

Public Works (1896) Department.

RAILWAY BRANCH.

G.O., No. 328 R

DATED 14th April

[Despatch Abstract.]

Lands. Proceedings, Revenue Department, approving the Board's suggestions regarding the revision of Board's Standing Order No. 11 in view to greater accuracy in the valuation of — required for public purposes and closer supervision over the awards of compensation being secured, communicated to Railway / Districts.

Indexed.

BACK PAPERS.

[illegible]

FURTHER PAPERS.

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

BOARD OF REVENUE (LAND REVENUE), No. 43, 1st FEBRUARY 1896.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—the following Government Order, Mis. No. 4505, Revenue, dated 11th November 1895:—

Read—the following Government Order, Public Works Department, Railway Branch, No. 687 R., dated 18th October 1895:—

Read—the following Resolution of the Government of India, Public Works Department Circular No. XI, Railway, dated Simla, the 21st September 1935:—
[Preparation of estimates of the cost of land required for railway or other large public projects.]

Read—
Letter from the Accountant-General, Public Works Department, No. 236-R,
dated 16th March 1895.

Paragraph 7, Chapter V, of the Rules for the preparation of railway projects, promulgated with Government of India Circular No. 7, Railway, dated 9th October 1893.

Read also—
Rules relating to the acquisition of land, promulgated with Government of India
Circular No. VI, Railway, dated 7th July 1892.

Resolution.—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:—

The Civil authorities' data will then take some such form.				
Miles.	Rupees per acre.			Remarks.
	Cultivated.		Uncultivated.	
	Irrigated.	Unirrigated.		
3-15 ..	80	30	10	Town lands of Rampur.†
16-17 ..	300	120	30	
17-27 ..	60	25	5	

* Note.—Land under tea will average about Rs. 800 per acre.
† Do.—Land within municipal limits will cost about Rs. 900 an acre; and in the town itself say Rs. 8 a square yard.

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 Rs. 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 tax-payer. 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.

Order.—Ordered that this Resolution be communicated to the Local Governments and Administrations and the officers marginally noted for information and guidance.

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

Also, that it be forwarded for information to the Accountant-General, Public Works Department; the Department of Finance and Commerce, and the Department of Revenue and Agriculture.

(Signed) F. B. HEBBERT,
Under Secretary.

Order—

Communicated to the Revenue Department for information and guidance.

Order—Mis. No. 4505, Revenue, dated 11th November 1895.

Communicated to the Board of Revenue.

2. The main principles now enunciated by the Government of India are already embodied in the Board's Standing Orders Nos. 11 and 12. The Board is requested to report how far these orders require to be supplemented under the present instructions of the Government of India.

(True Extract.)

(Signed) L. DAVIDSON,
Ag. Under Secy. to Govt.

To the Board of Revenue (Land Revenue).

RESOLUTION—No. 43, dated 1st February 1896.

The Board begs to submit to Government the report called for in paragraph 2 of the Government Order read above.

2. In its Resolution, dated 21st September 1895, the Government of India points out the desirability of issuing instructions with a view to secure (1) greater accuracy in estimates of value of land and (2) closer supervision over the awards of compensation when land is taken up for large public purposes such as railways, canals, &c.

3. With regard to the estimates of value, the Government of India states that the valuation should always be made by the Civil authorities and that when the project extends over more than one district or when the estimated value of land in any district exceeds Rs. 25,000, the statement of valuation should be countersigned by the chief Revenue authority of the province concerned.

Paragraph 3 of Board's Standing Order No. 11 already requires a preliminary valuation by officers of the Revenue Department in respect of lands proposed to be acquired under the Act which valuation has to be forwarded to Government under the

signature of the Collector of the district. Indeed, the form of the statement appended to the paragraph quoted above requires much fuller details to be furnished than the Government of India contemplates in the case of large projects. But it will be open to Collectors, under the present Resolution of the Government of India, to furnish data in the shape of rates per acre when they find that the preparation of a statement such as that prescribed in the Standing Order will entail any considerable labour or delay.

The Board does not think it necessary in this Presidency that valuation statements should be countersigned by the chief controlling authority, i.e., by itself as it can hardly exercise any effective check on them. Nor need any applications for land be forwarded through the Board.

4. In regard to the supervision over awards, the Government of India makes the following suggestions:—

(a) That general rules should be framed for the guidance of acquiring officers in determining the value of land to be taken up.

(b) That a duly qualified special officer should be appointed when large areas have to be acquired.

(c) That special instructions should be framed for the guidance of such officers when, for instance, land under tea or indigo has to be taken up.

(d) That the special officers should be furnished with the data of the original valuation.

(e) That all awards should be required to be reported to the Collector of the district so far as to show area, kind of soil, rate per acre and total amount in each case.

(f) That awards which are largely in excess of the estimated rates and are likely to be the basis of or to constitute a precedent for any very considerable expenditure should be required to be submitted to the Collector of the district for approval before announcement.

(g) That a special report to the Commissioner of the division or the Local Government through the Collector of the district should be prescribed when awards are likely to exceed the aggregate estimate for a district by, say, 25 per cent. or more, the announcement of further awards being suspended pending orders.

(h) That explanation should be called for from officers responsible for the original data whenever these are found to have been materially under-estimated.

Clause (a).—Valuation for purposes of awards is now being made with reference to sections 23 and 24 of Act I of 1894, and to the instructions contained in paragraph 5 of Board's Standing Order No. 11. These instructions primarily relate to the preliminary valuation only, but the Board considers that a sentence may be added to the present paragraph 8 of the Standing Order to say that they apply also to the valuation of lands for purposes of awards. In practice the rules already followed are the same in both cases.

Clause (b).—Paragraph 6 of Standing Order No. 11 already provides for this. Special officers are always appointed when considerable areas have to be acquired for large projects.

Clause (c).—A rule to the effect that Collectors should furnish special instructions when necessary to the acquiring officer may be added to paragraph 8 of Standing Order No. 11.

Clause (d).—This is probably being done already and is implied in the note to paragraph 8 of Standing Order No. 11. The point may, however, be made clearer.

Clauses (e) and (h).—These provisions, which will enable the Collector to exercise an effective check over the data originally furnished by subordinate officers, as well as over the compensation awarded by acquiring officers, meet with the approval of the Board. The check indicated will entail additional work on the Collector and his establishment; but in view of the fact that public interests are often lost sight of by subordinate officers engaged in acquiring lands under the Act, the Board considers that their awards in all cases of acquisition should be brought under control in the manner proposed by the Government of India. Paragraph 8 of Standing Order No. 11 may be amplified so as to meet these requirements.

Clauses (f) and (g).—The object of these precautions is apparently (1) to give the Collector, the Board, or the Government an opportunity of causing awards to be revised, if necessary, before announcement and (2) to enable them to decide on the advisability or otherwise of completing the acquisition. The note to paragraph 8 of Standing Order No. 11 may be amplified so as to embody the instructions of the Government of India. The rule that the Collector's previous sanction should be obtained before announcing awards, which are largely in excess of the estimated value, may be made applicable to all lands acquired under the Act whether the project in question is large or otherwise.

5. On receipt of the orders of Government on the above points, the Board will revise its Standing Order No. 11. No modification of Standing Order No. 12 is necessary as the instructions of the Government of India relate to general procedure which is the appropriated subject of Standing Order No. 11, while Standing Order No. 12 merely contains special instructions affecting railway lands.

(True Copies and Extract.)

(Signed) L. M. WYNCH,
Secretary.

To the Secretary to Government, Revenue Department,
Copy to all Collectors.
" to the Conservators of Forests and Forest Settlement-officers.
" " Forest Branch.

End. C. M. Thamburay.

REVENUE DEPARTMENT.

1896.

Board of Revenue

(Land Revenue),

MADRAS.

Printed February 1st.

Proceedings, No. 43, 1st February 1896.

Submitting to Government remarks as to the extent to which the Board's Standing Order No. 11 needs revision so as to embody the instruction issued by the Government of India with a view to secure greater accuracy in the valuation of lands required for public purposes and closer supervision over the awards of compensation.

Revenue Department.

25(a)

Proceedings of the Madras Government.

Copy attached.

Read Proceedings of the Board of Revenue,
Land Revenue, d/1st Feby 1896, No 43.

Order thereon, No 1246 Mis, d/26th March 1896.

The Board's suggestions are approved.
Early steps should be taken to embody them in S.O. No. 11. The heading of para 8 will apparently have to be altered.

(True Extract)

Amel Davidson

Ag. Under Secy. to Govt.

To the Board of Revenue, L.R.
Copy to the P.W.D.

Govt. of (1896) Madras.
REVENUE.

Encls 1

Recd: 31-3-96

To
The Public Works Department.

Dated
Recd. Encl.

Mis. G.O. 26th March 1896, No. 1246.
R.

SUBJECT.

Approving with remarks the Board's
suggestions re: the revision of Board's
Standing Order No. 11.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

Revenue Department Order No. 1246 M. d/ 26th March 1896

Communicated to the
Ry Administrations and Super-
~~intendents~~ for information
and guidance in continuation
of G.O. No. 657 R d/ 18.10.95.

despd in R office on 14.4.96.

The following names are R. Ry ✓
" S. J. Ry ✓
" Encl. Ry ✓
" A. M. Ry ✓
" B. M. Ry ✓
" Examiner Ry accounts ✓
" P. H. Ry ✓
" Manager East Coast Ry ✓

11/11/96

1896

GO. N 328 R d/4 April 1896.

with 29/4