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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.	1289	Press.
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Dated	12.8.1878	197

Not to be folded or roughly handled

1289

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

12th August 1878, No. 1,289.

Read the following paper:—

No. 160. From A. O. HUME, Esq., C.B., Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce, (Land-revenue and Settlements,) to C. G. MASTER, Esq., Secretary to the Government of Madras, Revenue Department, dated Simla, 20th July 1878, No. 4.

In forwarding, for the information of His Grace the Governor in Council, copy of a rule which the Government of India in the Department of Public Works have decided to substitute for Rule 14, Chapter XIII, Section 1, of the Code of that Department, relative to the acquisition of land for public purposes, I am directed to state that the Government of India believe that the instructions already issued in the Revenue Department for the guidance of officers taking action under the Land Acquisition Act, 1870, in Madras, already provide for the necessary communication between and co-operation of Revenue and Public Works Officers as prescribed in the revised rule. If, however, this is not the case, the Governor-General in Council will be glad if, with the permission of His Grace in Council, the rules on the subject in force in Madras are added to accordingly.

2. With reference to the sentence in the draft rule which mentions the acquisition of the land by private negotiation, I am to say that the expediency of acquiring the land in this way in preference to taking action under the Land Acquisition Act is a matter of which the local Government or Administration of each Province must be the best judge. The circumstances of different Provinces and of different localities in the same Province are so different that no universal rule can be laid down. It should be borne in mind that an indefeasible title is secured by proceeding under the Act, and that the procedure therein provided seems in most cases calculated to save Government from the risk of paying more than the true market value (plus the addition of 15 per cent. directed in Section 42) for the land. It may, however, occur (especially in localities where the tenure of land is of a simple character) that there is no risk in respect of title in securing land by private bargain, that the price which would have to be paid in this way would be less than that likely to be awarded under the Act, and that more speedy acquisition of the land would thus be secured. Of this, however, the local Revenue Authorities, as before observed, must be the best judges; and the Governor-General in Council does not doubt that their decision will in all cases be in favor of that course which to a good title will join the greatest economy in the transaction.

3. It may be assumed that in cases where large appropriations are contemplated and lands are required for canals, railways, and other extensive works, a special officer would be appointed to take up the lands under the Act.

ENCLOSURE No. 1.

REVISED RULE.

When land is required for public purposes, the officer of the Public Works Department should, in the first instance, consult the Chief Revenue Officer of the district, and obtain from him the fullest possible information as to the probable cost of the land per acre or otherwise, together with the value of buildings, &c., situated on the property, and for which compensa-

tion will have to be paid. Upon the information thus obtained, an estimate should be framed by the Public Works Officer and submitted for sanction. When sanction to an estimate, framed as above directed, has been obtained, the Executive Engineer or other Public Works Officer concerned should commit the matter to the Revenue Officer, who will take the necessary preliminary action for the appropriation of the land under the Land Acquisition Act, or for its acquisition by private negotiation, subject to the instructions which he may receive from the Revenue Authorities to whom he is subordinate.

These instructions provide that when an estimate originally framed and sanctioned is shall refer the matter again to the Public Works Officer to ascertain whether the object sought cannot be otherwise secured, either by obtaining some other plot of land in lieu of that originally proposed for acquisition, or in some other manner. When such a reference is made the officer of the Public Works Department should, in personal communication with the Revenue Officer, consider the case, and, if it is found impossible to obtain the land required without materially exceeding the original estimate, submit a revised estimate for sanction.

No. 161.

ORDER THEREON, 12th August 1878, No. 1,289.

Land Revenue, No. 9.

COMMUNICATED to the Board of Revenue for information and guidance with reference to the correspondence terminating in Board's S.O. No. 141-6 (XIII of 1877).

(True Extract.)

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

To the Board of Revenue.
„ the Public Works Department.

Exd. F. R. Bantleman.

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No. 4.

FROM

A. O. HUME, Esq., C. B.,

Secretary to the Government of India,

TO

*The Secretary to the Government of
Madras.*

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

SIMLA, the 20th July 1878.

SIR,

In forwarding for *the* information of *His Grace the Gov. in Council* copy of a rule which the Government of India in the Department of Public Works have decided to substitute for Rule 14, Chapter XIII, Section 1, of the Code of that Department, relative to the acquisition of land for public purposes, I am directed to state that the Government of India believe that the instructions already issued in the Revenue Department for the guidance of officers taking action under the Land Acquisition Act, 1870, in *Madras* already provide for the necessary communication between and co-operation of Revenue and Public Works officers as prescribed in the revised rule. If, however, this is not the case, the Governor General in Council will be glad if *with the permission of His Grace in Council* the rules on the subject in force in *Madras* are added to accordingly.

2. With reference to the sentence in the draft rule which mentions the acquisition of the land by private negotiation, I am to say that the expediency of acquiring the land in this way in preference to taking action under the Land Acquisition Act is a matter of which the Local Government or Administration of each province must be the best judge. The circumstances of different provinces and of different localities in the same province are so different that no universal rule can be laid down. It should be borne in mind that an indefeasible title is secured by proceeding under the Act, and that the procedure therein provided seems in most cases calculated to save Government from the risk of paying more than the true market value (*plus* the addition of 15 per cent. directed in Section 42) for the land. It may, however, occur (especially in localities where the tenure of land is of a simple character) that there is no risk in respect of title in securing land by private bargain, that the price which would have to be paid in this way would be less than that likely to be awarded under the Act,

and that more speedy acquisition of the land would thus be secured. Of this, however, the local Revenue authorities, as before observed, must be the best judges; and the Governor General in Council does not doubt that their decision will in all cases be in favour of that course which to a good title will join the greatest economy in the transaction.

3. It may be assumed that in cases where large appropriations are contemplated and lands are required for canals, Railways and other extensive works, a special officer would be appointed to take up the lands under the Act.

I have the honour to be,

S I R,

Your most obedient Servant,

R. D. Hume
Secretary to the Government of India.

Revised Rule.

When land is required for public purposes, the officer of the Public Works Department should in the first instance consult the Chief Revenue officer of the district, and obtain from him the fullest possible information as to the probable cost of the land, per acre or otherwise, together with the value of buildings, &c., situated on the property, and for which compensation will have to be paid. Upon the information thus obtained, an estimate should be framed by the Public Works officer and submitted for sanction. When sanction to an estimate, framed as above directed, has been obtained, the Executive Engineer or other Public Works officer concerned should commit the matter to the Revenue officer, who will take the necessary preliminary action for the appropriation of the land under the Land Acquisition Act, or for its acquisition by private negotiation, subject to the instructions which he may receive from the Revenue authorities to whom he is subordinate.

These instructions provide that when the estimate originally framed and sanctioned is likely, when the land comes to be acquired, to be materially exceeded, the Revenue officer shall refer the matter again to the Public Works officer to ascertain whether the object sought cannot be otherwise secured, either by obtaining some other plot of land in lieu of that originally proposed for acquisition, or in some other manner. When such a reference is made, the officer of the Public Works Department should, in personal communication with the Revenue officer, consider the case, and, if it is found impossible to obtain the land required without materially exceeding the original estimate, submit a revised estimate for sanction.

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Revenue 1878. Deptt

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE,
AGRICULTURE AND COMMERCE.

LAND REVENUE AND SETTLEMENTS.

To

No. 4.

Dated Simla, the 20th July 1878.

Recd. 1st August 1878

Land Revenue

No. 1289

order

communicated to the
Board of Rev. for infra-
-structure guidance with
reference to the cor. Land
14 - Board Rev. responded to
31 - P. W. Dep. initiating in
Board's S.O. 41
(11th 4 1878)

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12 Aug 1878

SUBJECT.

FORWARDS copy of a rule which is to be substitut-
ed for the one in the Code of the Public Works
Department for the appropriation of land for
public purposes, and requests that, if instructions
in the sense of the revised rule have not already
been included in the rules for the guidance of
officers, the necessary instructions may now be
added.

* Note: They have been sent to the
P.W. Dep. 20th July