

- (1) பக்கங்களின் எண்ணிக்கை 18
 (2) புதுக்கித் திருப்பிய நாள் Nov 89
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 645

தமிழ்நாடு ஆவணக் காப்பகம்.

(36)

தமிழ்நாடு அரசு

P. W. D. துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	998	அச்சகம் பலவகை
நாள் :	10 - 4 - 1889	198 .

மடிக்கலோ கண்டபடி கையாளலோ கூடாது

227

9. Sheets

not
6/4

11/28

For C. No. 3069

MEMORANDUM.

communication to the P.W. officers
REQUESTED for reference the undermentioned papers:—

9/9/89

Revenue Dept. G.O. No. 174 of 9th March 1889.

(10 copies)

PUBLIC WORKS SECRETARIAT,
5th April 1889.

James O. Bird
Second Assistant P.W. Secretariat

To

The Registrar.

Revenue Dept.

2

498

2

Turnioles

Handwritten in
8th April 89
South Coast
Dec: 1891

1888

P. W. DEPARTMENT

Current No. 10293

From

The Examiner

P.W. Accts.

ENCLOS.— 2

No. 2390

Dated 10th Oct. 1888

Received // — do —

SUBJECT.

Stating that the Spl. Dy. Colldr. engaged in taking up land for the Rushikulya Project has put him certain questions & made certain suggestion regarding the preparation of award statements & receipts connected with them & regarding modifications of the form in question; and asking them for the consideration of Govt.

DISPOSAL.

No. 3872 C Dated 13th Oct. 1888

Referred to the Revenue Department for favor of remarks.

(sd) H. R. Mead Col. R.E.

Ag. Secy. to Govt P.W. D.

(sd) W. L. C. B.

To. 12-10-88

The Rev. Dept. with Copies

of Forms M. 183, M. 183A, M. 183B

Recd - Mysore Miss. G. O. 30/10/88, No. 6485, Rec. [C. No. 8.]

GOVT. OF MADRAS. }

1888.

{ P.W. DEPT.

EXAMINER, P. W. ACCOUNTS.

Madras, 10 October 1888

OFFICE NOTE No. 2390

Enc. 2

To

v.

The special Deputy Collector engaged in taking up land for the Rushikulya Project has put to me certain questions and made certain suggestions regarding the preparation of award statements and receipts connected with them, and regarding modifications of the form in question; and I submit them for the consideration of Government and such action as may be necessary.

2. The Deputy Collector considers that additional columns are required in the award statement for the following information viz -
 - 1st. The sub district in which the village is situated.
 - 2nd. Number of puttah if land is jerayoti, or title deeds if inam.
 - 3rd. Whether the land taken up is inam, or jerayoti, wet, dry or

KEEP-WITH

Genl. No.

dated

188 .

1,000-7-2-88.

6
Rev. 11/10/88

rainfed.

4th. The survey numbers of the fields or portions of fields taken up.

5th. Allowance at 15 per cent under section 42 of Act X of 1870.

He says "these particulars are not only absolutely necessary for registration purposes (vide copy of Aska Sub Registrars letter dated 25th. May 1887 No. 116, and the old form of award statement which was in use before the new form "A" (Madras form M 183) was introduced),

but will facilitate reference at subsequent times, when questions arise as to what survey field, or portion of a survey field, was paid for previously". As to this I would observe that registration is not compulsory, and that it is a question whether it is worth while to encumber the award statements with a mass of particulars only required in connection with an operation which might perhaps be dispensed with. A column for field number would, I think, be a useful addition.

3. The Deputy Collector then asks what lands are, in certain cases to be shown in award statement.

He says "the land is taken up under

the Act, each award statement should, under the foot note in the form sanctioned by the Government of India, be confined to the lands to be taken up under one declaration. In other words, lands acquired under more than one declaration should not be included in one statement, but there should be as many separate statements submitted as there are declarations. One award statement cannot be prepared for all lands acquired under one declaration because an award can be passed, under section 14 of the Act, only on the claimant's written agreement to accept the compensation tendered. Past experience clearly proves that the claimants of all the lands under one declaration never attend at one time but on different dates, nay in different months. Payments to claimants who are in attendance cannot be postponed by reason of the absence of the other claimants under the same declaration, or cannot be paid before passing of an award, and award statement. Occasion arose in some cases to refer to court in respect of some such absent persons residing in other districts.

refusing to accept compensation. One statement is however prepared in case of several persons attending at one, and the same time."

4. Then, with regard to the application of the form to cases of private negotiation, the Deputy Collector suggests that in the lines at the head of the form, the "date of award" should be left blank, as no award will be made in private negotiation, that "the number and date of declaration in Gazette" is to be omitted, and that the words "awarded" and "under section Act X of 1870", should also be omitted from the line "statement showing compensation awarded under section Act X of 1870". He adds that "a separate form omitting these particulars will suit better".

5. I think myself that one form could be made to suit both cases, all particulars required in one case, and not required in the other, being collected in one place, with the remark that they should be omitted in case of private negotiation. The subsequent wording

of headings and other entries should then be neutral so as to suit both cases. I see no use in having two series of statements, but rather the contrary. As far as I and my office are concerned, the more forms there are, and the more each is specialised, the greater the convenience, but to those who prepare the statements and the vouchers, multiplication of separate forms on account of minute differences will I think be a nuisance. If it is necessary for the purposes of the Revenue Officers to have separate record of awards, there can be two "number" spaces in the form, one (first) for numbering statements in a series common to both cases, and another for numbers and date of award under the act.

6. Regarding the application of the receipt form to cases of private negotiation, the Deputy Collector further suggests that the words "in award statement" should be altered into "statement", as no award will in such cases be made. I think that one form of receipt might be made to suit, the form being made neutral by substituting "award

statement" for "award".

7. The Deputy Collector also asks for instructions as to who is to sign the red ink endorsement printed across the receipt, in the following cases, viz (a) when the money is remitted to the District Court under an order of that court, (b) when the money is remitted to a District Munsiff either under District Court's order, or under his own order; (c) when the money is remitted to a Tahsildar or other Government Officer in another district, for payment to the claimants residing in his jurisdiction; (d) when the money is paid to parties by a Tahsildar or Deputy Tahsildar in this district at Deputy Collector's request (which seldom occurs) and under unavoidable circumstances.

8. It appears to me that the endorsement should ordinarily be signed by the responsible paying officer, whoever he may be, but, as the form of words may possibly be held to imply signature by a witness other than the paying officer, the point is referred for a definite ruling. In case of payments to it would seem necessary that

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the paying officer should substitute some suitable form of words.

9. The Deputy Collector further wishes to be informed who is to sign the receipt when the money is paid by the Deputy Collector's peon to the claimants in the presence of the Registration Officer in the case of sale deeds exceeding Rs. 50 ? With reference to this, I see no objection to payment by the provided the Registrar in the red ink endorsement in question; but he may not consider this as part of his duty.

10. If it is proposed to make any material alteration of the present forms, which are prescribed by the Government of India, the approval of that Government will be necessary; but, before suggesting any such alterations, it might be well to obtain the opinions of other Revenue Officers on the question raised by the Deputy Collector.

6

P. W. Dept.
To be returned with
reply.



No. 3872 C 4/13 Oct 1888

Referred to the
Revenue Department
for favor of remarks.

M. M. M. Col. R. E.
Ag. Secy. to Govt. P. W. D.
12.10.88

To
The Revenue Dept
with Copies of forms

M. 183

M. 183A

M. 183B

N 2337/M

Referred

9TH MARCH 1889, No. 174, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

Read—again the following G.O., dated 30th October 1888, Mis. No. 6485, Revenue:—
Read—the following office-note from the Examiner of Public Works Accounts, to the Secretary to Government, Public Works Department, dated Madras, 10th October 1888, No. 2390:—

The Special Deputy Collector engaged in taking up land for the Rushikulya project has put to me certain questions and made certain suggestions regarding the preparation of award statements and receipts connected with them and regarding modifications of the form in question, and I submit them for the consideration of Government and such action as may be necessary.

2. The Deputy Collector considers that additional columns are required in the award statement for the following information, viz.:—

- 1st.—The sub-district in which the village is situated.
- 2nd.—Number of patta if land is jerayoti, or title-deeds if inam.
- 3rd.—Whether the land taken up is inam, or jerayoti, wet, dry or rained.
- 4th.—The survey numbers of the fields or portions of fields taken up.
- 5th.—Allowance at 15 per cent. under section 42 of Act X of 1870.

He says "these particulars are not only absolutely necessary for registration purposes [vide copy of Aska Sub-Registrar's letter, dated 25th May 1887, No. 116, and the form 'A' (Madras dated 25th May 1887, No. 116, and the old form * of award statement which was in use before the new form 'A' (Madras dated 25th May 1887, No. 116, and the form M. 183) was introduced], but will facilitate reference at subsequent times, when questions arise as to what survey field, or portion of a survey field, was paid for previously." As to this I would observe that registration is not compulsory and that it is a question whether it is worthwhile to encumber the award statements with a mass of particulars only required in connection with an operation which might perhaps be dispensed with. A column for field number would, I think, be a useful addition.

3. The Deputy Collector then asks what lands are, in certain cases, to be shown in award statement. He says, "if land be taken up under the Act, each award statement should, under the foot-note in the form sanctioned by the Government of India, be confined to the lands to be taken up under one declaration. In other words, lands acquired under more than one declaration should not be included in one statement, but there should be as many separate statements submitted under one declaration, because an award statement cannot be prepared for all lands acquired under one declaration, because an award can be passed under section 14 of the Act only on the claimant's written agreement to accept the compensation tendered. Past experience clearly proves that the claimants of all the lands under one declaration never attend at one time but on different dates, nay, in different months. Payments to claimants, who are in attendance, cannot be postponed by reason of the absence of the other claimants under the same declaration, or cannot be paid before passing of an award and award statement. Occasion arose in some cases to refer to court in respect of some absent persons residing in other districts, &c., or refusing to accept compensation. One statement is however, prepared in case of several persons attending at one and the same time."

4. Then, with regard to the application of the form to cases of private negotiation, the Deputy Collector suggests that in the lines at the head of the form the "date of award" should be left blank, as no award will be made in private negotiation, that "the number and date of declaration in gazette" is to be omitted, and that the words "awarded" and "under section Act X of 1870" should also be omitted from the line "statement showing compensation awarded under section Act X of 1870." He adds that "a separate form omitting these particulars will suit better."

5. I think myself that one form could be made to suit both cases, all particulars required in one case and not required in the other being collected in one place, with the remark that they should be omitted in case of private negotiation. The subsequent wording of headings and other entries should then be neutral so as to suit both cases. I see no use in having two series of statements, but rather the contrary. As far as I and my office are concerned, the more forms there are and the more each is specialised the greater the convenience; but to those who prepare the statements and the vouchers, multiplication of separate forms on account of minute differences will, I think, be a nuisance. If it is necessary for the purposes of the Revenue officers to have separate record of awards, there can be two "number" spaces in the form, one (first) for numbering statements in a series common to both cases and another for numbers and dates of awards under the Act.

6. Regarding the application of the receipt form to cases of private negotiation, the Deputy Collector further suggests that the words "in award statement" should be altered into "statement," as no award will in such cases be made. I think that one form of receipt might be made to suit, the form being made neutral by substituting "award or statement" for "award."

7. The Deputy Collector also asks for instructions as to who is to sign the red-ink endorsement printed across the receipt in the following cases, viz., (a) when the money is remitted to the District Court under an order of that court; (b) when the money is remitted to a District Munsif either under District Court's order, or under his own order; (c) when the money is remitted to a Tahsildar or other Government officer in another district for payment to the claimants residing in his jurisdiction; (d) when the money is paid to parties by a Tahsildar or Deputy Tahsildar in this district at Deputy Collector's request (which seldom occurs) and under unavoidable circumstances.

8. It appears to me that the endorsement should ordinarily be signed by the responsible paying officer, whoever he may be, but, as the form of words may possibly be held to imply signature by a witness other than the paying officer, the point is referred for a definite ruling. In case of payments to courts, it would seem necessary that the paying officer should substitute some suitable form of words.

9. The Deputy Collector further wishes to be informed who is to sign the receipt when the money is paid by the Deputy Collector's peon to the claimants in the presence of the Registration officer in the case of sale-deeds exceeding Rs. 50? With reference to this, I see no objection to payment by the peon, provided the Registrar will sign the red-ink endorsement in question, but he may not consider this as part of his duty.

10. If it is proposed to make any material alteration of the present forms, which are prescribed by the Government of India, the approval of that Government will be necessary; but, before suggesting any such alterations, it might be well to obtain the opinions of other Revenue officers on the question raised by the Deputy Collector.

No. 3872 C, Public Works.

Referred to the Revenue Department for favor of remarks.

(Signed) H. R. MEAD, Col., R.E.,
Ag. Secretary to Government.

13th October 1888.

To the Revenue Department, with copies of forms M. 183, M. 183A, M. 183B.

Order—dated 30th October 1888, Mis. No. 6485, Revenue.

Referred to the Commissioners of Land Revenue for remarks.

(Signed) C. A. GALTON,
Ag. Secretary to Government.

To the Commissioners of Land Revenue,
with enclosures, in original, to be returned.

Read—also the following Proceedings of the Board of Revenue (Land Revenue), dated 4th February 1889, Mis. No. 626:—

THE HON. J. GROSE, M.A.

Read—endorsement of Government, Revenue Department, dated 30th October 1888, No. 6485, on that of the Secretary to Government, Public Works Department, dated 13th October 1888, No. 3872 C, on office-note from the Examiner, Public Works Accounts, dated 10th October 1888, No. 2390.

Resolution—dated 4th February 1889, Mis. No. 626.

With reference to paragraph 2 of the Examiner's letter received with the endorsement under reply, the Board agree with him that the particulars mentioned by the Deputy Collector need not be entered in the award statement. It is only the award that is registered and not the award statement. It seems to the Board that even the additional column proposed by the Examiner to show the survey numbers of the fields taken up is not necessary, as there will always be other records to give the information.

2. The Deputy Collector's difficulty in paragraph 3 is not clear. The rules communicated with Board's Proceedings, * dated 13th August 1886, No. 1813, do not contemplate the payment of all the parties in the statement may relate to cases at the same time, and the particulars contained in one declaration.

3. The Board agree with the Examiner in the view expressed in paragraph 5. The form circulated with Board's Proceedings, dated 13th August 1886, No. 1813, should be adopted for cases of compensation settled by private negotiation also, such columns, &c., as are required in the former case and not required in the latter being left blank and a note being added that the land was acquired by private negotiation.

4. Referring to paragraph 6, the Board think that the reference to the award statement in the receipt is not objectionable as such a statement is actually submitted even in cases where lands are acquired by private negotiation [vide letter of the Government of India, communicated with G.O., dated 7th January 1888, Mis. No. 51, Revenue.

G.O., dated 6th December 1887, No. 3227 W. (Board's Proceedings, † dated 26th January 1888, No. 84)].

5. In the case of the receipts referred to in paragraphs 7, 8 and 9, the responsible officer paying the money should sign the red-ink certificate. When money is remitted to a court the certificate should be slightly modified to show that the money was so sent and signed by the officer sending the money. When the money is paid by a peon before the Registering officer, or when it is sent to another Tahsildar or other officer for payment, the receipt should also be forwarded to such officer and he should be asked to sign the certificate. This certificate is not intended to provide for the signature of witnesses.

(True Extract.)
(Signed) M. HAMMICK,
Secretary.

To the Secretary to Government, Revenue Department,
with papers returned.

ORDER—dated 9th March 1889, No. 174, Revenue.

Miscellaneous.

Communicated to the Public Works
Department with reference to their
endorsement, dated 13th October 1888,
No. 3872 C.

2. With reference to the remark of the Examiner of Public Works Accounts that registration is not compulsory in the case of awards made under the Act, his attention is invited to G.O., dated 9th May 1887, No. 443, Revenue.

3. The Board's suggestion that when money is paid before a Registering officer, the certificate should be signed by that officer is approved. The Judicial Department will be requested to issue the necessary orders.

(True Extract.)

Chitt
Secretary to Government.

To the Public Works Department *with 3 encls ret.*
„ the Judicial Department.
„ the Commissioners of Land Revenue.
„ the Accountant-General.

Exd. A. D. Xavier.

80 Copies.

100

Gobt. of {1889} Madras.

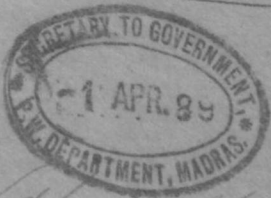
REVENUE.

Issued

Recd.

Encl.

G.O., 9th March 1889, No. 174.



MARCH.

Land Acquisition Act X of 1870.

Communicating to the Public Works Department Board's Proceedings on certain suggestions of the Examiner of Public Works Accounts regarding preparation of award statements and receipts under the —.

Dr

W