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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue.....DEPARTMENT

G.O. No.
B.P. No.

25.

Press
Mis.

Dated

8-1-1875 196

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
8th January 1875.*

No. 56. Read the following letter from C. J. LYALL, Esq., Under-Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce, (Land-revenue and Settlements,) to the Secretary to the Government of Madras, dated Calcutta, 8th December 1874, No. 7/1,030:—

In continuation of the Circular from this department, dated the 30th July last, No. 1/623, I am directed to forward herewith copy of a despatch from the Secretary of State for India, No. 32, dated the 17th September 1874, urging the expediency of providing by some legislative measure that where land has increased in value through the vicinity of a canal or other work executed by the Government or by a Company, and part of the land is required for a subsidiary work which was contemplated in the original plan of the entire undertaking, but of which the execution has been for any reason deferred, the additional value, or at least some portion of the value, conferred upon it by the main work shall be deducted in fixing the compensation to be paid to the owner. I am to invite any suggestions which His Excellency the Governor in Council may have to make as to the best means of meeting the difficulty.

ENCLOSURE No. 1.

From Her Majesty's Secretary of State for India, (Legislative,) to the Government of India, dated India Office, London, 17th September 1874, No. 32.

My attention has been drawn to a note, dated the 17th March 1873, written by Colonel Randall, Inspector of Irrigation Works, in which that officer remarks that one of the causes of the great excess of the detailed estimates for the projected works on the Western Jumna Canal over the rough estimates for those works is "the heavy cost of land, consequent, most probably, on the enhanced value conferred on it by the irrigation which it has been receiving for so many years."

2. It appears to me that it would only be equitable that the promoters of useful undertakings should be protected in some degree from a charge by which they are mulcted in proportion to the benefit which the land has derived from their operations.

3. I request, therefore, that you will take into consideration the expediency of providing by some legislative measure that where land has increased in value through the vicinity of a canal or other work executed by the Government or a Company, and part of the land is required for a subsidiary work which was contemplated in the original plan of the entire undertaking, but of which the execution has been for any reason deferred, the additional value, or at least some portion of the value conferred upon it by the main work, shall be deducted in fixing the compensation to be paid to the owner.

4. I am of opinion, however, that there should be a limit of time to the operation of any such rule, and that after the lapse of a certain number of years the owner ought to receive compensation upon the ordinary scale. Nor would it, in my opinion, be right that any legislation on the subject should be retrospective.

No. 57. ORDER THEREON, 8th January 1875, No. 25.

Land Revenue, No. 2.

COMMUNICATED to the Board of Revenue, with reference to G. O., 14th August 1874, No. 1,024, for early report.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

To the Board of Revenue.

Edw. F. B. Bantleman.

No. 32 (Legislative), dated India Office, London, the 17th September 1874.

From—Her Majesty's Secretary of State for India.

To—The Government of India.

My attention has been drawn to a note dated the 17th March 1873, written by Colonel Randall, Inspector of Irrigation Works, in which that officer remarks that one of the causes of the great excess of the detailed estimates for the projected works on the Western Jumna Canal over the rough estimates for those works is "the heavy cost of land, consequent, most probably, on the enhanced value conferred on it by the irrigation which it has been receiving for so many years."

2. It appears to me that it would only be equitable that the promoters of useful undertakings should be protected in some degree from a charge by which they are mulcted in proportion to the benefit which the land has derived from their operations.

3. I request therefore that you will take into consideration the expediency of providing by some legislative measure that where land has increased in value through the vicinity of a canal or other work executed by the Government or by a Company, and part of the land is required for a subsidiary work which was contemplated in the original plan of the entire undertaking, but of which the execution has been for any reason deferred, the additional value, or at least some portion of the value conferred upon it by the main work, shall be deducted in fixing the compensation to be paid to the owner.

4. I am of opinion, however, that there should be a limit of time to the operation of any such rule, and that after the lapse of a certain number of years the owner ought to receive compensation upon the ordinary scale. Nor would it, in my opinion, be right that any legislation on the subject should be retrospective.

1874.

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE,
AGRICULTURE AND COMMERCE.

LAND REVENUE and SETTLEMENTS.

FROM

HER MAJESTY'S SECRETARY OF
STATE FOR INDIA

Dated 17th September } 1874. No. 32.
Recd. 12th October } Enclosure.
Spare copies.

D. No. }
L. No. } Progs. { No.

Rev 4513/4-

SUBJECT.

Reference to the remarks contained in the note written by the Inspector of Irrigation Works dated 17th March 1873, as to the causes of the excess of the detailed estimate over the rough estimate for the projected works on the West Jarama Canal, requests consideration of the expediency of providing by some legislative measure, that where the value of land has been increased through the vicinity of a canal or other work executed by the Government or by a Company, and part of the land is required for a subsidiary work which was contemplated in the original plan of the entire undertaking, but of which the execution has been for any reason deferred, the additional value, or a portion thereof conferred upon it, shall be deducted in fixing compensation to the owner. States that he is of opinion that there should be a limit of time to the operation of any such rule, and that it should not have retrospective effect.

G. S. O. P. No. 1375, R. A. & C. No. 1374-138.

No. 1830

FROM

C. J. LYALL, Esq.,

Under Secretary to the Government of India,

To

The Secretary to the Government of Madras

Dept. of Revenue,
Agriculture and Commerce,
Land Revenue and Settlements.

Dated Calcutta, the 8th December 1874.

SIR,

In continuation of the Circular from this Department, dated the 30th July last, No. 423, I am directed to forward herewith copy of a despatch from the Secretary of State for India, No. 32, dated the 17th September 1874, urging the expediency of providing by some legislative measure, that where land has increased in value through the vicinity of a canal or other work executed by the Government or by a Company, and part of the land is required for a subsidiary work which was contemplated in the original plan of the entire undertaking, but of which the execution has been for any reason deferred, the additional value, or at least some portion of the value, conferred upon it by the main work shall be deducted in fixing the compensation to be paid to the owner. I am to invite any suggestions which *His Excellency the Governor in Council* may have to make as to the best means of meeting the difficulty.

I have the honour to be,

SIR,

Your most obedient servant,

C. J. Lyall
Under Secretary to the Government of India.

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Revenue 1874. Sept

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE,
AND CULTURE AND COMMERCE.

LAND REVENUE and SETTLEMENTS.

To

No. 1030

Dated Calcutta, the 8th December 1874.

Recd 21 Dec 74

SUBJECT.

Make for suggestions as to the best means of meeting the difficulty of preventing loss owing to the increased value of the land in taking up land benefited by a canal or other work, which may be required for a subsidiary work.