Public Works (1897) Department.

G.O., No. 725 R

DATED 24. Sept 1897

[Despatch Abstract.]

Land for the Construction of a Railway: Govt of India Circular relating the orders to be observed by Collrs & the Consg. Engineer for Rlys in the Revenue Dept.

[P.W. 25. 5,000—30-11-96.]

Indexed. 30/9/97

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.O.	754	P.W.	16.12.05				
	1143	Rev.	12.7.26.				
W.S	713	Rev.	16.3.38.				

Public Works (1897) Department.

CURRENT No. 9340

B/s

From The Govt. of India

Order No. 725-R Dated 24/9/97.

Cir. No. IV Ry of 18

Communicated to the Consulting Engineer for Railways & to the Revenue Department for information and guidance, with reference to G.O. No. 2078 R of 25 Aug 1892 & No 657 R of 18 Oct 1895

Dated 4th September 18

Received } 20-9-97

Registered }

Enclosures 1

Spare copies —

F/11 R. 23/9/97

The Comptroller for Rys / — Revenue Deptt / — Agent & Manr. Ry arms Ry despd 28/9/97 / — Agent S. I. Ry / — Examr. G. P. Ry. Accts — — do — P. Wks. Accts. — Agent & Ch. Engr. Nilgiri Ry — Engr. in Ch. Kistna Ry. — Manager East Coast Ry. — Political Deptt / — Local & Municipal Deptt

SUBJECT.

Orders relating to land for the construction of a Railway.

Copies published in G.G. of I. 1897 as under Public Works Department, Railway & Canal Branch

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

[*For Heads of Departments.*]

JOINT SECRETARY TO GOVT. OF MADRAS (P.W.D.)
RECEIVED
20 SEP 1897

Circular No. IV Railway of 1897.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY CONSTRUCTION.

Simla, the 4th September 1897.

Orders relating to land for the construction of a Railway.

Read—

Public Works Department Circular No. VI Railway, dated 7th July 1892.
" " " " " XI Railway, dated 21st September 1895.

Read also—

Public Works Department Code, Volume I, Chapter IX, paras. 20 to 26.
The Indian Railways Act, No. IX of 1890.
The Land Acquisition (Mines) Act, No. XVIII of 1885.
The Land Acquisition Act, No. I of 1894.

The enclosed orders which were promulgated with Government of India Circular No. VI Railway, dated 7th July 1892, are re-published, with corrections and additions that have since been published, for general information and guidance.

2. Special attention is invited to the instructions for the preparation of estimates of the cost of land, laid down in Government of India Circular No. XI Railway, dated 21st September 1895, printed at the beginning of these orders.

3. It will be incumbent on Consulting Engineers to endeavour to avoid the location of the railway line upon land the acquisition of which will entail either unnecessary expenditure on Government, or annoyance to the owners, if the object sought can be equally well attained by a slight alteration of the alignment, or in some other manner. The Consulting Engineers and the local revenue officers are responsible that, in taking up land, the fullest consideration is given both to the convenience of the proprietors and to the interests of Government.

4. As the orders under the Act for the acquisition of land vary under different Local Governments, the Civil officers should be invariably consulted as to any special requirements particularly with reference to paragraphs 25, 26, 31, 32 and 33 of the orders.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, the Punjab, and Burma.
The Chief Commissioners of the Central Provinces, and Assam.
The Residents at Hyderabad and in Mysore.
The Agents to the Governor General for Central India, Rajputana, and Baluchistan.
The Director General of Railways.
The Consulting Engineers to the Government of India for Railways, Calcutta, Lucknow and Assam.

ORDER.—Ordered that this Resolution be forwarded, for information and guidance, to the Local Governments and Administrations and to the officers marginally noted.

Also for information to the Accountant-General, Public Works Department.

P. A. Macnabb
Under Secretary.

Document accompanying:
Orders relating to land for the construction of a railway, with Appendices A to G.

G. C. Press, Simla.—No. 941 P. W. D.—7-9-97—850

To The Joint Secretary to the Government of Madras Public Works Department Railway Branch

Enclosure to Government of India, Public Works Department, Circular No. IV Railway, dated 4th September 1897.

RULES RELATING TO THE ACQUISITION OF LAND FOR RAILWAYS.

PREPARATION OF ESTIMATES OF THE COST OF LAND REQUIRED FOR RAILWAY OR OTHER LARGE PUBLIC PROJECTS.

Government of India, P. W. D., Circular No. XI Railway, dated 21st September 1895.

Cases have recently come to the notice of the Government of India in which the cost of land taken up for railway purposes has exceeded by several hundreds per cent. the cost shown in the detailed estimates; and while in some cases this difference appears to have been due to the inadequacy of the estimates, in others it was certainly caused, at least in part, by the exorbitant nature of the Collector's award under the Land Acquisition Act. It appears, therefore, advisable to issue instructions with the view of securing greater accuracy in the estimates and closer supervision over the awards, when land is taken up for large public projects, of whatever nature.

2. In paragraph 7, Chapter V, of the Rules for the preparation of railway projects, it is laid down that the data for the preparation of estimates of the cost of land should be obtained from the Civil authorities who are responsible for the valuation and assessment of all land taken up for public purposes. This rule has not always been observed in recent instances. Its observance is most important, as the Public Works Department authorities are not in a position to frame an estimate with any approach to accuracy.

3. The Civil authorities should, therefore, be in all cases requested to furnish data in the shape of rates per acre. This, however, they cannot do unless they are furnished with information as to the situation of the land to be taken up, as it is impossible to quote rates which shall be even approximately true for the whole of a large tract. A separate sketch map should, therefore, be furnished for each district traversed by the railway, canal, or other work, showing the exact course of the centre line of the land to be taken up, with reference to villages and towns. This map should be to a scale of one inch to the mile and should show village boundaries wherever they have been surveyed. The distances should also be marked upon it, and the average width of the strip to be taken up should be stated. For land near towns, or which for other reasons is likely to have a specially high value, a map to a sufficiently large scale should be prepared, showing the approximate boundaries of the land likely to be required, with a note of any valuable trees, buildings or other property for which compensation will have to be paid in addition to the price of the land itself. The Civil authorities' data will then take some such form as the following:—

Miles.	RUPEES PER ACRE.			Remarks.
	Cultivated.		Uncultivated.	
	Irrigated.	Unirrigated.		
3—15	80*	30	10	
15—17	300	120	30	Town lands of Rampur.†
17—27	50	25	5	

* Note.—Land under tea will average about R800 per acre.

† Note.—Land within municipal limits will cost about R900 an acre; and in the town itself, say, R3 a square yard.

Preparation of Estimates for Land.

4. When the work is confined to a single district the application should be made to the District officer; when it extends to more than one district, but lies within a single division, to the Commissioner; when to more than one division, to the chief revenue authority of the province. When the estimated value of the land exceeds ₹25,000 in any district, or one lakh in any division, the data must be forwarded to the Public Works Department authorities through the Commissioner or chief revenue authority respectively, who will countersign them and be responsible for them.

5. General rules should be framed in every province for the guidance of officers in estimating the value of land taken up under the Land Acquisition Act. It must be remembered that, while the owner of the land possesses the power of appeal from the award of the Collector, Government is deprived of that power, solely because it possesses executive control over his operations; and it is most important that such control should be efficiently exercised in the interests of the general taxpayer. The rules should lay down the data which should be collected and the principles upon which the award should be based.

6. When any considerable area of land is to be taken up for public purposes, a special officer should be deputed for the purpose, and care must be taken in his selection. Any special instructions that may be considered necessary in addition to the general rules above mentioned should be carefully framed for his guidance, as for instance when land under tea or indigo has to be taken up. He should be furnished with the data mentioned in paragraph 3, and provision should be made for the exercise of effective control over his operations by the Collector of the district, to whom all his awards should be reported, so far as to show the area, kind of soil, rate per acre, and total amount in each case. Provision should be made that, in case of any proposed award exceeding largely the estimated rate, and the award being such that it will be the basis of or constitute a precedent for any very considerable expenditure, it should be reported for the Collector's approval *before* being announced. And if in the course of his proceedings the special officer finds that his awards are likely to exceed the aggregate estimate for the district by, say, 25 per cent. or more, a report should be submitted through the Collector to the Commissioner (and if the excess involved exceeds a lakh of rupees, to the Local Government) and further announcement of awards suspended till the latter's orders are received.

7. Whenever it is found that the original rates were materially under-estimated, and no sufficient reason is apparent, the officers responsible for them should invariably be called on to explain, as in no other way can the importance of framing the original estimates with care be effectually brought home to them.

8. Such are the general principles which the Government of India desire to see observed in the matter. The conditions of the several provinces vary so widely that details must be left to Local Governments. But all Local Governments and Administrations should proceed to frame rules giving general effect to the above principles and indicating the points as to which supplementary instructions will be required, based upon the circumstances of each individual case.

Classification of Railway Land.

RULES RELATING TO THE ACQUISITION OF LAND FOR RAILWAYS.

Classification of Railway Land—

I.—Railways constructed by Government.

1. On Railways constructed by Government land is divided into two classes, *viz.*:—

I.—Permanent Land.

II.—Temporary Land.

2. *Permanent Land.*—Land which will be required permanently after the Railway is open for traffic and the work of construction is complete. Under this head will be included all land to be occupied by the formation of the permanent line of Railway, with side-slopes of banks and cuttings, and the berms connected therewith; the entrances to tunnels and shafts belonging to the same; the sites of bridges and protection or training works; station-yards; landing places for Railway ferries; ground to be occupied by works belonging to the Railway, such as gas-works, arrangements for water-supply, etc.; ground for the storage, manufacture, or acquisition of materials; land for cemeteries, plantations, gardens, and recreation grounds; sites for permanent stations, offices, workshops, dwelling-houses and other buildings required for the purposes of the Railway, or the accommodation of the staff, with the grounds, yards, roads, etc., appertaining thereto.

Under this head will also be classed land which will be permanently occupied by the diversion of roads or rivers, or for other works undertaken for public purposes incidental to the construction of the Railway, although such land will cease to be held by the Railway authorities on the completion of the works.

3. *Temporary Land.*—All land which is required for temporary purposes only, and which is relinquished after the work of construction is complete.

II.—Railways constructed by Companies.*

4. On Railways constructed by Companies land is divided into four classes, *viz.*:—

I.—'Class A' land.

II.—'Class B' land.

III.—'Class C' land.

IV.—'Class D' land.

5. *'Class A' Land.*—Land which the Company receives *for permanent occupation* free of charge under its contract or other arrangement with Government. Under this head is included all land required for the permanent works of the Railway, including the formation of the line with its side-slopes, berms, bridges, etc.; and for all stations, workshops, permanent store-houses, and the like, necessary for the line when opened, and which, under the contract or other arrangement, is to be provided by Government free of cost to the Railway Company. The occupation of this land by the Company will be so far permanent that it will cease only when the contract is terminated or surrendered and the whole lapses to Government.

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* The classification given here would apply *fully* only in the case of a Railway for which land was taken up on terms similar to those adopted for the old Guaranteed Companies. The conditions under which land is occupied by other Railway Companies in India vary according to the terms of their respective contracts (or other arrangements) and are in some cases practically the same as specified above for Railways constructed by Government. For the exact text of the rules laid down for the old Guaranteed Companies, see reprint of Government of India, P. W. Dept., Circular No. 55, dated 29th June 1861, given as Appendix C (page 14).

Amount of land required.

6. '*Class B*' *Land.*—Land which the Railway Company receives *for temporary occupation* free of charge under its contract or other arrangement with Government. Under this head is included all land essential for the execution of the permanent works of the Railway, but not required after the completion of the line in part or whole. Such is land for spoil-banks, for extra excavation to make banks, and for the storage of material held in stock by the Railway Company pending the construction of the line or their despatch to the works.

7. '*Class C*' *Land.*—Land which the Railway Company has to provide at its own cost. Under this head is included land which is required for the provision or preparation of materials, for purposes contingent on the actual execution of the works on the line, or for other miscellaneous objects which the Government recognises as falling legitimately within the scope of the Railway Company's operations, though not giving the Company a claim to the provision of land free of charge. 'Class C' land will be taken up by Government and handed over to the Railway Company for occupation at a fixed rental.

8. '*Class D*' *Land.*—Land which, being required in consequence of the works of a Railway, still does not come directly into the occupation of the Railway Company at all. Under this head is classed land required *outside* the Company's boundary, for the diversion of roads or rivers, and for the construction of roads which are made for public purposes and which will not afterwards be maintained by the Company. 'Class D' land will be provided by Government free of charge.

Amount of land required—

9. In estimating for the amount of land to be taken up for a Railway, care should be taken to make provision not only for the land which will be required permanently for the purposes of the open line (such as those indicated on page 3 under 'Permanent Land'), but also for such land as will be required during construction only, for spoil-banks, side-cuttings, quarries, stacking and preparation of material, temporary offices, workshops and quarters, and for temporary purposes generally, to be relinquished after the work is complete.

10. Land is everywhere (except under the special sanction of the Government of India previously obtained) to be provided of a width sufficient to allow of the line being doubled. For this purpose the *minimum* width required for the 'Permanent land' (in the case of a Railway constructed by Government) or 'Class A land' (in the case of a Railway constructed by a Company) under ordinary circumstances is as follows* both for the 5 ft. 6 in. and for the metre gauge:—

Embankment .	70 feet + 2 slopes.
Cutting . .	76 feet + 2 slopes.

11. It is to be remembered that the width here specified is, in each case, the *minimum*, and that it may frequently be necessary to arrange for extra land which will be required *after the line is open*, for repairs to embankments, for stacking material, or for other purposes. Land so provided would be *additional* to the minimum permanent land shown on the diagram, and during the construction of the line should be reserved and kept free from excavation or spoil.

* For details see sections showing widths of land to be taken up, Appendix A, pages 10 and 11. The ditch shown on these sections need not be dug, unless required; but whether the ditch is required or not, a width of *not less* than 24 feet must in every case be preserved from toe of slope to edge of side-cutting, or from edge of cutting to foot of spoil-bank.

Land for a Railway on the metre-gauge should ordinarily be taken up of the full width required for the 5 ft. 6. in. gauge, as specified above. In special cases, however, where it may be considered as practically certain that the Railway will, at no future time, be converted to the 5 ft. 6 in. gauge, the width given in the diagram for metre-gauge may be worked to.

General arrangement, side-widths, etc.—Plans to be made.

12. At station-yards the cutting or filling for the formation of the main line and sidings may sometimes be arranged for in the general levelling and improvement of the plot of ground to be permanently acquired. Where this cannot be done, provision should be made *outside* the proposed boundary of the station-yard for such additional land as may be required for side-cuttings or spoil-banks.

13. Where a piece of ground is to be reserved for a plantation or other similar purpose, care should be taken that proper arrangements are made for sufficient land, outside and distinct from such piece of ground, for the side-cuttings or spoil-banks which may have to be provided for.

14. In making provision for land for side-cuttings, the width will, under ordinary circumstances, depend upon the nature of the soil, height of bank, facilities for getting earth, and other local conditions. Under special circumstances, as, for example, in the neighbourhood of large towns or where land is unusually expensive, it may be advisable to equalize the quantities for cutting and filling, and take the material for banks from the adjacent cuttings.

General arrangement, side-widths, etc.—

15. For the line between stations, the general arrangement shewn on the sections,—Appendix A, pages 10 and 11, is to be followed, and the side-widths set out accordingly.

16. Where practicable, for low banks or shallow cuttings, the land taken up for side-cuttings or spoil-banks should be on one side of the line only.

17. In setting out land for side-cuttings, arrangements should be made for berms at suitable intervals to allow convenient access to the line during construction, and to prevent the side-cuttings ultimately developing into water-courses alongside the embankment. A width of 40 feet in a length of 200 feet is generally suitable for this purpose; that is to say each excavation would be 160 feet long, and separated from the next excavation by an interval of 40 feet of undisturbed earth.

18. In setting out land for spoil-banks, care should be taken to leave sufficient space for arrangements for drainage and for catch-water drains, where required, to prevent surface water from the adjacent land running down the slopes of the cutting.

19. The sides of spoil-banks and side-cuttings, next the line, are to be sloped off (as shewn on the sections, Appendix A, pages 10 and 11) before the earthwork is finished, and in setting out side-widths the distance allowed to the nearest part of the excavation or spoil must be such as to preserve the specified width of strip of clear unbroken ground *after* this sloping has been carried out.

20. In arranging the side-widths, the line for the fencing and for the inner edge of side-cutting or spoil should be continued straight in portions as long as practicable. That is to say, these lines should follow the *average* variation in height of bank or depth of cutting over considerable lengths, not be made to zig-zag to suit the local variation at each chain peg. Where the variation in side-widths would be comparatively unimportant it will often be advisable to neglect such local variations entirely, and take up the land in a parallel strip for some distance.

Plans to be made—

21. To enable the Civil authorities to take action for the acquisition of land required for Railway purposes, it is necessary* that proper plans should be made for reference by all concerned.

22. The scale for these Land Plans should, under ordinary circumstances, be 400 feet to 1 inch; but where this would not admit of sufficient detail being shewn with clearness, the scale should be 100 feet to 1 inch.

* See Land Acquisition Act, 1894, sections 6 and 8.

Plans to be made.

23. The data for the preparation of the Land Plans should generally be obtained during the progress of the survey for the location of the line, and the general instructions for the preparation of plans to accompany a project for a Railway, when submitted to the Government of India, are to be held to apply also to plans required for the acquisition of the land necessary for the construction of the Railway.*

24. The following *additional* information is to be supplied on the Land Plans :—

(*a*) In the case of a Railway to be constructed by Government, or by a Company under the terms of whose contract land is divided into two classes, 'permanent' and 'temporary,' the plans made out for the first acquisition of the land will show the outer boundary line; and all land, for whatever purpose it may be required, will be taken up as for permanent occupation. This land will be distinguished on the land plans by being coloured pink.

N.B.—This rule applies only to the copies of the plans made for the Civil authorities for use on the acquisition of the land, and is not intended to prevent Engineers from marking on their Office copies the intended disposition of the land as 'permanent' and 'temporary', or any other information which may be found convenient for use during construction, or for the purpose of the estimate.

As early as practicable, after the line is opened, and it is known definitely what land can conveniently be relinquished, the original plans will be corrected (or fresh plans made), shewing the boundaries of the land required for permanent occupation ('Permanent Land'), and also those of the land to be relinquished ('Temporary Land'). On these latter Land Plans, the two classes of land are to be distinguished by colour as follows :—

Permanent Land—Pink.
Temporary Land—Yellow.

(*b*) In the case of a Railway constructed by a Company, by the terms of whose contract (or other arrangement with Government) land has to be taken up under special classes A, B, C and D as defined on page 3 of these rules, or under other conditions of a like nature, the plans made out for the first acquisition of the land will show clearly the boundaries of the land to be taken up under *each* of these classes.

As early as practicable, after the line is opened, the original plans will be corrected (or fresh plans made), shewing the disposition of the land as determined after the work of construction is completed.

On these Land Plans, the four classes of land are to be distinguished by colour as follows :—

Class A Land—Pink.
Class B Land—Yellow.
Class C Land—Purple.
Class D Land—Green.

(*c*) Detached portions of land should be referred to some fixed point on one of the main sheets with distances and compass or other bearings, or such reference to the published maps of the neighbourhood as will ensure a ready identification of the land. A corresponding entry should in each case be made on the nearest main sheet to draw attention to the detached plot.

(*d*) On all Land Plans, whether made out under clause (*a*) or under clause (*b*), the position of the boundary of each class of land is to be determined by dimensions written on the plan; these dimensions to be sufficiently complete to enable such boundaries to be, at any time, readily ascertained or verified.

(*e*) The names of villages to which the land belongs are, in each case, to be written on the plan alongside of the line indicating the village boundary. If the boundary line crosses the Railway line the names are to be repeated on the other side of the Railway line, and the chainage of the crossing point noted.

(*f*) When boundary marks have been erected for the demarcation of the land occupied by the Railway, the position and corresponding number of each detached boundary mark is to be shown on the Land Plans.

25. The Land Plans are to be made up in sets for continuous portions of land, each set being complete for a revenue district or charge of a Collector or Deputy Commissioner (or length of Native State). On each end sheet (first and last) of every set of Land Plans, a

* See Rules for the preparation of Railway Projects, pages 9 and 10.

Acquisition of Land.

sufficient portion of the continuation sheet of the next set should be repeated, to enable the two sheets to be connected or traced together, if required. For each set of Land Plans the sheets are to be numbered consecutively throughout, and the name of the Civil district (or Native State) to which the set belongs, is to be marked conspicuously on *each* sheet.

26. For a Railway constructed by Government, the minimum number of sets of Land Plans required is two, *viz.*, one for the Civil authorities and one for the Railway. For a Railway constructed by a Company, the minimum number of sets of Land Plans required is three, *viz.*, one for the Civil authorities, one for the Railway, and one for the Consulting Engineer.

27. Each set of Land Plans is to be signed by the officer immediately responsible for its preparation, and by the Chief Engineer of the Railway. In the case of land required for a line already opened, the Manager will also countersign the plans before sending them on.

28. Land Plans are to be kept up to date either by adding to the existing plans or substituting new sheets as may be necessary. Each such addition or alteration is to be carefully checked by the officer in immediate charge of that portion of the Railway, and attested by his signature. It is to be understood that the Land Plans at any date must show a clear and accurate record of the land occupied by the Railway on that date.

29. A complete series of Land Plans for the whole line is to be kept in the office of the Chief Engineer of the Railway.

Acquisition of Land—

30. All arrangements for the acquisition of land required for the construction of a Railway will be made by the local Civil officers.*

31. To this end each Civil officer in charge of a district, in which land is required for Railway purposes, is to be furnished with particulars of such land, as follows :—

(*a*) A complete set of Land Plans prepared in accordance with the instructions given above.
(*b*) A complete set of schedules prepared in the form given as Appendix B (see pages 12 and 13).

32. On receipt of sanction for the construction of the Railway, a statement containing the following information should at once be sent to the Secretary to the Local Government or Administration, with a request that the notification required under Section 6 of the Land Acquisition Act of 1870 may be inserted in the local official Gazette, and that the district Civil officers concerned may be instructed to arrange for the transfer of the land required :—

(*a*) The name of the Railway.
(*b*) A copy of the order of Government sanctioning the construction of the Railway.
(*c*) A brief general description of the route to be followed by the Railway, with the names of the more important villages or towns through or near which it is intended that the Railway shall pass.
(*d*) A list of the Civil districts in which land will be required for the purposes of the Railway, with the approximate area in acres of the land required in each.
(*e*) For each Civil district the name or description of the place or places at which the Land Plans for that district will be available for inspection by the public.

33. With the statement above specified should also be sent, for the information of the Local Government or Administration, a general index plan to a scale of 1 mile to 1 inch, showing the route to be followed by the Railway.†

34. On receipt of the information specified above, the Local Government or Administration will publish in the local official Gazette the notification required under the provisions of Section 6 of the Land Acquisition Act of 1870, together with such statements as may be considered advisable under Section 3, clause 1 of the Land Acquisition (Mines) Act of 1885, and will instruct the local Civil Officers to arrange for the acquisition of the land required, and its transfer to the Railway.

* This rule is not intended to prevent preliminary enquiries regarding the probable cost of land being made by the Railway Officers direct from the owners.

† This index plan should be prepared in accordance with the instructions given on page 9 of the Rules for the preparation of Railway Projects under the head 'Index Plan and Section.'

Valuation and Payment—Land Relinquished.

35. When orders are received for the construction of the Railway, the land required should be properly marked out, unless this has already been done.

36. Except so far as may be necessary for the proper survey or marking out of the land required, work must not be commenced or damage done, materials deposited, or any excavation or demolition put in hand until the land has been formally made over, or unless approval in writing has been obtained from the local Civil authorities.

37. Where land required for Railway purposes forms part of a cantonment or camping ground, the Military authorities in the Quarter-Master General's Department should be consulted before steps are taken for the acquisition of such land.*

38. In the case of a Railway to be constructed by a Company, all arrangements with the Civil authorities (or with the Political officers for Native States) for the acquisition of the land required will be made through the Consulting Engineer, who will be responsible that the proper procedure is followed, and that the Land Plans and Schedules are drawn up in accordance with these rules. All such Land Plans and Schedules will be furnished by the Company to the Consulting Engineer, in triplicate. The Consulting Engineer will countersign all three copies, and will then return one set to the Company and forward a second set to the Civil authorities, retaining the third set for record in his office.

Valuation and Payment—

39. The valuation of the land and assessment of all claims and payment for the same will be made by the Civil authorities.†

40. All land for Railway purposes, whether required temporarily or permanently, will be taken up in the first instance as for permanent occupation, and valued accordingly. It is to be understood that the distinction between 'Permanent' and 'Temporary' land, or 'Class A' and 'Class B' land, is merely of the nature of a forecast showing what the disposition of the land will probably be on completion of the work.

41. In the case of a Railway constructed by Government, or by a Company under the terms of whose contract land is divided into two classes 'Permanent' and 'Temporary,' the Railway will, in the first instance, be debited with the full cost of all land which may be acquired, and will afterwards be credited with the amount realised by the sale of such land as may be relinquished

42. In the case of a Railway constructed by a Company, by the terms of whose contract (or other arrangement with Government) land has to be taken up under special classes A, B, C, and D, as defined on page 1 of these rules, or under other conditions of a like nature, 'Class C' land will be acquired by Government and leased to the Company, the rent being fixed at 5 per cent. on the cost of the land, plus any Government revenue with which the land may be chargeable. An annual settlement of accounts connected with the re-sale of 'Class C' lands will be made between Government and the Company; the Company bearing any loss owing to diminished value and being credited with any gain arising from enhanced value.§ Houses, trees, tanks, or other property, on land which is not provided free of charge, and for which special payment of compensation is necessary will be paid for at once by the Railway Company. In the case of land provided free of charge, the materials, etc., derived from the 'clearance' of the surface (which then will be at the expense of Government) will be disposed of by the Revenue officers to the best advantage.

Land Relinquished—

43. Land having been occupied for the purposes of a Railway, should, when no longer required, be made over to the local Civil authorities, who will arrange for its disposal. The sale proceeds of such land will be credited to the Railway, or head of account, to which its cost was originally debited.

* See Circular XI Railway of 1892, Appendix G.

† The procedure to be adopted by the Civil authorities and Accounts officers in connection with this work is laid down in Govt. of India, Fin. Dept., Resolution No. 1580, dated 25th June 1886.

§ This rule came into force in 1877, and does not apply to land for which, under the previous rules, an enhanced rent had been paid to allow for deterioration (*see Govt. of India P. W. Dept., Resolution No. 3755—60 K., dated 16th October 1877*).

Dealings with Native States—Demarcation of Land.

Dealings with Native States—

44. For land required in Native States the procedure laid down in these rules is to be adopted as far as applicable in every respect, the arrangements being made through the Political Officer. (*See also Appendix F, page 17.*)

Demarcation of Land—

45. The following rules for the demarcation of land have been laid down by the Government of India under Section 13 (*a*) of the Indian Railways Act of 1890.*

(*a*) All land permanently occupied for the purposes of a Railway shall have its boundaries defined on the ground in such a manner as to enable such boundaries to be readily ascertained and identified.

(*b*) For this purpose the boundary of the Railway land may be defined by a continuous wall, fence, or ditch, or by detached marks, posts, or pillars.

(*c*) Where the boundary mark is continuous, the boundary of the Railway land is to be on the outer edge of the wall, fence, or ditch; that is to say the wall, fence, or ditch will be situated wholly on Railway land.

(*d*) Where detached marks, such as isolated posts or pillars, are used, the boundary of the Railway land will pass through the centres of such marks. Between the marks the boundary will in each case be taken in a straight line from the centre of one mark to the centre of the next mark.

(*e*) Detached marks are in no case to be at a greater distance apart (centre to centre) than one-eighth of a mile (660 feet). They are to be of a substantial character, not easily destroyed or moved by accident or mischief, and are to be of such size and form as to be readily found and recognised.

(*f*) Each detached boundary mark is to bear a number, and the position and corresponding number of each detached boundary mark is to be shewn on the Land Plan.

(*g*) Where a fence, wall, or ditch is for convenience situated at some distance within the boundary, and does not mark the actual limit of the Railway land, it will be necessary that, in addition to such fence, wall, or ditch, the actual boundary of the Railway land shall be properly marked and defined in accordance with these rules.

46. In the case of a Railway constructed by a Company the expression 'land permanently occupied' is intended to include not only 'Class A' land, but also such 'Class B' and 'Class C' land as may be required for a considerable period. In the event of any 'Class B' or 'Class C' land enclosed by the boundary being afterwards relinquished, the boundary is to be shifted to mark the new limit.

* See Govt. of India, P. W. Dept., Circular No. XIV R., dated 6th August 1890.

13

GENERAL CROSS SECTIONS.

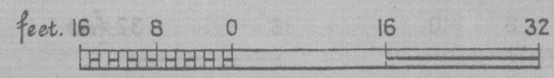
SHOWING WIDTHS OF LAND TO BE TAKEN UP.

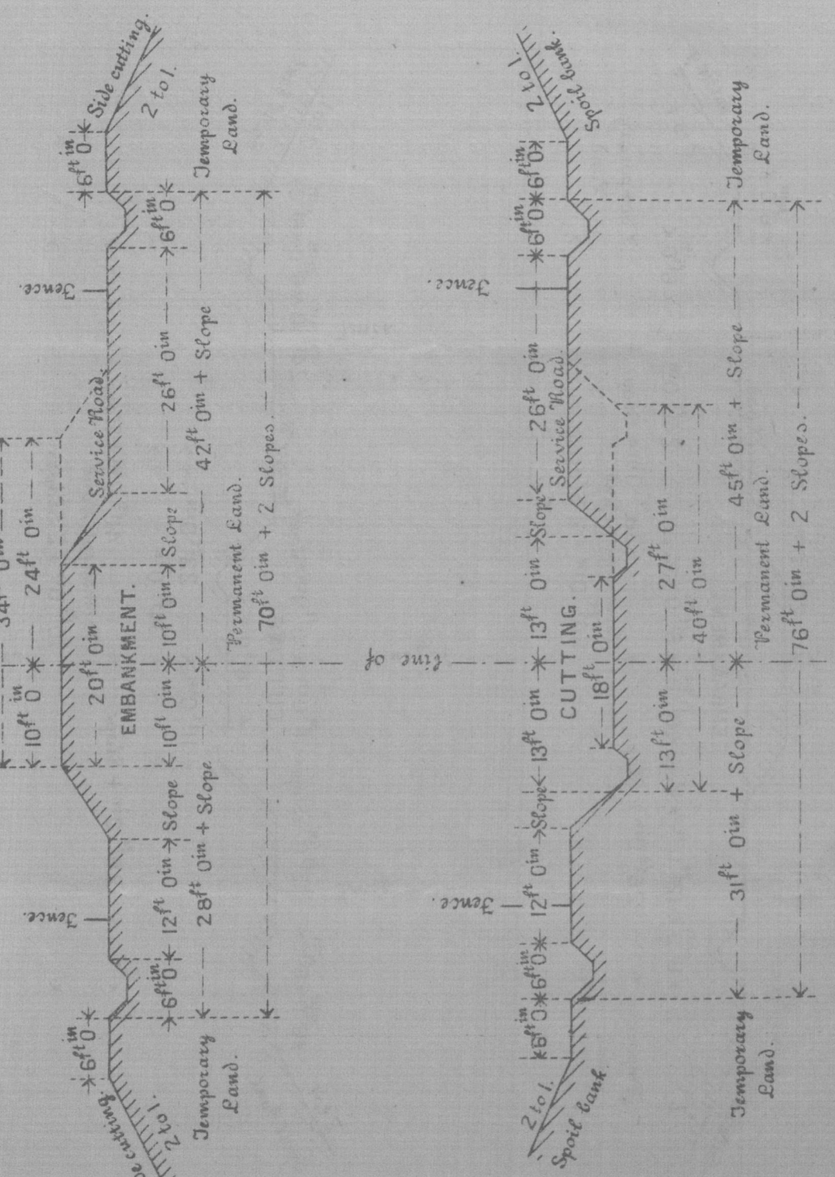
5FT 6IN GAUGE.

Scale – 1/16 inch to 1 foot.

(Rules relating to land.)

Appendix A.





NOTE—Under ordinary circumstances, the total width of land specified in this diagram should be taken up in all cases, whether the Railway be on the 5ft 6in or on the metre gauge (see foot-note, page 13).

14

GENERAL CROSS SECTIONS.

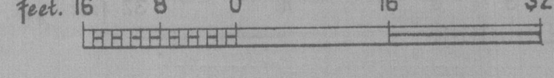
SHOWING WIDTHS OF LAND TO BE TAKEN UP.

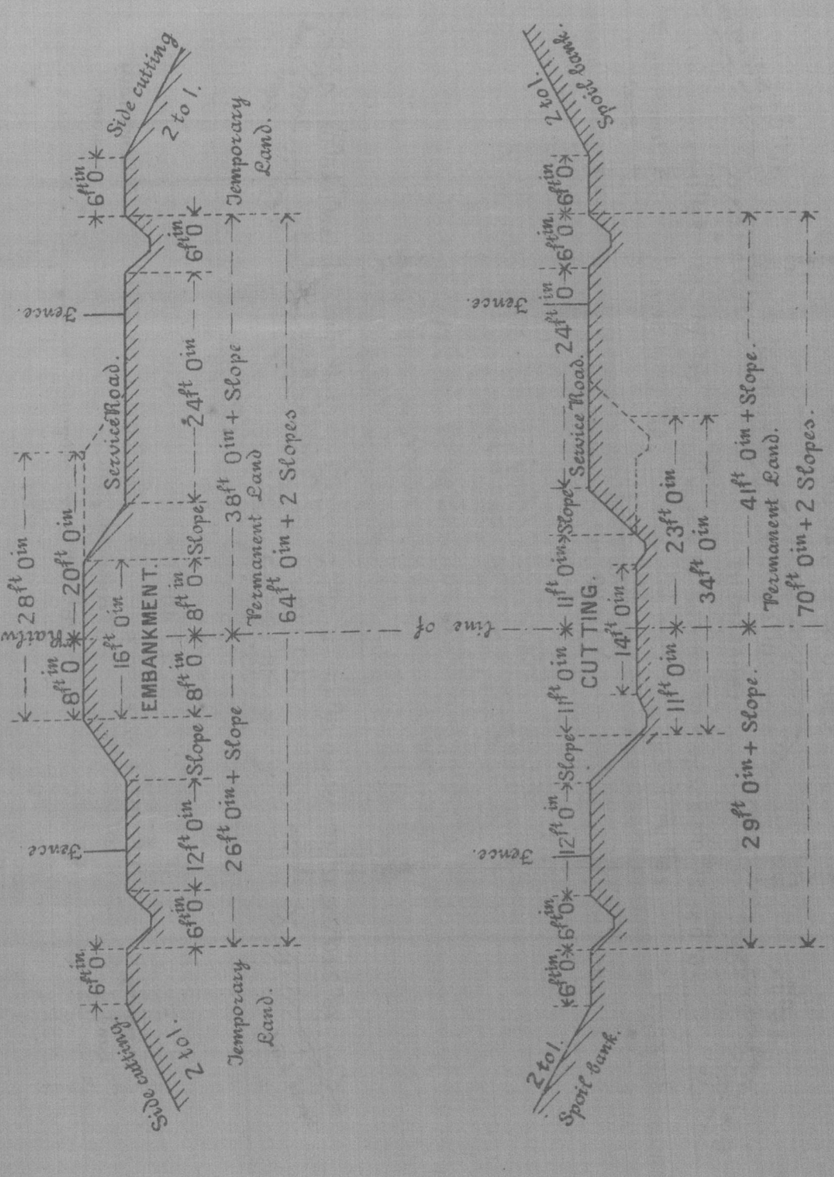
METRE GAUGE.

Scale – 1/16 inch to 1 foot.

(Rules relating to land.)

Appendix A.





NOTE—Under ordinary circumstances, for a metre gauge line, the total width of land taken up should be that specified on the diagram for 5ft 6in gauge (see foot-note, page 13), and that diagram should be worked to in all respects, except as regards width of formation.

Appendix B.—Form of Schedule for Land Acquisition.

BANDA DISTRICT.
Bilaspur Tahsil.

GONDA-AZIMGARH RAILWAY.

Azimgarh Section.

Schedule shewing land required for Railway purposes in the Bilaspur Tahsil of the Banda District.

Name of Village—MANDWAL.

Reference to Plan. Set.	Sheet.	Purpose for which the Land is occupied.	Area of Land required. Class A (*Pink*). Acres.	Class B (*Yellow*). Acres.	Class C (*Purple*). Acres.	Class D (*Green*). Acres.
Set C—Banda District.	3	*Main line from chainage 36,627 to chainage 38,900, land to be permanently occupied.*	4·6963	...	...	...
	3	*Same length for side cuttings* . . .	...	3·1309	...	...
	3	*Extra land for stacking material, etc., at site of Bridge No. 57.*	...	9·5500	...	...
	4	*Mandwal Station-yard*	28·6961	...	...	...
	4	*Approach road to Mandwal Station* . .	...	...	...	2·7548
	4	*Site for temporary House and Office for Assistant Engineer.*	...	5·5096	...	...
	5	*Brickfield to north of line opposite chainage 42,350.*	...	...	11·2163	...
	6	*Main line from chainage 41,440 to chainage 42,728, land to be permanently occupied.*	2·4389	...	...	...
	6	*Same length for side cuttings* . . .	...	1·5243	...	...
		TOTALS .	35·8313	19·7148	11·2163	2·7548

Azimgarh,
17th September 1891.

District Engineer.

Consg. Engineer.

Chief Engineer.

CONSTRUCTED BY A COMPANY OR BY A GUARANTEED COMPANY UNDER SIMILAR CONDITIONS.
CONSTRUCTED FOR A RAILWAY TO BE WORKED BY A COMPANY OR BY GOVERNMENT UNDER SIMILAR CONDITIONS.

RULES RELATING TO LAND.

Appendix B.—Form of Schedule for Land Acquisition.

BANDA DISTRICT.
Bilaspur Tahsil.

GONDA-AZIMGARH RAILWAY.

Azimgarh Section.

Schedule shewing land required for Railway purposes in the Bilaspur Tahsil of the Banda District.

Name of Village—MANDWAL.

Reference to Plan. Set.	Sheets.	Purpose for which the Land is occupied.	Area of Land required (*Pink*). Acres.
Set C—Banda District.	3	*Main line from chainage 36,627 to chainage 38,900, land to be permanently occupied.*	4·6963
	3	*Same length for side cuttings*	3·1309
	3	*Extra land for stacking material, etc., at site of Bridge No. 57* . . .	9·5500
	4	*Mandwal Station-yard*	28·6961
	4	*Approach road to Mandwal Station*	2·7548
	4	*Site for temporary House and Office for Assistant Engineer* . . .	5·5096
	5	*Brickfield to north of line opposite chainage 42,350*	11·2163
	6	*Main line from chainage 41,440 to chainage 42,728, land to be permanently occupied.*	2·4389
	6	*Same length for side cuttings*	1·5243
		TOTAL .	69·5172

Azimgarh,
17th September 1891.

Executive Engineer.

Manager, (*for open line State Railway.*) *or* *Consg. Engr.* (*for Company's Ry.*)

Engr.-in-Chief.

Appendix C.—Rules for Guaranteed Railway Companies.

APPENDIX C.

RULES LAID DOWN IN 1861 FOR THE ACQUISITION OF LAND REQUIRED FOR RAILWAY PURPOSES BY THE OLD GUARANTEED COMPANIES.

See Government of India, Public Works Department, Circular No. 55, dated 29th June 1861.

1. Land required for Railway purposes may be divided into four classes, A, B, C, and D. First, Class A, land which a Railway Company receives free of charge, under the contract with the Government, for permanent occupation. Second, Class B, land also provided free of cost, but only for temporary occupation. Third, Class C, land which the Railway Company has to provide at its own cost. Fourth, Class D, land which does not come directly into the possession of the Railway Company at all.

2. Class A will comprise the land required for the permanent works of a Railway, including the road with its bridges, etc., and all stations, workshops, permanent store-houses and the like, necessary for the line when opened, and which under the contract is to be provided by Government free of cost to the Railway Companies. The occupation of this land by a Railway Company will be so far permanent that it will only cease when their contract is terminated or surrendered and the whole lapses to Government. It is all provided free of charge.

3. Class B will contain land essential for the execution of the permanent works of a Railway, but not required after the completion of the line in part or in whole. It also is provided free of charge; such is land for spoil-banks, for extra excavation to make banks, for river diversion, and for the storage of Railway materials held in stock by the Railway Company, pending the construction of the line, or their despatch to the works.* The occupation of this class of land will be temporary. On its restoration to the Government—the proper time for which will be settled in each case between the Railway officers and the Consulting Engineer—it will be for the Revenue officers to dispose of it to the best advantage of Government.

* This last sort of land is allowed free under the Right Honourable the Secretary of State's letter No. 25 of 30th November 1858.

4. Class C will contain the land which a Railway Company has to provide at its own cost. This is land which is required for the provision or preparation of materials; for purposes contingent on the actual execution of the works on the line, or for other miscellaneous objects which the Government recognizes as falling legitimately within the scope of the Railway Company's operations, though not giving the Company a claim to the provision of land free of charge. As a Railway Company is bound to pay for the construction of all works out of the capital, receiving only from Government, without charge, the land on which the works stand, the provision of all materials, and the means of facilitating the execution of all works, are to be at the cost of the Railway Company (*a*).

* In the original rules the words "for roads to works in progress" here found place. They have now been struck out as calculated to mislead. It is clear a road may be required from a site used temporarily for storage of materials itself in Class B. This would carry the road itself into the same class. A road from a brick-field or quarry would be in the same category as the brick-field or quarry, *viz.*, Class C. Whereas a road from a detached but permanent store-yard, although leading "to works in progress," would not the less come under Class D, should such road still be necessary after the completion of those particular works. Thus, *generally*, the circumstances of the tenure of land *at the end of the road furthest from the Railway* will decide the class into which the road itself shall be placed.

(*a*) The following words were also in the original rules:—

"In this class, therefore, will fall all land for brick-making,* for quarrying ballast,[1] for houses for persons employed "on the work, etc. So also land for houses for engine-drivers, and the like on the line when opened, and for other similar "purposes, will come under Class C."

But Her Majesty's Secretary of State for India thought that any particularization in the rule might raise questions as to the power of Government to alter or vary the terms of the contract (a power which the Government has no intention of claiming). It has therefore been thought best to give these words in a note simply for the guidance of the officers of Government, and parties interested, as to the construction which Government puts on the contract in regard to certain points of frequent practical application.

Appendix C.—Rules for Guaranteed Railway Companies.

It is proper to bear in mind, in fixing the rent, that this land will in part deteriorate by the use to which it is put, and in part will not so deteriorate. In all cases, however, it will be most convenient to deal with the land, in the first instance, in the same manner. It will be taken possession of by Government, and handed over to the Railway Company for occupation at a fair rental. When the necessity for occupation ceases, the land will be given up again to Government by the Railway Company, the proper time for this being determined, as under Class B, by the Railway officers and Consulting Engineers.

5. Class D will contain that land which, being required in consequence of the works of a Railway, still does not come directly into the occupation of the Railway Company; it will be provided free of charge. It will be exclusively land for roads; either new roads leading to railway stations, or to permanent store-yards or workshops detached from the main works, or diversions or changes of old roads made necessary by railway works.

6. Inconvenience is likely to arise if Railway Companies are permitted to hold land, on their own account, or otherwise than is above explained. By causing them to rent from the Government all land to which they are not entitled free, in the manner above explained, simplicity in the tenure of their property will be secured, which will be a matter of importance at a future time when the Railway may be transferred to Government. The determination of the value to be paid by the Government for any land not included in Class A, which might be held by a Railway Company, would certainly be, in such an event, a great embarrassment.

7. Houses, trees, tanks, or other property on land which is not provided free of charge and for which special payment or compensation is necessary, will be paid for at once by the Railway Company. In the cases of land provided free of charge, the materials, etc., derived from the "clearance" of the surface, which then will be at the expense of Government, will be disposed of by the Revenue officers to the best advantage.

8. All land required for a line of Railway will be applied for in continuous portions: the plans will be drawn to a scale of 150 feet to the inch, and the measurements and areas will be recorded in accordance with the fiscal divisions of village estates of mouzahs, pergunnahs, and zillahs, in a schedule, of which a form is annexed, showing in detail the several classes to which the land belongs.

9. The several classes of land will be coloured pink, yellow, purple, and green, respectively, in the plans, and the exact purpose to which each parcel of land is to be devoted will be noticed in the schedule.

10. Detached portions of land should be referred to some fixed point on one of the main sheets, with such distances and compass or other bearings as will enable the land to be identified at once. A corresponding entry should also be made on the main sheet to draw attention to the detached portion.

11. The general correctness of the plans and schedules of the Railway Engineers being attested by the Consulting Engineers to Government, the applications will be forwarded to and dealt with, as may be necessary, by the Revenue authorities under the orders of the Local Government. The Revenue officers are to be held strictly responsible for the regular adjustment by Railway Companies of all charges on account of land, to be determined in the manner above explained.

12. A complete set of Land Plans should be recorded in the Chief Engineer's Office of each Railway, and a copy forwarded to the Consulting Engineer to Government by whom a duplicate will be given to the Revenue board, which, in turn, will supply Collectors of districts with transcripts of parts included in their respective zillahs. When it may be found expedient, in order to expedite the making over of the land, to employ a special Land Commissioner for this duty, the Railway Engineers should supply an additional copy of the Land Plan for the use of the Land Commissioner.

13. The Consulting Engineer to Government and the local Revenue authorities will, respectively, be held responsible for the punctual fulfilment of the foregoing orders in their several departments, and for the careful record of plans in their respective offices.

Appendix C.—Rules for Guaranteed Railway Companies.
Appendix D.—Land for Dwelling-houses for Railway Staff.

14. All contemplated changes in the land in possession of a Railway Company should be promptly reported by the Railway Agent to the Consulting Engineer to Government, who will notify the same to the Local Government. It will be for the latter to see that the necessary steps are taken by the Revenue authorities for entering such changes in their records, and for carrying out all further proceedings that are requisite on such an occurrence.

15. It will be necessary for the Local Government to see that a correct register and record of title of all Railway lands is maintained; for the whole of such lands will one day revert to the Crown; also that all rents or payment for clearances, etc., chargeable in behalf of Government against the Railway Company, are duly realized.

16. It is essential that there should be for each Railway *one* set of plans, in a regular sequence, to show all the land; and that the plans of each Railway Company's estate, after they have once been prepared, should constantly be corrected and always be maintained complete.

AMENDMENT TO PARA. 4 OF ABOVE CIRCULAR.

See Government of India, Public Works Department, Resolution Nos. 3755—60 R., dated 16th October 1877.

I am directed to acknowledge the receipt of your letters Nos. 4645 and 4646, dated the 22nd December 1871, on the subject of the adjustment of the rent and sale-proceeds of Railway class C lands, and to say that the Governor General in Council concurs in the proposals contained in your letter to the Board of Revenue, No. 3976, dated 14th October 1871, *viz.*, that an annual settlement should be made with Railway Companies of all accounts connected with the re-sale of C lands, the net loss being charged against the Companies, on condition that this rule shall apply to the case of all lands re-sold whenever they may have been taken up, unless (under paragraph 5 of the Public Works Department Circular No. 55 of 1861) a specially high rent has been charged to meet the probable loss by deterioration. The rent of C lands will in future be in all cases fixed at the rate of 5 per cent. on the capital expended, *plus* any Government revenue with which the land may be chargeable.

APPENDIX D.

LAND REQUIRED FOR DWELLING-HOUSES FOR EMPLOYÈS OF A RAILWAY COMPANY TO BE PAID FOR AS UNDER 'CLASS C.'

Government of India, Public Works Department, Circular No. 16, dated 6th April 1861.

The following extract of orders, passed by the Governor General in Council on a reference from Madras, is circulated for guidance in cases where application may be made by Railway officers for land to build dwelling-houses on, or where the Railway officers proposed to build such dwelling-houses on, land provided at the cost of the State. It will be seen that, whatever may have been admitted in some such cases hitherto, no claim should in future be recognised for the provision of land for such dwelling-houses at the cost of the State.

Extract from letter to Secretary to Government of Madras.

"I am directed to state in reply that the Government of India cannot admit that dwelling-houses for Engine Drivers or Station Masters, and still less for general workmen, are 'conveniences' under terms of the contract. This sort of accommodation being given or refused is merely a question of wages."

Appendix E.—Special Rules for East Indian Railway.
Appendix F.—Quarrying in Land belonging to Native States.

APPENDIX E.

SPECIAL RULES ISSUED AFTER CONSIDERATION OF THE CONTRACT OF JANUARY 1880, ENTERED INTO BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL AND THE EAST INDIAN RAILWAY COMPANY.

See Government of India, Public Works Department, No. 534 R. C., dated 9th June 1885.

All distinctions as to classes of land in the possession of the East Indian Railway Company, that existed prior to the 1st of January 1880, shall cease from that date.

2. From and after the 1st January 1880, the East Indian Railway Company, when taking up land, shall pay the value of the land, including cost of clearances and compensation, to owners and occupiers, plus the capitalised value of the abatement of land revenue and the expenditure necessary in the different processes required in the taking up of the land.

3. The capitalised value of the abatement of land revenue is the amount which, invested in 4 per cent. Government securities, at the market rate of the day, will produce interest equal to the abatement.

4. If the land required for the East Indian Railway Company be the property of the State, its value shall be the value as appraised by the Revenue authorities at the time of its transfer to the undertaking, inclusive of incidental expenditure.

5. All lands required under these rules shall be taken up through the principal Revenue officer of the district within which such lands are situated. If the land be the property of private individuals, payments shall be made for it to its owners in the manner described in rules 4 and 5 of Chapter 6 of the Civil Account Code. If the land be the property of the State, the principal Revenue officer of the district aforesaid shall complete his valuation and award and shall communicate the same to the Provincial Accountant General or Comptroller, as the case may be, for recovery from the East Indian Railway Company.

6. The amounts declared recoverable from the East Indian Railway Company in respect of lands taken up under these rules, shall be adjusted according to Rule 6, Chapter 62 of the Civil Account Code.

APPENDIX F.

PROCEDURE TO BE FOLLOWED IN THE ACQUISITION OF LAND IN NATIVE STATES REQUIRED FOR QUARRYING FOR THE PURPOSES OF A RAILWAY.

Govt. of India, P. W. Dept., Circular No. XXVIII Railway, dated 7th November 1882.

It having been brought to the notice of His Excellency the Governor General in Council that it not unfrequently happens that local Railway officers obtain access to land in Native States for quarrying and other purposes of the like nature, without reference to the Native States concerned, and that the procedure often gives rise to misunderstandings as to the terms on which such land is to be held and used by the Railway, His Excellency in Council is pleased to direct that in future no quarry is to be opened outside the limits of the land made over to the Railway in any Native State, until the permission of the Native State or Durbar concerned shall have been obtained by the local Railway officers through the Political officer attached to the State. In short, the procedure followed in connection with the acquisition of land in British territory should be observed, except that, instead of the land being acquired under the Land Acquisition Act (*Act X of 1870*) it will have to be obtained through the Political officer on such terms as may be agreed upon with the Durbar after the submission of the necessary Land plans.

APPENDIX G.

ACQUISITION OF LAND BELONGING TO THE MILITARY DEPARTMENT.

Government of India, Public Works Department, Circular No. XI Railway of 1892.

It has been brought to the notice of the Government of India that cases have not infrequently occurred, in which land belonging to the Military Department has been taken up by railway or other civil authorities without proper authority.

As such action is productive of considerable inconvenience, and in many instances of subsequent military expense, the Governor General in Council has decided that, in supersession of all previous orders on the subject, no land, whether—

(i) within cantonment limits,

(ii) forming part of a military encamping ground, or

(iii) otherwise held for military purposes, shall be entered upon or occupied for constructing a railway, erecting railway or other buildings, or for any other purpose whatever, either by contractors or any other persons (official or non-official) acting under the orders of any Civil Department of the State, until the sanction of the Government of India in the Military Department to the occupation or use of the land has first been obtained and communicated to the General Officer Commanding the district by the Quarter Master General in India, or by the Quarter Master General of the Madras or Bombay Army, as the case may be.

This Resolution does not, however, in any way affect the powers at present exercised by the General Officers Commanding districts in the Bengal and Bombay Presidencies, and by the Commander-in-Chief in the Madras Presidency, in sanctioning the grant of sites for ordinary building or other private purposes in cantonments, in accordance with the procedure laid down in Army Regulations, India, Vol. II, Part II.

No. 100 P. W. D.—16-9-96.—2,500.