

Public Works (1893) Department.

RAILWAY BRANCH.

G.O., No. 1146R

DATED 26th August

[Despatch Abstract.]

Land. — Notification for the acquisition of certain
— required for the Ganjam port line in connection
with the East Coast Railway, for temporary
occupation, ordered to be published in the Fort
St. George gazette.

[illegible]

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

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

Resolution—dated 13th March 1893, No. 111.

The Board begs to submit, for the approval of Government, a revised Standing Order No. 12 with reference to the rules of the Government of India communicated with Government Order, dated 7th September 1892, Mis. No. 3979. The draft Standing Order is mainly an extract from the portions of the Government of India rules relating to the duties of Revenue officers in the matter of the acquisition of lands for railways. The instructions of the Government of India under "Amount of land required," "General arrangement, side-widths, &c." and "Dealings with Native States" have, therefore, been entirely omitted, while under "Plans to be made" and "Acquisition of lands," only the instructions necessary for the guidance of Revenue officers have been extracted. The other portions of the Government of India rules have been wholly adopted in the Standing Order, but with some re-arrangement.

2. The Government of India rules do not contain any instructions as to how lands relinquished by railway authorities should be disposed of. The instructions given in paragraphs 4 and 5 of the existing Standing Order No. 12 have, therefore, been embodied in the draft Standing Order and made applicable to all classes of lands, not merely to B and C class lands as they now are. A slight modification has, however, been made to provide for the transfer of relinquished lands to the Forest Department in certain cases as the Collector, apart from that department, has now no concern with planting.

3. The rules regarding the acquisition of land by the old guaranteed companies which form Appendix C to the Government of India rules and which correspond to the existing Standing Order have been printed as an appendix to the draft Standing Order. The additional rules regarding the rate of rental to be fixed on C class lands also issued by the Government of India (*vide* Government Order, dated 29th January 1869, No. 297), but omitted in the appendix to the Government of India's present compilation, have been inserted in paragraph 4.

(True Copies and Extract.)

(Signed)

W. S. MEYER,
Acting Secretary.

To the Secretary to Government, Revenue Department.
„ all Collectors.

Read—the following Proceedings of the Board of Revenue (Land Revenue), dated 13th March 1893, No. 113:—

Read—the following G.O., dated 22nd December 1892, Mis. No. 5635, Revenue:—

Read—the following G.O., dated 15th November 1892, No. 2730 R., Public Works:—

Read—the following letter from H. B. HEBBERT, Esq., M. INST. C.E., Under Secretary to the Government of India, Public Works Department (Railway Construction), to the Secretary to the Government of Madras, Public Works Department, dated Simla, the 21st October 1892, Circular No. XI, Railway:—

I am directed to invite attention to Government of India Resolution, No. 2407-M.W., dated 22nd August 1892, copy attached for ready reference, laying down the procedure to be followed in connection with the acquisition of land which may be held for military purposes, and to request that this procedure may be strictly observed by the Public Works and the Railway Departments.

2. Particular attention is drawn to paragraph 37 of the rules relating to the acquisition of land for railway purposes promulgated with Government of India Circular No. VI, Railway, dated 7th July 1892.

ENCLOSURE.

Resolution of the Government of India, Military Department, dated 22nd August 1892, No. 2407 M.W.

Read—letter from the Quartermaster-General in India, dated 2nd July 1892, No. 3904-A., on the subject of the occupation by the Eastern Bengal State Railway of the encamping ground at Kissingunj, on Route No. 461, without affording sufficient opportunity to the military authorities to decide whether the arrangements made were suitable for military requirements.

Resolution—

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 buildings, or for any other purpose, either by private persons or persons acting under the orders of any 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 Quartermaster-General in India, or by the Quartermaster-General of the Madras or Bombay Army as the case may be.

Order—

Ordered that a copy of this Resolution be forwarded, for information and guidance, to the

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh and the Punjab.
The Chief Commissioner, Central Provinces, Burma and Assam.
The Resident at Hyderabad.
The Agents to the Governor-General, Rajputana, Central India and Beluchistan.
The Quartermaster-General in India.
The Director-General of Military Works.

Local Governments and Administrations and to the officers marginally noted. Also to the Public Works Department for information and further necessary action.

Order—

Communicated to the Consulting Engineer for Railways for information with reference to Proceedings No. 2078 R., dated 25th August 1892.

Order—dated 22nd December 1892, Mis. No. 5635, Revenue.

Communicated to the Commissioners of Land Revenue.

(True Extract.)

(Signed) R. H. CAMPBELL,
Ag. Asst. Secy. to Government.

To the Commissioners of Land Revenue.

Resolution—dated 13th March 1893, No. 113.

Communicated to all Collectors for information and guidance in continuation of Board's Proceedings, dated 24th December 1892, No. 740.

2. The instructions so far as they relate to lands taken up for railway requirements or for any other purpose have been embodied in the revised Standing Order No. 12 submitted for the approval of Government with Board's Proceedings, No. 111, dated 13th March 1893.

(True Copies and Extract.)

(Signed) W. S. MEYER,
Acting Secretary.

To all Collectors.

Copy to the Secretary to Government, Revenue Department.

Read—the following Proceedings of the Board of Revenue (Land Revenue), dated 13th March 1893, No. 115 :—

Read—again the following Proceedings of the Board of Revenue (Land Revenue), dated 24th December 1892, Mis. No. 8515 :—

Read—the following letter from the Consulting Engineer for Railways, to the Secretary to the Commissioners of Land Revenue, dated Madras, 1st August 1891, No. 2056 :—

With reference to the Board's revised Standing Order No. 12, paragraph 19, I have the honour to state that the procedure therein laid down is not what is observed in this department.

2. Under the revised rules prescribed by the Government of India Resolution, No. 1580, dated 29th June 1897, embodied in Government Order, No. 645, Financial, dated 14th July 1887, paragraph 15, the Examiner, Public Works Accounts, is required to submit to the Secretary to the Board of Revenue, in the Land Revenue Department, a copy of the award statement after being completed in his office, and as there was no mention made in the resolution of the register of compensation, its submission to this office by the Collectors concerned was ordered to be discontinued in April 1888, and none has been received in this office since that date.

I shall be much obliged if you will kindly let me know if the Standing Order under reference has since been modified, and, if so, I shall be glad to have a copy of the modified Standing Orders as they are issued.

Resolution—dated 24th December 1892, Mis. No. 8515.

Paragraph 19 of existing Standing Order No. 12 will be omitted in the revised Standing Order shortly to be issued.

2. The Board takes this opportunity of inquiring whether the register and abstract prescribed in paragraph 18 of the existing Standing Order based on the orders noted on the margin are still required to be maintained, and, if they are, what modifications in the forms the Consulting Engineer would suggest in view of the altered classifications in the revised rules regarding acquisition of land for Railways, communicated with Government Order, dated 25th August 1892, No. 2078, Public Works. It is noted that these rules, which supersede all previous orders on the subject, do not prescribe any registers or abstracts to be maintained.

3. It is presumed that the monthly statements prescribed in paragraph 18 above referred to have been discontinued since the issue of the Resolution of the Government of India, dated 29th June 1886, No. 1580.

(A true Copy and Extract.)

(Signed)

W. S. MEYER,
Acting Secretary.

To the Consulting Engineer for Railways.

Read—again the following Proceedings of the Board of Revenue (Land Revenue), dated 1st February 1893, Mis. No. 718 :—

Read—the following letter from the Consulting Engineer for Railways, to the Secretary to the Commissioners of Land Revenue, dated Madras, 25th January 1893, No. 164 :—

With reference to Board's Proceedings, Mis. No. 8515, dated 24th December 1892, I have the honour to state that the 2nd clause of the second sentence of paragraph 18 of Standing Order No. 12, i.e., from "and monthly . . . to Government" may be omitted.

2. As regards paragraph 2, neither the back references quoted in the margin nor the forms referred to therein are to be found in this office. The latter would appear to have been originally required for the information of the Revenue Department, and now that all lands other than Government property are notified in the *Port St. George Gazette* under the Land Acquisition Act X of 1870, the upkeep of the form may perhaps be unnecessary. At the same time it is apparently desirable that some records should be maintained in respect to Government lands transferred to the Railway Company and the preparation of the form referred to would seem to be advisable in this case.

3. The presumption in the third paragraph of the resolution is correct.

Resolution—dated 1st February 1893, Mis. No. 718.

The Consulting Engineer will be furnished with copies of the orders quoted against paragraph 2 of Board's Proceedings, dated 24th December 1892, No. 8515, and he will be requested to favour the Board with the opinion asked for in that paragraph.

(A true Copy and Extract.)

(Signed) W. S. MEYER,
Acting Secretary.

To the Consulting Engineer for Railways, with copies of Board's Proceedings, dated 4th June 1859, No. 2059; 27th July 1859, No. 2939; 17th December 1859, No. 5269; 9th May 1860, No. 2267; 20th January 1865, No. 846; and 21st September 1865, No. 5897.

Read—also the following letter from the Consulting Engineer for Railways, to the Secretary to the Commissioners of Land Revenue, dated Madras, 22nd February 1893, No. 417 :—

With reference to Board's Proceedings, Mis. No. 718, dated 1st February 1893, and enclosures, which are herewith returned, I have the honour to say that the register referred to is mainly kept up for the use of the Board of Revenue, and the question of its retention is therefore one for the Board to decide. The register is not required for the use of this office, but I imagine it is of use to the Collectors of districts as a reference from which to furnish certain information required from time to time by this office.

2. As legal records of title, I understand that the notifications published in the *Fort St. George Gazette* are themselves sufficient, but they, of course, while detailing the acquisition of lands, do not deal with the subject of the rendition of lands to Government (B and C classes), and it would appear desirable that some record of such transactions should be maintained.

3. The abstract register referred to in Board's Proceedings under reference is still kept up by this office and is submitted annually to the Government of India, the information for it being obtained from the Collectors of districts. For this purpose, I should imagine it would be advantageous to the Collectors to maintain the register referred to in paragraph 1 as it would present the requisite information in a more convenient and continuous form than the Gazette notifications.

4. The abstract register contains certain heads of information (columns 18, 19 and 20) which are not included in the other register (which I presume is kept in the form published in Board's Proceedings, No. 659, dated 28th November 1859), and the latter would be rendered more complete and useful, in my opinion, by the addition of columns showing this information, which relates to the loss of revenue on A, B and D lands and the disposal of B and C lands which have been restored to Government. I enclose a copy of the abstract register for 1891 for information.

5. The records of the lands restored to Government and their subsequent disposal might be maintained in either of two ways—(1) in the same form as that already in use, in which case I should suggest the entry of the area, description, &c., being made in the same column as "land acquired," but in a different colored ink, with the addition of columns showing date of rendition, receipts by sale of, and revenue received from lands restored to Government; or (2) by means of a separate "rendition register" in which case the present register might be either maintained or not, a column in the "rendition register" being inserted for reference to the Gazette notification under which the land was acquired.

6. The column "how acquired" in the present register appears unnecessary now that all lands are acquired under the Land Acquisition Act.

Resolution—dated 13th March 1893, No. 115.

The Board finds that to enable Collectors to furnish the requisite information to the Consulting Engineer for Railways for the preparation of the annual abstract register of lands made over to Guaranteed Railways, the maintenance by Collectors of the register and the abstract prescribed in Board's Proceedings, dated 17th December 1859, No. 5269, and 9th May 1860, No. 2267, respectively, and referred to in paragraph 18 of the existing Standing Order No. 12, are necessary. It therefore directs that they continue to be maintained. In the Standing Order now under revision, the forms will be retained and marked A and B, respectively.

2. As regards paragraph 6 of the Consulting Engineer's letter last read above, the Board considers that, as the register (A) refers also to past transactions, the column "how acquired" should be retained.

(A true Copy and Extract.)

(Signed)

W. S. MEYER,
Acting Secretary.

To the Consulting Engineer for Railways.
Copy to all Collectors.

" to the Secretary to Government, Revenue Department.

Read—the following Proceedings of the Board of Revenue (Land Revenue), dated 7th April 1893, No. 164 :—

Read—the following G.O., dated 23rd March 1893, Mia. No. 1152, Revenue :—

Read—the following G.O., dated 15th March 1893, No. 556 R., Public Works, on the following resolution of the Government of India, Military Department, dated 22nd August 1892, No. 2407 M.W., on the following :—

Letter from the Quartermaster-General in India, No. 3901A, dated the 2nd July 1892, on the subject of the occupation by the Eastern Bengal State Railway of the encamping ground at Kissengunj on route No. 461, without affording sufficient opportunity to the Military authorities to decide whether the arrangements made were suitable for Military requirements.

Also letter from Government of Madras, No. 6828, dated the 28th October 1892, requesting that the procedure followed in the Madras Presidency in regard to the grant of land within cantonments under the orders of the Commander-in-Chief of the Madras Army may not be disturbed.

Observations.—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.

Resolution.—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 Quartermaster-General in India, or by the Quartermaster-General of the Madras or Bombay Army, as the case may be.

Proviso.—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, Volume II, Part II.

Order—

- * The Governments of Bengal, Madras, Bombay, the North-Western Provinces and Oudh and the Punjab.
- The Chief Commissioners, Burma, Central Provinces and Assam.
- The Resident at Hyderabad.
- The Agents, Governor-General, Rajputana, Central India and Beluchistan.
- † The Quartermaster-General in India.
- The Director-General of Military Works.

Ordered that a copy of this resolution be forwarded to the Local Governments* and Administrations for information and guidance and to the officers† marginally noted for information.

Ordered also that a copy be forwarded to the Public Works Department, for information and further necessary action.

Order—

Copy forwarded to the officers concerned in substitution of the enclosure forwarded with G.O., No. 2730 R., dated 15th November 1892.

Order—dated 23rd March 1893, Mis. No. 1152, Revenue.

Communicated to the Commissioners of Land Revenue.

(True Extract.)

(Signed) R. H. CAMPBELL,
Ag. Under Secretary.

To the Commissioners of Land Revenue.

Resolution—dated 7th April 1893, No. 164.

Communicated to all Collectors, for information and guidance, in continuation of Board's Proceedings, dated 13th March 1893, No. 113.

2. The Board considers that the instructions in paragraph 12 of the revised draft of Standing Order No. 12, submitted for the approval of Government in Board's Proceedings, dated 13th March 1893, No. 111, are sufficient for the guidance of Revenue officers and that no alterations are necessary with reference to the revised circular now issued.

(A true Copy and Extract.)

(Signed) W. S. MEYER,
Acting Secretary.

To all Collectors.

Copy to the Secretary to Government, Revenue Department.

Appendix to Board's Proceedings, No. 111, dated 13th March 1893.

STANDING ORDER No. 12.

LANDS TAKEN UP FOR RAILWAYS.

The following is an abstract of the latest rules issued by the Government of India in Railway Circular No. VI of 1892 for the acquisition of lands for railways, so far as they relate to the Revenue Department. These rules should be observed in future in regard to all railways whether constructed by the State or by Companies (guaranteed, assisted or private) for which land is required under the orders of Government. The text of the rules laid down for the acquisition of lands by the old Guaranteed Companies is given in the appendix.

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

- I.—Permanent land.
- II.—Temporary land.

Para. 1 of the rules in enclosure to Railway Circular No. VI of 1892 of the Government of India.

3. *Permanent land* is 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, &c.; 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, &c., 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.

4. *Temporary land* is land which is required for temporary purposes only and which is relinquished after the work of construction is complete.

5. *Railways constructed by Companies*.—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.

6. 'Class A' land is 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, &c., 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.

7. 'Class B' land is 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.

8. 'Class C' land is 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.

9. 'Class D' land is 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.

10. After the construction of any railway is sanctioned, the local Government will publish, in the local official gazette, the necessary notification under section 6 of Act X 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 for its transfer to the railway authorities. All arrangements for the acquisition of the lands will then be made by such civil officers ‡ in accordance with the rules given in Standing Order No. 11. (Government holds the Consulting Engineers and the local Revenue officers responsible that, in taking up land, the fullest consideration is given both to the convenience of the proprietors and to the interests of Government.)

† 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.

Para. 2 of the rules in enclosure to Railway Circular No. VI of 1892 of the Government of India.

Para. 3 of do.

Para. 4 of do.

Para. 5 of do.

Para. 6 of do.

Para. 7 of do.

Para. 8 of do.

† Para. 34 of do.

‡ Paras. 30 and 39 of do. Para. 2 of the G. of I. Res. in G.O., dated 7th Sep. 1892, No. 3979.

Para. 38 of do.
and Railway
Circular No.
XI of 1892 of
the same Gov-
ernment, com-
municated in
(G.O.), dated
22nd Dec.
1892, M.S. No.
5635.

Para. 37 of do.

Para. 36 of do.

Para. 21, 25
and 31 of do.
Para. 38 of do.
Para. 22 of do.
Para. 24 (a) of
do.
Para. 24 (b) of
do.—I also
form of sche-
dule in Ap-
pendix B, pp.
10 and 11 of
do.

Para. 24 (c) of
do.

Para. 24 (d) of
do.

Para. 24 (e) of
do.

Para. 24 (f) of
do.
Para. 25 of do.

Para. 40 of do.

Para. 41 of do.

Para. 42 of do.

11. In case of a railway to be constructed by a company all arrangements with the civil authorities for the acquisition of the land required will be made through the Consulting Engineer.

12. Where land required for railway purposes lies within cantonment limits or forms part of a military encamping ground or is otherwise held for military purposes, the military authorities in the Quartermaster-General's department should be consulted before steps are taken for the acquisition of such land. No such land shall be entered upon or occupied whether for railway requirements or for any other purpose until the sanction of the Government of India in the Military Department has been obtained by the Quartermaster-General and communicated to the General Officer Commanding the District.

13. 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.

14. To enable the civil authorities to acquire lands, they will be supplied with a complete set of land-plans and schedules for each district. In the case of a railway to be constructed by a company, these plans and schedules will come through the Consulting Engineer who is responsible for their correctness. The scale of those land-plans will, under ordinary circumstances, be 400 feet to one inch; but where this will not admit of sufficient detail being shown with clearness, the scale may be 100 feet to one inch. 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 only two classes, permanent and temporary, the lands required will be shown in pink colour in the plans. In the case of a railway constructed by a company taking up lands under classes A, B, C and D, which will be coloured pink, yellow, purple and green respectively. Detached portions of land should be referred to some fixed point on one of the main sheets with distances and compass 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. On all land-plans 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. 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. 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. The land-plans are to be made up in sets for continuous portions of land, each set being complete for a district or charge of a Collector.

15. 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.

16. 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 afterwards be credited with the amount realised by the sale of such land as may be relinquished.

17. 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 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

* 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 Government of India, Public Works Department, Resolution, No. 2755-60-H, dated 16th October 1877).

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 case of land provided free of charge, the materials, &c., 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.

18. Lands which have 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 their disposal. On its restoration to Government any such land should, if it is likely to be required again for the railway, be offered by the Revenue authorities on annual lease at a fair rent on the condition that it be given back at six months' notice when required for the railway. The original owner should be allowed the first option of occupying the land on these terms. If the land is given up absolutely it should be offered to the original owners on patta at a fair price which is to be fixed with reference to the selling price of lands of similar quality in the vicinity. If the original owner declines to accept the land on these terms, and the Forest Department is prepared to take it, it should be utilized for the growth of fuel, vegetable manure, bamboos or trees according to the character of the soil. If, however, the land is not fit for planting it should be sold at auction to the highest bidder, without any upset price but subject to annual assessment.

19. *Demarcation of Land.*—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 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 recognized.

(f) Each detached boundary mark is to bear a number, and the position and corresponding number of each detached boundary mark is to be shown 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.

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.

20. A carefully prepared register for each class of land must be maintained by Collectors in form A, given in the Appendix, as also an abtract prepared therefrom in form B, and kept up to date. The title-deeds for the lands acquired should be filed and kept under proper custody in the office of Collectors. These will hereafter be either awards or orders made under the provisions of the Land Acquisition Act.

21. Railway Companies are permitted to take sand for ballast from the beds of rivers on the understanding that care should be taken that no injury be done thereby to the water-course, bridges or sluices, or the banks of the rivers. When large quantities are taken, the Public Works Department must be referred to in the first instance. In zemindari estates, the permission of the zemindar must be obtained.

* See Government of India, Public Works Department, Circular No. XIV-R, dated 6th August 1890.

Para. 43 of do.

Para. 4 and 5 of existing R.O. No. 12, with slight modifications.

Para. 43 and 44 of the rules in enclosure to Railway Circular No. VI of 1892 of the Government of India.

Para. 18 of the existing R.O., the portion requiring the submission of monthly statements being omitted with reference to the Resolution of the Government of India communicated with Government Order, dated 5th August 1896, No. 664, Revenue.

Para. 21 of the existing R.O.

APPENDIX TO STANDING ORDER No. 12.

Form A.

Class_____.

Register of land taken up for Railway purposes in the district of—

[illegible]

Note.—Each class A, B, C and D will have a separate register in the above form; but column 11 will appear only in the C register.

FORM B.
Register of lands in occupation of Railway Company in
district.

[illegible]

Memorandum.—The totals of columns 25, 26 and 27 will agree with the totals of all positive entries in column 23. The entries in column 23 being entered in red in column 22 will be deducted at the annual adjustment, and the balance only carried forward to the following year, which will agree with columns 25 and 27; columns 23 and 24 being a record of transactions completed within the year, will not be carried forward from year to year, but will always be blank at the commencement of each.

APPENDIX TO STANDING ORDER NO. 12.

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, &c., 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.

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). 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. The annual rent on lands in this class occupied by a Guaranteed Railway Company shall be fixed at 5 per cent. on the outlay incurred by Government in taking up the land, plus any revenue or rent previously payable to Government in respect of the said land. In the case of land already belonging to Government and so occupied, the rent shall be fixed at 5 per cent. on the value of the land, as estimated by the Collector. When land, presented in free-gift by a private individual for the purposes of a railway, is made over to a Guaranteed Railway Company in this class, no rent shall be charged by Government beyond the Jumma or Revenue previously paid to Government for the land.

(a) The following words were also in the original rules:—
"In this class, therefore, will fall all land for brick-making, for quarrying ballast, for houses for persons employed on the work, &c. No 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.

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.

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 as 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, &c., 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 villages estates or mouzaha, 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 colored 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.

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 payments for clearances, &c., 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.

16

5TH MAY 1893, No. 382, REVENUE.

ORDER—dated 5th May 1893, No. 382, Revenue.

Miscellaneous.

The draft Standing Order No. 12
is approved.

(True Extract.)

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

To the Board of Revenue (Land Revenue).

Copy to the Public Works Department (Railway Branch).

Exd. S. J. Pereira.

60 Copies.

Govt. of {1893} Madras.
REVENUE.

Issued

Recd.

Encl.

B. No 11216 Recd 26 August 1893

G.O., 5th May 1893, No. 382.

MAY.

Standing Order No. 12 (New Edition),
Lands taken up for Railways.

Draft — revised by the Board of Revenue
with reference to the rules of the Government of
India recently communicated, approved. —

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5.4
5852/93*

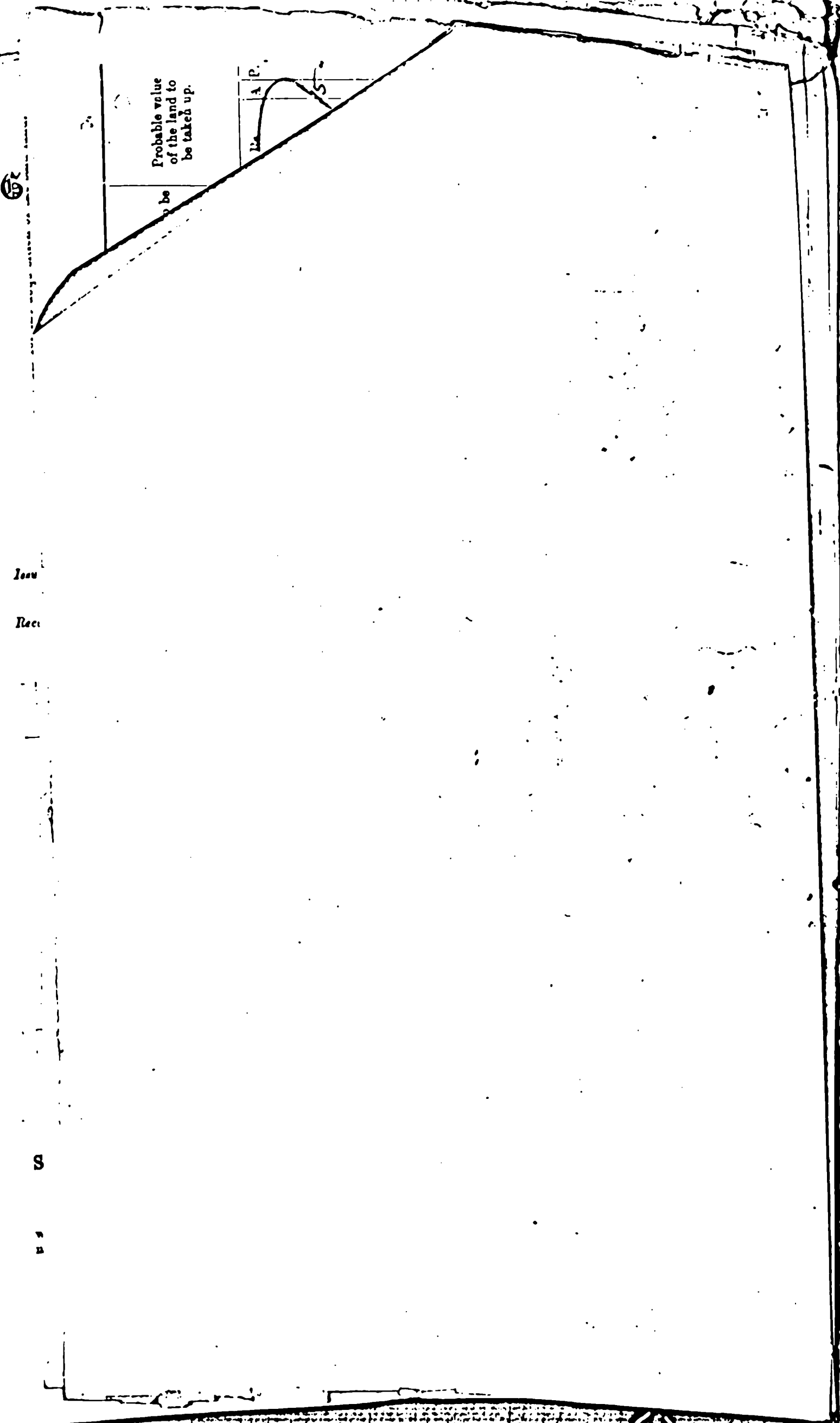
SCHEDULE:

[illegible]

Chakrabarty }
June 1893 }

Not Typed

2000
2000



Ganjam Collectorate
Re 466 of 1893. Dated Chhatrapur 9 June 1893.

Replied on 15/5/93.
From A. W. B. Higgins Esquire
Collector of Ganjam

To The Secretary to Government
Public Works Department
Railway Branch,
Madras.

Sir,

In forwarding a schedule for the land required for the Ganjam Port line in connection with the East Coast Railway for temporary occupation for 3 years, I have the honor to request that the Head Quarters Deputy Collector Ganjam may be directed under Section 43 of Act X of 1870, to procure the occupation and use of the land in question for a period not exceeding three years.

2. The owners of the land have no objection to the temporary acquisition.

I have the honor to be,
Sir,

Your most obedient servant

X
For Collector

20/5/93

20/5/93

Confid
20/5/93

I W Higgins
M. W.
14/6

11/12/1893

15/6

From
The Collector of
Ganjam

To The Secretary to Government
Public Works Department
Railway Branch
Madras.

Dated Chhatrapur 9 June 1893.

Deco: 14.6.93

R.C. no 466 of 1893

OW $\frac{5}{5882/93}$ sue 1.

Submitting a schedule for
the land required for the
Ganjam Port Line in connec-
tion with the East Coast Railway
for temporary occupation. With
request that the Head Quarters
Deputy Collector, Ganjam,
may be directed to procure
the occupation and use of
the land in question.

No. 2361C.

Government of Madras.

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH

To
THE Collector of Ganjam

16 June 1893.

SIR,

Submitting a schedule for
the land required for the
Ganjam Port Line in
connection with the East
Coast Ry.

I have the honor
to return herewith your
letter N^o RC $\frac{466}{ver}$ & 9.6.93
& the schedule submitted
therewith, as well as of
which bears your signature.

DESPATCHED

17 JUN 1893

S. R.

Ganjam Collectorate
Dated Chakrapur June 1893

From A. W. B. Higgins Esquire
Collector Ganjam

To
The Officiating under secretary to -
Government
Public Works Department
Railway Branch
Madras

Sir,

I have the honor to return, duly
signed, the letter and the schedule received
with your letter No: 2361 C. dated 18th instant

I have the honor to

Sir
Your most Obedt servant

W. S. M. S. S. S.
for Collector

[Signature]

No 2361 C of 16th June 1893

[Signature]

MADRAS, 11 July 1893.

To

K. Jayam

AGENT AND MANAGER, M. R.

No. 1575- Reply No. 466 Ver., dated 4. 8. 93

From The Collector of
Gangam

To The Officiating Under
Secretary to Government
P. W. Department
Railway Branch
Madras

Dated Madras June 1893
Dec. 30. 6. 93

Ref. 466 Ver. 93.

Sub. 2

Subject

Returning herewith letter and
schedule received with his
letter No. 2361.C. dated 10. 2. Instant

W.M. 20

Reminders.

SIR,

In returning the schedule
received with your no. 466
Ver. 93-6. 93, I have the
honor to invite your
attention to rule 15, page 10
of G.O. No. 382 Revenue
95-93 under which
all lands for whatever
purposes required, should,
in the first instance, be
taken up under the act,
as if ^{they were} required for permanent
occupation.

Subject.

2. I therefore request that
you will be so good as
to submit for the approval
of

W.M. 10.7

W.M.

of Government, and for
publication in the
Fort St George Gazette
a draft declaration
together with ^a schedule
for the land in question -

ms

Col. 7

Ganjam Collectorate
R.C. No. 466 of 90 Dated Chhatrapur August 1893.

From

A. W. B. Higgins require
Collector of Ganjam
to the Joint Secy. Ry. Board
The Consulting Engineer
for Railways
Madras.

Sir,

With reference to your letter dated 11th
July 1893 No 1575, I have the honor to forward here-
with for the approval of Government and publi-
cation in the Fort Saint George Gazette, a draft
declaration with schedule for the land therein
referred to.

2. The G.O. dated 5 May 1893 No 382 Revenue
referred to in your letter has not been Commu-
nicated to me as yet, and I do not therefore deter-
mine whether or not it is necessary to note in the
draft declaration that the land is required for
temporary occupation, though it should in the first
instance be acquired as if it were required
for permanent occupation. If necessary please
make a note in the draft declaration that the
land is needed for temporary occupation, and
inform me of the same.

I have the honor to be

Sir

Your most obedient servant

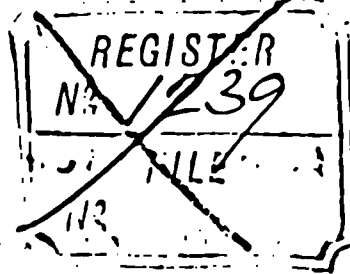
Wm. B. Higgins
for collector

ms
11/8

Compd. Secy.
20th Aug 1893

11/8

P. W. CURRENT No. 7164



From
The Collector of
Ganjam

To The Consulting Engineer
for Railways

Madras
Recd 12.8.93
at 15 Chattram 4 August 1893.

Re 1.
Re 466 of 1893

Subject

Submitting a draft noti-
fication under Act V of 1870
for publication in the Fort
Saint George Gazette.

B.
No 1146 R 2/26-8-93,

PROCEEDINGS OF THE MADRAS GOVERNMENT.

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

Read the following

Letter from the Collector
of Ganjam } H.E. No. 466
dated 4 August 1893

The notification as amended by Govern-
ment is approved and will be published in the
Fort St. George Gazette

2. The Collector will be
informed that no note need
be made in the draft de-
claration to the effect that
the land is required for
temporary occupation. -
When the land in question
is no longer required it will
be relinquished to the Rev.
Department for disposal
to the best advantage -

W. B. S. S.

To
The
Collector of
Ganjam
Notification to Press.

DESPATCHED
23 AUG 93

22.19/8
22.19.82/8