st June 1885, No. 906 (Miscellaneous) the undersigned has the honour to state that the Resolution which the Govt. of India propose to issue on the subject of the procedure to be observed in bringing to account the payments of compensation for land taken up for public purposes under the Land Acquisition Act of 1870, will be suitable so far as regards the P.W. Dept.

W.
14. 7. 85

W.

17/85

Cu

5

No. 362 Ed/ July 14th 1885

NOTES.

1. Each award statement should be confined to the lands to be taken under one declaration—*i.e.*, the awards given for lands acquired under more than one declaration should not be incorporated in the one statement, but as many separate statements submitted as there are declarations. The statement should be submitted in duplicate to the Examiner of Public Works Accounts.

2. In cases in which the award has been made under Section 14 of the Act, the Collector, as required by* , should sign one or other of the following certificates, which may be applicable :—

> Certified that the prices awarded are not in excess of those for which similar lands are actually sold in the neighbourhood.
>
> *Collector.*

Or

> Certified that the prices awarded are not in excess of those for which similar lands in the neighbourhood might be reasonably expected to command.
>
> *Collector.*

3. Column 4 is intended to show the total capitalised value of the land revenue abated.

4. Column 5 should only be filled up when capitalised value of the Government revenue is paid to the proprietor under*

5. The difference between columns 4 and 5 will be the amount of capitalised value of revenue abated, but not paid, chargeable against the project of the Public Works Department, for which Capital and Revenue Accounts are kept.

6. Column 19 will only be filled up in the Office of the Examiner of Public Works Accounts.

---

*Here quote the section and clause of the rules promulgated by the Local Government or Administration under Section 59 of the Act.

NO. OF STATEMENT.

A.

Name of work for which land has been acquired__________
No. and date of declaration in* ________, *viz.*, No.______, dated__________, page______
Amount of sanctioned estimate__________
Sanctioning authority__________

Statement showing compensation awarded by__________under Section______, Act X of 1870, to all the persons interested in the plot of land situated in the village of__________, in estate__________, No. on the Revenue Roll of the District of__________, Pergunna__________

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
Serial No.	Names of persons in whose favour the award has been made.	Area of the land acquired.	Amount of capitalised value of revenue payable under Rule† of the Local Government.	Amount of capitalised value of revenue payable under† of the Local Government Rules at 4 years' purchase.	Market value determined by the Collector with reference to Section 13 and Clause I of Section 24 of the Act.	Damages and expenses assessed by the Collector with reference to Section 13 and Clauses 2, 3, and 4 of Section 24 of the Act.	Total award, columns 6 *plus* 7.	Additional compensation awarded under Section 42 of the Act, calculated at 15 per cent. on the market value shown in column 6.	Total of columns 8 *plus* 9.	Amount of interest and the period for which awarded under Section 42 of the Act, calculated at 6 per cent. on the amount shown in column 10.	Other expenses as explained in the column of remarks.	Costs decreed to Government.	Costs decreed against Government.	Total of columns 10, 11, and 12, and *minus* column 13, or *plus* column 14.	Total amount to be disbursed, columns 5 *plus* 15.	Explanation of difference between the estimated cost and total of columns 5 *plus* 10.	Remarks.	NO. AND DATE OF VOUCHER.	
																		No.	Date.
		Acres.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.				

* Here quote the local Gazette in which the declaration is published.
† Here quote the paragraph of the rules promulgated by the Local Government or Administration under section 59 of the Act.

Od/Fin. 8561/B

No. 2606.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SALARIES, ESTABLISHMENTS, &
Land Revenue.

To

ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.
THE COMPTROLLER AND AUDITOR GENERAL.

Simla, the 28th August 1885.

SIR,

I AM directed to request that the accompanying form may be substituted for the form of the Statement A attached to the draft of the Resolution on the subject of payment of compensation for land taken up for public purposes, which was forwarded with the letter from this Department, No. 710, dated the 11th May 1885.

I have the honour to be,

SIR,

Your most obedient Servant,

E. N. BAKER,

Offg. Under-Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SALARIES, ESTABLISHMENTS, &c.
Land Revenue.

To

ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.
THE COMPTROLLER AND AUDITOR GENERAL.

No. 2606.

Dated Simla, the 28th August 1885.

Received

Order in the Financial Deptt
d/ 19 September 1885, No 1296 Mis

Communicated to Departments of Government with reference to G.O 906 Financial, d/ 1 June 1885.

362 E
14-7-85

(True Extract)

J W Rees
Under Secretary

Corrected form of the Statement A attached to the draft of the Resolution which it is proposed to issue on the subject of the payment of compensation for land taken up for public purposes under the Land Acquisition Act, 1870.

To

The Revenue department
The P. W. Department

G. C. B. Press, Simla.—No. 490 C. F.—28-8-85.—250.

(19) Mch 85-6

[6]

Govt. of (188) Madras.

No 720 Ed/ October 7th 1885.

Recorded, with reference to No 362 E dated 14th July 1885 pending issue of final orders on the subject by the Govt. of India.

3.10.85

No 707 W d/ 15.3.81.
" 2725 W d/ 26.11.80
" 1379 D d/ 10.6.85.
" 1550 D d/ 7.7.85.
" 362 E d/ 14.7.85.

To

The P.W. Dept

Read 1/10/85

E 1

Proceedings, dated 18 Sept 1885.
No. 1296 Fin.

Subject.

No 720 Ed/ October 7th 1885

Regarding payment of compensation for land taken up for public purposes

C.W. 10/5

With order —

14th July 1886, No. 645, Financial.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

Read—the following paper :—

Proceedings of the Government of India, Department of Finance and Commerce, (Salaries, Establishments, &c.,—Land Revenue), dated Simla, 29th June 1886, No. 1580.

Resolution—

It has been brought to the notice of the Governor-General in Council that the orders regarding the payment of compensation for land taken up for public purposes under the Land Acquisition Act, 1870, and the audit of such payments are not everywhere carefully observed, and that it is desirable to consolidate and in some respects to modify these orders.

2. His Excellency accordingly, in supersession of all previous orders, directs that the following procedure shall be observed.

3. 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.

4. 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 23 of the Civil Account Code. The following procedure shall be observed by such officers.

5. 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. 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.

6. 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 accompanying 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 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.

7. 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.

8. 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 in the same manner as prescribed in paragraph 5. 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.

9. 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 7.

10. 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 11 and 12 below.

11. 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 in the manner prescribed in paragraphs 5 and 8.

12. 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 due may be placed on revenue deposit, and receipts taken in form C in the same manner as is provided in rule 7.

13. 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 $\frac{\text{in cash}}{\text{by cheque}}$" 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.

14. 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. The Examiner will also note in the last column of form A the date on which possession is taken, as reported to him by the Executive Engineer or other officer.

15. The Examiner will, as he receives the vouchers, fill in the entries in column 8 of the award statement (form A); and as he receives the reports of possession he will fill in the entries in column 9: when all the vouchers showing either payment to the payee or payment into the treasury on deposit and the reports of possession 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 7 and 12 above, will be disposed of by the chief revenue authority without reference to the Examiner.

16. 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 Examiner of Military Works Accounts being substituted for the Examiner of Public Works Accounts.

17. 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.

18. 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.

Ordered, that this resolution be communicated to all local Governments and Administrations, to the Comptroller-General, and to all Accountants-General and Comptrollers. Also that a copy of this resolution be forwarded to the Public Works Department for information and for the issue of further orders.

(Signed) J. F. FINLAY,
Offg. Under Secy. to the Govt. of India.

A.

No. AND DATE OF STATEMENT ____________

DATE OF AWARD ____________

Name of work for which land has been acquired ____________

No. and date of declaration in ________ *Gazette*, viz., No. ______, dated ________ page ________.

Statement showing compensation awarded by ____________ *under Section* ______, *Act X of* 1870, *to all the persons interested in the plot of land situated in the village of* ________, *in estate* ________, *No.* ______ *on the Revenue Roll of the District of* ________, *Pergunnah* ________.

1	2	3	4	5	6	7	8*		9*	
Serial number.	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 any 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.	
							No.	Date.	Date.	Reference to the report, stating the date.
		A. R. P.	RS. A. P.	RS. A. P.	RS. A. P.					

* To be filled up in the Examiner's office.

NOTE.—Each award statement should be confined to the lands to be taken under one declaration—*i.e.*, the awards given for lands acquired under more than one declaration should not be incorporated in one statement, but as many separate statements submitted as there are declarations.

B.

No. of Voucher ____________

Name of work for which the land has been acquired ____________

Serial No. ______ in Award Statement No. ______ dated ______

Name of payee ____________

I ____________, of ____________,

pergunnah ____________, zillah ____________,

do hereby acknowledge to have received R ____________

____________ on account of cost of land taken up by Government, as detailed on reverse.

Paid in my presence in cash / by cheque *to* ____________, *resident of village* ____________, *station* ____________ *pergunnah* ____________, *district* ____________, *the sum of Rupees** ____________ *Annas* ________ *Pies* ________ *only Rs.*† ____________

Signature of the payee ____________

Locality ____________

* In words.

† In figures.

NOTE.—The receipt should be in English; but when the payee is unable to write in English, he may give a receipt in the vernacular.

B.

No. of Voucher ____________

Name of work for which the land has been acquired ____________

Serial No. ______ in Award Statement No. ______ dated ______

Name of payee ____________

I ____________, of ____________,

pergunnah ____________, zillah ____________,

do hereby acknowledge to have received R ____________

____________ on account of cost of land taken up by Government, as detailed on reverse.

Paid in my presence in cash / by cheque *to* ____________, *resident of village* ____________, *station* ____________ *pergunnah* ____________, *district* ____________, *the sum of Rupees** ____________ *Annas* ________ *Pies* ________ *only Rs.*† ____________

Signature of the payee ____________

Locality ____________

* In words.

† In figures.

NOTE.—The receipt should be in English; but when the payee is unable to write in English, he may give a receipt in the vernacular.

DETAILS OF LAND, &C., AND THEIR VALUES.

Mouza________, Pergunnah________, Zillah________
Land________ Bigha________ Cotta________ Chuttack.
Value________ Rupees________ Annas________ Pies.

DETAILS OF LAND, &C., AND THEIR VALUES.

Mouza________, Pergunnah________, Zillah________
Land________ Bigha________ Cotta________ Chuttack.
Value________ Rupees________ Annas________ Pies.

C.

Name of work for which land has been acquired________

To the Officer in charge of________ Treasury.

Please receive for transfer to credit of Revenue deposits the sum of Rs.________ on account of compensation for land taken up for the above purpose, payable as detailed below :—

Serial No. in Award Statement No.	Names of parties.	Area of land.	Amount payable to each.			Remarks.
		ACRES.	RS.	A.	P.	
	Total ..					

Land Acquisition Officer.

*Dated*________188 .

Received the above amount and credited to Revenue deposits.

Treasury Officer.

NOTE.—This form should be used when the amounts of compensation due are sent to treasury in the absence of proprietors who have failed to present themselves for payment.

C.

Name of work for which land has been acquired________

To the Officer in charge of________ Treasury.

Please receive for transfer to credit of Revenue deposits the sum of Rs.________ on account of compensation for land taken up for the above purpose, payable as detailed below :—

Serial No. in Award Statement No.	Names of parties.	Area of land.	Amount payable to each.			Remarks.
		ACRES.	RS.	A.	P.	
	Total ..					

Land Acquisition Officer.

*Dated*________188 .

Received the above amount and credited to Revenue deposits.

Treasury Officer.

NOTE.—This form should be used when the amounts of compensation due are sent to treasury in the absence of proprietors who have failed to present themselves for payment.

Order—dated 14th July 1886, No. 645, Financial.

Communicated to departments concerned, and to the Accountant-General for information and guidance.

(True Extract.)

Chief Secretary.

To the Revenue Department.
,, Public Works Department.
,, Military Department.
,, Financial (L.F. and M.) Department.

Exd. T. O'Connor.

720 E. 7. 10. 85. G. O. 2050 W. 5. 8. 79
62 E. 14. 7. 85 " 4264 W 7. 11. 78.
50 D. 7. 7. 85 " 1528 W. 26. 3. 78
79 D. 10. 6. 85 " 737 W. 14. 2. 78
07 W. 15. 3. 81 " 736 W. 14. 2. 78
2725 W. 26. 11. 80 Revenue G. O. 3054. 1. 10. 77
4u 2578 W. 10. 11. 80 Do 3113 — 16 — 10. 77
387 W. 13. 11. 79 Do 2137. 28. 6. 77
P. W. G. O. 471. 9. 5. 73
Do Do 835. 31. 3. 76

Comd to officers
of the P. W. Dept
concerned, for
information and
guidance and to
the Secretary to the
Code Committee

5/8/86

17. 8. 86

C. E. for I. (vide his office note of 30-6-85)
Consg. Engr. for Rys
S. Es ✓
S. W. I. Mys
C. A ✓
Engr. in Chf. M. S. Ry. S.
[illegible] vide [illegible] 203 d/17-6 80
Elect.

Dd
13/8/86
requested to
[illegible]

I. W. C. No 5888.

Govt. of {1886} Madras.

FINANCIAL.

Telephoned for [illegible] 17/8/86
[illegible] 11/8/86
13.8c

Issued

Recd. 30. 7. 86 *Encl.*

G.O., 14th July 1886, No. 645.

No 2033 W a/ 13th August/86

JULY.

Acquisition of Land.

Communicating to the departments concerned a resolution of the Government of India prescribing the procedure to be observed in future for the payment of compensation for land taken up for public purposes under the Act.