

5TH AUGUST 1887, Nos. 767, 767A, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 4th July 1887, No. 309 :—

H. S. THOMAS, Esq., F.L.S., F.Z.S.

Read—again the following Proceedings of the Board of Revenue (Land Revenue), dated 16th April 1887, Mis. No. 172 :—

Read—the following letter from L. R. BURROWS, Esq., Collector of the Nilgiris, to the Secretary to the Board of Revenue, dated Ootacamund, 11th January 1887, No. 3 :—

The procedure observed in the payment of compensation for lands acquired under the Land Acquisition Act (X of 1870) has recently been modified, and the new rules relating thereto are contained in the Government of India resolution printed in Board's Proceedings, dated 13th August 1886, No. 1813.

2. The form of compensation bill hitherto submitted to the department applying for the acquisition of lands was prescribed in the Accountant-General's circular No. 26, dated 17th June 1881, and it related to acquisitions under the Act as well as to lands purchased on behalf of Government by private negotiations. Since the receipt of the Government of India resolution above mentioned, the Accountant-General has, in his circular No. 21, dated 15th October 1886, cancelled the previous circular.

3. The new rules are silent as to the procedure to be observed in the payment of compensation for lands acquired without the necessity of having recourse to the Land Acquisition Act, and I have the honor to request instructions as to whether in such cases I may adopt the forms prescribed in the new rules with such alterations as may be necessary. If this course is approved, there appears to be no reason why the compensation statement A should not be sent direct to the Examiner of the department for which lands may be acquired, without the previous countersignature of any other officers.

Reference on the above, dated 9th March 1887.

Forwarded to the Examiner of Public Works Accounts for favor of his opinion on paragraph 3 of the above letter.

(Signed) M. HAMMICK,
Acting Secretary.

To the Examiner of Public Works Accounts,
with letter in original to be returned.

Read—the following letter from Major C. H. P. CHRISTIE, R.E., Examiner, Public Works Accounts, to the Secretary to the Board of Revenue, dated Madras, 25th March 1887, No. 14 B.R. :—

With reference to the Proceedings of the Board of Revenue, No. 123, of 9th instant, I have the honor to inquire whether land is ever acquired for public purposes without having recourse to the Land Acquisition Act; and if so, under what circumstances.

Resolution—dated 16th April 1887, Mis. No. 172.

The Examiner will be informed that lands required for public purposes are in the great majority of cases acquired by private negotiation with reference to paragraph 2 of the Government of India letter communicated with G.O., dated 12th August 1878, No. 1289, and the revised rule received with that letter.

(True Copies and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Examiner, Public Works Accounts.

Read—also the following letter from Major C. H. P. CHRISTIE, R.E., Examiner, Public Works Accounts, to the Secretary to the Board of Revenue, in the Department of Land Revenue, dated Madras, 4th June 1887, No. 8 B.R.:

With reference to the Proceedings of the Board of Revenue, No. 123, dated 9th March 1887, and subsequent correspondence, I have the honor to state that the practice of acquiring land by private negotiation appears to be implicitly prohibited by the resolution of the Government of India, Finance and Commerce, No. 1580, dated 29th June 1886, printed in the Proceedings of the Board of Revenue, No. 1813, of 13th August 1886, and that consequently the question of the procedure to be followed when land is acquired by private negotiation cannot arise in future.

2. The rules circulated with Government of India (Revenue, Agriculture and Commerce) letter No. 4, of 20th July 1878, printed in the Proceedings of the Board of Revenue, No. 1289, dated 12th August 1878, expressly provided for the contingency of land being acquired by private negotiations. But the letter which accompanied those rules drew special attention to the advantages of proceeding under the Act, and apparently even then the Government of India considered that acquisition by private negotiation should be exception rather than the rule.

3. In the resolution referred to in the first paragraph of this letter, the Government of India rules *in supersession of all previous orders* that after all preliminaries in respect to estimate, &c., have been duly carried out, the land *will be taken up under the Act*. There is no mention whatever of acquisition by private negotiation, and the presumption appears to be that the omission is deliberate and intentional. Indeed, in view of the prominence given to the matter on the former occasion, it seems impossible that the omission can have been accidental.

4. Should the Board not concur in the opinion here expressed, I beg that the matter may be referred for the orders of Government.

Resolution—dated 4th July 1887, No. 309.

Submitted for the orders of Government.

2. In their letter communicated with G.O., dated 28th June 1877, No. 2137, the Government of India directed that, save in exceptional cases, land required for public purposes should generally be acquired under Act X of 1870. But this order was subsequently modified by their letter printed in G.O., 12th August 1878, No. 1289, so as to leave the practice of acquiring land by private negotiation undisturbed. The Government of India point out in these letters that acquisition under the Act gives an indefeasible title, but leave full discretion to this Government to authorise acquisition by private negotiation where the title is undisputed and economy favors such a course. The Examiner of Public Works Accounts in the letter read above considers that the practice of acquiring lands by private negotiation is by implication prohibited by the recent orders of the India Government, communicated with G.O., dated 5th

August 1886, No. 664, Revenue. The Board are unable to concur in this opinion. It seems to them that these rules, which merely consolidate* and in some respects amend the existing orders regarding the payment of compensation for land taken up under the Land Acquisition Act, so far from prohibiting the acquisition by private negotiation, do not touch upon the question at all. In very many cases in the Presidency the acquisition of land by private negotiation is perfectly safe and no difficulty attends the transaction. The Board would much regret to see the powers of District officers curtailed in the manner suggested by the Examiner of Public Works Accounts.

(True Copies and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department.

Copy to the Examiner, Public Works Accounts.
" " Collector of Nilgiris.

ORDER—dated 8th August 1887, No. 767, Revenue.

Miscellaneous.

The Government concur in the Board's view that the resolution of the Government of India, dated 29th June 1886, No. 1580, merely consolidates and amends the orders relating to the payment of compensation for lands acquired *under the Act* and that it does not modify the orders contained in letter from the Government of India, Department of Revenue, Agriculture and Commerce, dated 20th July 1878, No. 4, permitting the acquisition of land *by private negotiation* in cases in which that may be found to be the more expedient course.

2. Ordered that a copy of these Proceedings be forwarded for the information of the Government of India.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Commissioners of Land Revenue.
" the Public Works Department.

No. 767-A.

Copy to the Government of India, Department of Finance and Commerce.

(Signed) J. F. PRICE,
Ag. Secretary to Government.

Exd. W. H. French.

85 Copies.

B. No. 2424 Wd/8 Sept 1887

Govt. of (1887) Madras.

REVENUE.

Communicated to
the officers concerned
for information in
continuation of G. O.
No. 2482 Wd/24 Sept.
1886.

1st/10/87

Issued

Recd.

Encl.

G.O., 8th August 1887,
Nos. 767, 767A.

B. No. 2424 Wd/8 Sept 1887

AUGUST.

Ch. Engr for Secy
Consy Engr for Dy
Secy Secy to Govt
Ch. Secy. A. W. A.
Engr in Ch. Secy. S. Ry Dy
Secy. G. H. Dy. A.
Secy. State Dy. A.
Code Committee

Acquisition of Land.

Concurring in the view expressed by the
Board regarding the practice of acquiring land
by private negotiation.

With order

B5

A4