The Land Acquisition Act, 1894
(Act No.1 of 1894)
[2nd February 1894]

An Act to amend the law for the acquisition of land for public purposes and for companies.

Whereas it is expedient to amend the Law for the acquisition of Land needed for public purposes and for Companies and for determining the amount of compensation to be made on account to such acquisition; it is hereby enacted as followes :

PART-I
PRELIMINARY

1. Short title, extent and commencement:

   (1) This Act may be called the Land Acquisition Act, 1894.

   (2) It extends to the whole of India except the state of Jammu and Kashmir.

   (3) It shall come into force on the first day of March, 1894.

2. Repealed partly by Repealing and Amending Act, 1914 (Act 10 of 1914) section 3 and schedual II and section 2 and schedule I and the entire remaining part of the section again repealed by the Repealing Act, 1938 (Act of 1938).

3. Definitions :-In this Act, unless there is something repugnant in the subject or context,-

(a) The expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth.

(aa) The expression " local authority" includes a four planning authority (by whatever name called) set up under any law for the time being in force ;

(b) The expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act, and a person shall be deemed to be intersted in land if he is interested in an easement affecting the land;

(c) The expression "collector" means the Collector of a District, and includes a Deputy Commissioner and any officer specially appointed by the Provincial Government to perform the function of a Collector under this Act;

(cc) The expression "Corporation owned or controlled by the state" means any body corporate estabalished by or under a Central, Provincial or State Act, and includes a Government Company as defined in section 617 of the Companies Act. 1956 (1 of 1956), a society registered under the Societies Registration Act, 1860 (21 of 1860), or under any corresponding law for the time being in force in a State, being a society established or addministered by Government and a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in

any state, being a co-operative society in which not less than fifty one per centum of the paid-up share capital is held by the Central Government, or by any State Government or Governments or partly by the Central Government and partly by one or more state Governments;

(d) The expression "Court" means a Principal Civil Court of orginal jurisdiction, unless the Provincial Government has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the court under this Act;

(e) The expression "Company" means :

(i) A Company as defined in section 3 of the Companies Act, 1956 (1 of 1956), other than a Government Company refferad to in clause (cc)

(ii) A society registered under societies Registration Act, 1860 (21 of 1860), or under any corresponding law for the time being in force in a State, other than a society referred to in cluse (cc)

(iii) A Co-operative society withing the meaning of any law relating to Co-operative societies for the time being in any State other than a Co-operative society referred to in cluse (cc)

(ee) The expression "appropriate Government" means in

relation to acquisition of land for the purposes of the Union, the Central Government, and in relation to acquisition of land for any other purposes, the State Government;

(f) The expression "public purpose" includes

(i) the privision of village-sites, or the extension, planned development or improvement of existing village-sites;

(ii) the provision of land for town or rural planning;

(iii) the provision of land for planned development of land from public funds in pursuance of any scheme or policy of Government and subsequent diposal thereof in whole or in part by lease, assignment or outright sale with the object of security further development as planned;

(iv) the provision of land for a corporation owned or controlled by the State;

(v) the provision of land for residentail purposes to the poor or landless or to persons residing in areas affacted by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by Government, any local authority or a Corporation owned or controlled by the State;

(vi) the provision of land for carrying out any educational, housing, health or slum clearance

scheme sponsored by Government or by any authority established by Government for carrying out any such scheme, or, with the prior approval of the Appropriate Government, by a local authority or a society registered under the Societies Regrastration Act, 1860, or under any corresponding law for the time being in force in a State, or a Co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State.

(vii) the provision of land for any other scheme or development sponsored by Government, or, with the prior approval of the Approriate Government, by a local authority;

(viii) the provision of any premises or building for locating a public office, but does not include acquisition of land for companies;

(g) the following persons shall be deemed persons 'entitled to act' as and to the extent hereinafter provided (that is to say)

trustees for other persons beneficially interested shall be deemed person entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability;

a married woman in cases to which the English law is applicable, shall be deemed the person so entitled to

act, and, whether of full age or not, to the same extent as if she were unmarried and of full age; and

the gurdians of minors' and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics, or idiots themselves, if free from disability, could have acted;

Provided that -

(i) no person shall be deemed "entitled to act" whose interest in the subject-matter shall be shown to the satisfaction of the Collector or Court to be adverse to the interest of the the person interested for whom he would otherwise be entitled to act;

(ii) in every such case the person interested may appear by a next friend, or in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a gurdian for the case to act on his behalf in the conduct thereof;

(iii) the provision of order XXXII of the First Schedule to the Code of Civil Procedure 1908 (5 of 1908) shall, mutatis mutandis, apply in the case of person interested appearing before a Collector or Court by a next friend, or by a Gurdian for the case, in proceeding under this Act; and

(iv) no person "entitled to act" shall be competant to

receive the compensation money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land and receive and give a good dischage for the purchase money on a voluntary sale.

PART II

Acquisition

Preliminary investigation

4. Publication of Preliminary notification and Powers of officers thereupon :-

(1) Whenever it appears to the Provincial Government that land in any locality is needed or is likely to be needed for any public purpose or for a company a notification to that effect shall be published in the Offical Gazette and in two daily news papers circulating in that locality of which at least one shall be in the regional language and the Collctor shall cause public notice of the substance of such notification to be given at conveniant places in the said locality the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of publication of the notification.

(2) Thereupon it shall be lawful for any officer, either, generally or specially authorised by such Government in this behalf, and for his servents and workman,-

to enter upon and survey and take level of any land in such locality;

to dig or bore into the sub-soil; to do all other acts necessery to ascertain whether the land is adopted for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line or the work (if any) proposed to be made thereon;

to mark such levels, boundaries and line by placing marks and cutting trenches; and

Where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence and jungle;

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

5. Payment for damage :- The officer so authorised shall at the time of such entry pay or tender payment for all necessery damages to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the collector or other chief Revenue oficer of the district, and such decision shall be final.

Objections

5. A. Hearing of objections : (1) Any person interested in any land which has been notified under section 4, sub-section (1) as being needed or likely to be needed for a public purpose or for a company may, within thirty days from the date of publication of the notification, object to the acquisition of the land or of any land in the locality, as the case may be.

(2) Every objection under sub-section (1) shall be made to the collector in writting and the collector shall give the objector an opportunity of being heard in person or by any person authorised by him in this behalf or by pleader and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under section 4, sub-section (1) or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recomendetions on the objections, together with the record of the proceedings held by him, for the decision of that Government. The decision of the Provincial Government on the objections shall be final.

(3) For the purposes of his section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act.

Declaration of intended acquisition

6. Declaration that land is required for a public purpose. (1) Subject to the provisions of part VII of this Act, when the appropriate Government is satisfied, after considering the report, if any, made under section 5A, sub-section (2), that any particular land is needed for a public purpose, or for a company, a declaration shall be made to that effect under the signature of a Seccretary to such Government or of some officers duly authorise to certify its orders and different declarations may be made from time to time in respect of different parcels of any land covered by the same notification under section 4, sub-section (1), irrespective of whether one report or different reports has or have been made (Wherever required) under section 5A, sub-section (2);

Provided that no declaration in respect of any particular land covered by a notification under section 4, sub-section(1),-

(i) Published after the commencement of the Land Acquidition (Amendment and validation) ordinance, 1967 (1 of 1967), but before the commencement of the Land Acquisition (Amendment) Act, 1984 (68 of 1984) shall be made after the expiry of three years from the date of the publication of the notification; or

(ii) Published after the commencement of the Land Acquisition (Amendment) Act, 1984 shall be made after the expiry of one year from the date of publication of the notification.

Provided further that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

(2) Every declaration shall be published in the Official Gazette and in two daily newspapers circulating in the locality in which the land is situate of which at least one shall be in the regionel language, and the Collector shall cause public notice of the substence of such declaration to be given at convenient places in the said locality (the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the declaration), and such declaration shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidance that the land is needed for a public purpose or for a Company, as the case may be; and, after making such declaration, the Provincial Government, may acquire the land in a manner hereinafter appearing.

Note 1 - Land required for a really public purpose, but to be paid for from any private source or land, may be acquire; and to prevent any technical objection under clause (1) of section 6, the cost should in the first instance, be paid out of the public revenues and afterwards recovered from the private source of fund.

Note 2 - Although setion 48 (1) provides for the withdrawal of the Government from acquisition only when possession has not been taken, there is no objection to land being resorted at any stage of the case after possession has been taken, provided that the persons interested in the land agree to this course, and are willing to receive back their property with such compensation for damages and costs as may be awarded under section 48 (2). Such cases should be reported to the Government for orders.

7. After declaration, Collector to take order for acquisition : Whenever any land shall have been so declared to be needed for a public purpose or for a company, the Provincial Government, or some officers authorised by the Provincial Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

8. Land to be marked out, measured and planned : The Collector shall thereupon cause the land (unless it has been already marked out under section 4), to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof), a plan to be made of the same.

Note : The land need not be measured in the presence of the parties interested, but they may object to the measurements under section 9 in which case the Collector will enquire into the objections under section 11. They may also require the Collector to make a reference to the Court under section 18.

9. Notice to persons interested : (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mention (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statements to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or belived to be interested therein or to be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the revenue district in which the land is situate.

Note : These notices are special and should give the same particulars of the land as the notice issued under section 9(2)

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address or

place of business and registered under section 28 and 29 of the Indian Post Office Act, 1898 (6 of 1898).

Note : The object of the law is to secure the publication of a general notice before the service of a special notice, but there is no objection to the special notices being issued simultaneously to the general notice.

10. (1) Power to require and enforce the making of statements as to nature and interests : (1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition) a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor mortgagee, tenant or otherwise and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

(2) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code. (45 of 1860).

Enquiry into measurements, value and claims and award by the Collector.

11. Enquiry and award by Collector : (1) On the day so fixed, or any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the

objections (if any) which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8 and into the value of the land and at the date of the publication of the notification under section 4, sub section(1) and into the respective interests of the persons claiming the compensation, and shall make an award under his land of

(i) the true area of the land :

(ii) the compensation which in his opinion should be allowed for the land : and

(iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

Note : The Collector must take a formal award in all cases, even though the person interested do not appear before him.

Provided that no award shall be made by the Collector under this sub-section without the previous approval of the Provincial Government or of such officer as the Provincial Government may authorise in this behalf :

Provided further that it shall be competent for the Provincial Government to direct that the Collector make such award without such approval in such class of cases at the Provincial Government may specify in this behalf.

(2) Notwithstanding anything contained in sub-section (1), if at any stage of the proceedings, the Collector is satisfied that all

the persons interested in the land who appeared before him have agreed in writing on the matters to be included in the award of the Collector in the form prescribed by rules made by the Provincial Government, he may, without making further enquiry, make an award according to the terms of such agreement.

(3) The determination of compensation for any land under sub-section (2) shall not, in any affect the determination of compensation in respect of other lands in the same locality or elsewhere in accordance with the other provisions of this Act.

(4) Notwithstanding anything contained in the Registration Act, 1908 (16 of 1908), no agreement made under sub-section (2) shall be liable to registration under that Act.

11. A Period within which an award shall be made : (1) The Collector shall make an award under section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse :

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amended) Act, 1984 (68 of 1984) the award shall be made within a period of two years from such commencement.

Explanation : In computing the period of two years referred to in this section, the period during which any action or proceeding tom be taken in pursuance of the said declaration is statyed by an order of a Court shall be excluded.

12. Award of Collector when to be final : (1) Such

award shall be filed in the collector's office and shall except as hereinafter provided be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the collector or not, of the true area and value of the land and apportionment of the compensation among the persons interested.

(2) The collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representative when the award is made.

Note : Verbal notice has been held to be sufficient when given to a party's agent who attended before the Collector.

13. Adjournment of enquiry : The collector may, for any cause he hinks fit, from time to time, adjourn the enquiry to a day to be fixed by him.

13. A. Correction of clerical errors, etc: (1) The Collector may, at any time but not later than six months from the date of the award, or where he has been required under section 18, to make a reference to the Court, before the making of such reference, by order, correct any clerical or arithmetical mistake in the award or errors arising therein either on his own motion or on the application of any person interested or a local authority.

Provided that no correction which is likely to affect prejudicially any person shall be made unless such persons has been given a resonable opportunity of making a representation in the matter.

(2) The collector shall give immediate notice of any correction made in the award to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section(1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered as an arrear of land revenue.

14. Power to summon and enforce attendance of witnesses and production of documents: For the purposes of enquiries under this Act the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908).

15.Matters to be considered and neglected: In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 23 and 24.

15.A. Power to call for records, etc.: The Provincial Government may at any time before the award is made by the Collector under section 11 call for any record of any proceedings (whether by way of enquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety of any finding or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation thereto as it may think fit :

Provided that the Provincial Government shall not pass and issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard.

Taking possession

16. Power to take possession : When the Collector has made an award under section 11, he may take possession of the land, which shall thereupon vest absolutely in the Government free from all encumbrances.

Note 1 : The Collector must, in ordinary cases, make his award before he takes possession of the land, but where it is important to obtain possession quickly, he may take possession before the award by special agreement with the owners.

Note 2 : In certain land acquisition proceedings, land was acquired on the banks of a river for railway sidings. It was claimed that the acquisition of the land did not affect the right of the public to use the banks of the river for a towpath or for mooring boats, with a view to landing passengers or loading and unloading cargo with regard to this claim, it has been decided by the Government of India in the absence of any special reservation in the acquisition proceedings any public rights of user cannot survive the acquisition of any land for a public purpose under the Land Acquisition Act 1 of 1984, section 16 of which expressly provides that when an award has been made and possession taken, the land in question vests absolutely in Government free from all encumbrances, nor can any such right be exercised in any shape which would interfere with the application of the land to the purpose for which it was acquired or lessen its utility for that purpose.

Note 3 : In asserting the above general principle, the public convenience may also be consulted as far as possible, so long as the use for which the land is acquired is not interfered with and no right are admitted. In handing over possession of any land acquired for a company, care should be taken to stipulate that the public should be put to no unnecessary inconvenience in regard to any rights of way or other easement enjoyed by them before the acquisition.

17. Special powers in cases of urgency : (1) In cases of urgency, whenever the Provincial Government so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section (1), take possession of any land needed for a public purpose. Such land shall thereupon vest absolutely in the Government, free from all encumbrances.

Note : Apparently the fifteen days should be fifteen clear days and the date of publication of the notice should be excluded (on the analogy of section 9 of the General Clauses Act 10 of 1987).

(2) Whenever owing to any sudden change in the channel of any navigable river or other unforeseen emergency ; it becomes necessary or any railway administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or access to any such station, or the Provincial Government considers it necessary to

acquire the immediate possession of any land for the purpose of maintaining any structure or system partaining to irrigation, water supply, drainage, road communication or electricity, the Collector may, immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the Provincial Government, enter upon and take possession of such land, which shall thereupon vest absolutely in the Government free from all encumbrances :

Provided that the Collector shall not take possession of any building or any part of a building under this sub-section without giving the occupier thereof at least 48 hours, notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

(3) In every case under either or the preceding sub-sections the Collector shall at the time of taking possession offer to the persons interested, compensation for the standing crops and trees (if any) on such land and for any other damage sustained by them caused by such sudden dispossession and not excepted in section 24; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

Note : The word "arable" as used in this section includes ordinary cultivated land not being used for gardens, orchards homesteads or the like.

(3) A. Before taking possession of any land under sub-section (1) or sub-section (2), the Collector shall, without prejudice to the provisions of sub-sections (3).

a) tender payments of eighty per centum of the compensation for such land as estimated by him to the persons interested entitled thereto, and b) pay it to them unless prevented by someone or more of the contingencies mentioned in section 31, sub-section (2) and where the Collector is so prevented, the provisions of section 31, sub-section (2), (except the second proviso thereto), shall apply as they apply to the payment of compensation under that section.

(3) B. The amount paid or deposited under sub-section (3)A shall be taken into account for determining the amount of compensation required to be tendered under section 31, and where the amount so paid or deposited exceeds the compensation awarded by the Collector under section 11, the excess may, unless refunded within three months from the date of the Collector's award, be recovered as an arrear of land revenue.

(4) In the case of any land to which, in the opinion of the Provincial Government the provisions of sub-section (1) or sub-section (2) are applicable, the Provincial Government may direct that the provisions of section 5A shall not apply, and, if it does so direct, a declaration may be made under section 6 in respect of the land at any time after the date of the publication of the notification under section 4 sub-section (1).

PART III
REFERENCE TO COURT AND PROCEDURE THEREON.

18. Reference to Court : (1) Any person interested who has not accepted the award may by written application in the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or to the persons to whom it is payable or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken.

Provided that every such application shall be made,-

(a) if the prson making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the collector under section 12 sub-section (2), within six months from the date of the Collector's awared, whichever period shall first expire.

Note : The last date of the award should be excluded calculating the period of six months. See note under section 17(1).

19. Colector's statement to the court : (1) In making the

reference, the collector shall state, for the information of the court, in writing under his hand,-

(a) the situation and extent of the land with particulars of any trees, buildingas or standing crops therein;

(b) the names of the persons whom he has reasons to think interestd in such land;

(c) the amount awarded for damages and paid or tendered under section 5 and 17 or either of them, and the amount of compensation awarded under section 11;

(cc) the amount paid or deposited under sub-section (3A) of section 17; and

(d) if the objection be to the amount of the compensation, the grounds, on which the amount of compensation was determined.

(2) To the said statement, shall be attached a schedule giving the particulars of the notice served upon, and of the statement in writing made or delivered by the parties interested, respectively.

Note : This sub-section is intended to "ensure the submission by the collector of an accurate and complete descriptive list of all the relevant papers which may be required by the court'. (Report of the selection committee.)

20. Service of notice : The Court shall there upon cause a notice specifying the day on which the Court will proceed to determining the objection, and directing their appearence before the Court on that day, to be served on the following persons, namely-

(a) the applicant;

(b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and

(c) if the objection is in regard to the area of the land or to the amount of compensation, the Collector.

21. Restriction on scope of proceedings. : The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

22. Proceedings to be in open Court : Every such proceeding shall take place in open Court, and all persons entitled to practise in any Civil Court in the State shall be entitled to appear, plead and act (as the case may be) in such proceeding.

23. Matters to be considered in determining compensation : (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into cosideration -

first, the market value of the land at the date of the publication of the notification under section 4, sub-section(1);

secondly, The damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof;

thirdly, the damage (if any), sustained by the person

interested, at the time of the Collector's taking possession of the land, by reason severing such land from his other land;

fourthly, the damage (if any), sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable in any other manner, or his earnings;

fifthly, if in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the resonable expenses (if any) incidental to such change; and

sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land.

Note 1 : The word "standing crops" and "trees" mentioned in the second clause of this section refer to crops and trees grown after the date of the declaration and before the Collector's taking over possession of the land acquired.

Note 2 : Clause fourthly-In an appeal in connection with the payment of Compensation in a land acquisition case for the stoppage of a private ferry in consequence of the construction of a bridge by a Disrict Board, it was held

by the High Court that the word "Acquisition" as used in section 23 of the Act, includes the purpose for which the land is taken, as well as the actual taking, and that in this view persons, a part of whose land has been compulsorily taken from them should, apart from its actual value, by compensated for injuriy done to their other property.

Note 3 : In addition to the value of a temple as a building, the sebait (proprietor) is entitled, under the fifth clause above to resonable compensation for removing and the ceremony of re-consecrating the idol.

(1A) In addition to the market value of the land, as above provided, the Court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market-value for the period commencing on and from the date of the publication of the notification under section 4, sub-section(1), in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Explanation :- In computing the period referred to in this sub-section, any periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded.

(2) In addition to the market value of the land, as above provided, the court shall in every case award a sum of thirty per centum on such market-value, in consideration of the compulsory nature of the acquisition.

24. Matters to be neglected in determining compensation : But the Court shall not take into consideration -

first, the degree of urgency which has led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage substained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put;

fifthly, any increase to the value of the land acquired likely accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;

seventhly, any outlay or improvements on, or disposal of, the land acquired, commenced, made or effected without the sanction of the Collector after the date of the publication of the notification under section 4, sub-section(1)

eighthly, any increase to the value of the land on account of its being part to any use which is forbidden by land or opposed to public policy.

25. Amount of compensation awarded by Court not be lower than the amount awarded by the Collector : The amount of compensation awarded by the Court shall not be less than the amount awarded by the Collector under section 11.

26. Form of awards : (1) Every award under this Part shall be in writing signed by the judge, and shall specify the amount awarded under clause first of sub-section (1) of section 23, and also the amounts (if any) respectively awarded under each of the other cluses of the same sub-section, together with the grounds of awarding each of the said amounts.

(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgement within the meaning of section 2, clause (2) and section 2, clause (9), respectively, of the Code of Civil Procedure, 1908 (5 of 1908)

27. Costs : (1) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid.

(2) When the award of the Collector is not upheld, the cost shall ordinarily be paid by the Collector, unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

28. Collector may be directed to pay interest on excess compensation : If the sum which, in the opinion of the court, the Collector ought to have awarded as compensation is in

excees of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of nine percentum per annum from the date on which he took possession of the land to the date of payment of such excess into Court.

Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess of part thereof which has not been paid into Court before the date of expiry.

28A. Re-determination of the amount of compensation on the basis of the award of the Court : (1) Where in an award under this part, the court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 11, the persons interested in all the other land coverd by the same notification under section 4, sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from the date of the award of the Court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awrded by the Court;

Provided that in computing the period of three months within which an application to the Collector shall be made under this

sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the ditermination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.

PART IV

APPORTIONMENT OF COMPENSATION

29. Particulars of apportionment to be specified : Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

30. Dispute as to apportionment : when the amount of compensation has been settled under section 11, if any dispute arises

as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof, is payable, the Collector may refer such dispute to the decision of the Court.

Note : Under section 18 any person interested who has not accepted the award may require the Collector to refer the case for the determination of the Court. Section 30 relates to cases in which the Collector acts of his own motion and permits him to refer disputes as to the apportionment of the amount of compensation or as to the person to whom it is payable to the Court instead of deciding them himself under section 11.

Part V

Payment

31. Payment of compensation or deposit of same in Court : (1) On making an award under section 11, the collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

(2) If they shall not consent to receive it, or if there be no person compentent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation of the Court to which a reference under section 18 whould be submitted;

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount.

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18;

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section, the Collector may, with the sanction of Provincial Government instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interest of the parties concerned.

(4) Nothing in the last foregoing sub-section shall be construed to interfare with or limit the power of the Collector to enter into any arrangement with any person interested in the land and competent to contract in respect thereof.

32. Investment of money deposited in respect of lands belonging to persons incompetent to alienate : (1) If any money shall be deposited in Court under sub-section (2) of the last preceding section and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall-

(a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or

(b) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the Court shall think fit;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied-

(i) in the purchase of such other lands as aforesaid ; or

(ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of moneys deposited to which this section applies, the Court shall order the costs of the following matters including therein all reasonable charges and expenses incident thereon, to be paid by the Collector, namely-

(a) the costs of such investments as aforesaid;

(b) the costs of the orders for the payment of the interest or other proceeds, of the securities upon which such money are for the time being invested, and for the paymentout of Court of the principal of such moneys, and of all proceedings relating thereto except such as may be occasioned by litigation between adverse claimants.

Note : This section lays down the procedure to be adopted when money has been deposited in Court and the land belongs to a person who has no power to alienate it. The next section covers all other cases in which money has been deposited.

33. Investment of money deposited in other cases : When any money shall have been deposited in Court under this Act for any cause other than that mentioned in the last preceding section, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

34. Payment of interest : When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of 9 per centum per annum from the time of so taking possession until it shall have been so paid or deposited :

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of

the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.

Part VI

TEMPORARY OCCUPATION OF LAND

35. Temporary occupation of waste or arable land, procedure when difference as to compensation exists : (1) Subject to the provision of part VII of this Act, whenever it appears to the Provincial Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a company, the Provincial Government may direct the Collector to procure the occupation and use of the same for such terms as it shall think fit, not exceeding three years from commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof, for such term as aforesaid, and for the materials (if any) to be taken therefrom, paid to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respecively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation apportionment thereof, the

Collector shall refer such difference to the decision of the Court.

36. Power to enter and take possession, and compensation on restoration : (1) On payment of such compensation, or on executing such agreement, or on making a reference under section 35, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein;

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the Provincial Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

37. Difference as to condition of land : In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Court.

PART VII

ACQUISITION OF LAND FOR COMPANIES-

38. Company may be authorised to enter and survey - *[Rep. by the Land Acquisition (Amendment) Act, 1984 (68 of 1984). sec 21 (w.e.f. 24-09-1984).]*

38 A. Industrial concern to be deemed Company for certain purposes : An industrial concern ordinarily employing not less than one hundred workmen owned by an individual or by an association of individuals and not being a Company desiring to acquire land for the erection of dwelling houses for workmen employed by the concern or for the provision of amenities directly connected therewith shall, so far as concerns the acquisition of such land, be deemed to be a Company for the purposes of this part, and the references to Company in sections 4, 5A, 6, 7 and 50 shall be interpreted as references also to such concern.

39. Previous consent of appropriate Government and execution of agreement necessary : The provisions of section 6 or 16 (both inclusive) and section 18 to 37 (both inclusive) shall not be put in force in order to acquire land for any Company, under this part, unless with the previous consent of the appropriate Government, nor unless the Company shall have executed the agreement hereinafter mentioned.

40. Previous enquiry : (1) Such consent shall not be given unless the appropriate Government be satisfied, either on the report of the Collector under section 5A, sub-section (2), or by an enquiry held as hereinafter provided-

(a) that the purpose of the acquisition is to obtain land for the erection of dwelling-houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or

(aa) that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose, or

(b) that such acquisition is needed for the construction of some work and that such work is likely to prove useful to the public.

(2) Such enquiry shall be held by such officer and at such time and place as the appropriate Government shall appoint.

(3) Such officers may summon and enforce the attendance of witnesses and compel the production of ducoments by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure, 1908 (5 of 1908) in the case of Civil Court.

41. Agreement with appropriate Government : If the appropriate Government is satisfied after considering the report, if any, of the Collector under section 5A, sub-section (2), or on the report of the officer making an enquiry under section 40 that the proposed acquisition is for any of the purposes referred to in clause (a) or clause (aa) or clause (b) of sub-section (1) of section 40, it shall require the Company to enter into an agreement with the appropriate Government, providing to the satisfaction of the appropriate Government for the following matters, namely :

(1) the payment to the appropriate Government of the cost of the acquisition ;

(2) the transfer, on such payment, of the land to the Company;

(3) the term of which the land shall be held by the Company;

(4) where the acquisition is for the purpose of erecting dwelling-houses or the provision of amenities concerned therewith, the time within which, the conditions on which and the manner in which the dwelling-houses or amenities shall be erected or provided :

(4) A : where the acquisition is for the construction of any building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose, the time within which and the conditions on which the building or work shall be constructed or executed; and

(5) where the acquisition is for the construction of any other work the time within which and the conditions on which the work shall be executed and maintained, and the terms on which the public shall be entitled to work.

42. Publication of agreement : Every such agreement shall, as soon as may be after its execution, be published in the official Gazette, and thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

43. Section 39 to 42 not to apply where Government bound by agreement to provide land for Companies : The provisions of section 39 to 42, both inclusive, shall not apply and the corresponding sections of the Land Acquisition Act, 1870 (10 of 1870) shall be deemed never to have applied, to the acquisition of land of any Railway or other Company for the purposes of which, under any agreement with such Company, the Secretary of State for India, the Secretary of State, the Central Government or any State Government is or was bound to provide land.

44. How agreement with Railway Company may be proved : In the case of the acquisition of land for the purpose of a Railway Company, the existence of such an agreement as is mentioned in section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government.

44. A. Restriction on transfer etc. : No Company for which any land is acquired under this part shall be entitled to transfer the said land or any part thereof by sale, mortgage, gift, lease or otherwise except with the previous sanction of the Provincial Government.

44. B. Land not be acquired under this part except for certain purpose for private companies other than Government Companies : Notwithstanding anything contained in the Act, no land shall be acquired under this part, except for the purpose mentioned in clause (a) of sub-section (1) of section 40, for a private company which is not a Government company.

Explanation : "Private company" and "Government company" shall have the meanings respectively assigned to them in the Companies Act, 1956 (1 of 1956)

PART VIII

MISCELLANEOUS

45. Service of notices : (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed in the case of a notice under section 4, by the officer therein mentioned, and in the case of other notice, by an order of the Collector or the Judge.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the Court-house, and also in some conspicuous part of the land to be acquired.

Provided that if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence address or place of

business and registered under section 28 and 29 of the Indian Post Office Act,1898 (6 of 1898) and service of it may be proved by the production of the addressee's receipts.

46. Penalty for obstructing acquisition of land : Whoever willfully obstructs any person in doing any of the acts authorised by section 4 or section 8 or willfully fills up, destroys, damages or displaces any trench of mark made under section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding five hundred rupees or to both.

47. Magistrate to enforce surrender : If the Collector is opposed or impeded in making possession under this Act of any land, he shall, if a Magistrate enforce the surrender of the land himself, and, if not a magistrate, he shall apply to a Magistrate or (**within the towns of Calcutta, Madras and Bombay**) to the Commissioner of Police and such Magistrate or the Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

48. Completion of acquisition not compulsory, but compensation to be awarded when not completed : (1) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in

consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

(3) The provision of part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.

49. Acquisition of part of house or building : The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be so acquired;

Provided that the owner may, at any time before the Collector has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so acquired;

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not from part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Court and shall not take possession of such land until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house, manufactory or building.

(2) If, in the case of any claim under section 23, sub-section (1), thirdly, by a person interested on account of the serving of the land to be acquired from his other land, the Provincial Government is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive, shall be necessary; but the Collector shall without delay furnish a copy of the order of the Provincial Government to the person interested, and shall thereafter proceed to make his award under section 11.

50. Acquisition of land at cost of a local authority or Company : (1) Where the provision of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Company, the charges of any incidental to such acquisition shall be defrayed from or by such fund or Company.

(2) In any proceeding held before a Collector or Court in such cases the local authority or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation;

Provided that no such local authority or Company shall be entitled to demand a reference under section 18.

51. Exemption from stamp duty and fees : No award or

agreement made under this Act shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

51 A. Acceptance of certified copy as evidence : In any proceeding under this Act, a certified copy of a document registered under the Registration Act, 1908 (16 of 1908), including a copy given under section 57 of that Act, may be accepted as evidence of the transaction recorded in such document.

52. Notice in case of suits for anything done in pursuance of Act : No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, no after tender of sufficient amends.

53. Code of Civil Procedure to apply to proceedings before Court : Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure, 1908 (5 of 1908) shall apply to all proceedings before the Court under this Act.

54. Applies in proceedings before Court : Subject to the provisions of the Code of Civil Procedure, 1908 (5 of 1908), applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court

passed on such appeals aforesaid an appeal shall lie to the Supreme Court subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908 and in Order XLIV thereof.

55. Power to make rules : (1) The Provincial Government shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made :

Provided that the power to make rules for carrying out the purposes of part VII of this Act shall be exercisable by the Central Government and such rules may be made for the guidance of the State Governments and the officers of the Central Government and of the State Governments :

Provided further that every such rule made by the Central Government shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or to or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule :

Provided also that every such rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.

(2) The power to make, alter and add to rules under sub-section (1) shall be subject to the condition of the rules being made, altered or added to after previous publication.

(3) All such rules, alterations and additions shall be published in the official Gazette and shall thereupon have the force of law.

SECTION I

Rules dealing with the abatement of Revenue on such portions of revenue-paying estates as have been acquired and with other matters (Assam Government Notification No. 1211R., dated the 19th April 1932.)

1. When any revenue-paying land is acquired under the Land Acquisition Act (1 of 1894), the owner shall be entitled to be relieved of the liability to pay revenue to the extent of the Government demand upon the said land; and such relief shall have effect from the begining of the revenue year in which possession of the land is taken.

2. In such cases the Collector shall, before making an award, ascertain, in accordance with the two next following

rules, and record the amount of Government revenue which is to be taken as payable in respect of the acquired portion, and shall, in the event of a reference being made to the Court, furnish the Court, at the time of making the reference, with particulars of the amount of the revenue so ascertained and recorded.

3. If the land to be acquired, be an entire estate or tenure assessed with a specific amount of revenue, the whole of such amount shall be remitted.

4. If the land be a portion of an estate the amount of Government revenue to be deemed payable in respect of the land taken up shall be ascertained under the following rules :

(i) In the case of temporaryly-settled estates where lands are assessed at bigha rates, the Government revenue to be deemed payable in respect of the revenue-paying land taken up shall be calculated on the extent of land (or of each class of land if the land is classed for the purposes of assessment of revenue) and the sanctioned bigha rate (or sanctioned bigha rates for the different classes under which the land may have been classed for purposes of revenue assessment).

(ii) In the case of estates not falling under (i) above, the amount of Government revenue to be deemed payable in respect of the portion of the land acquired shall bear to the Government revenue of the whole estate the same proportion as the area of the said portion bears to the area of the whole estate.

5. In determining the amount of compensation to be awarded the Collector shall take into consideration the fact that the land acquired

is subject to the burden of the payment of Government revenue.

6. When there is any question whether the land to be acquired is part of a revenue-paying estate, or is revenue-free, the Collector shall decide the matter before making his award, leaving it to the claimants to apply for a reference to the Court if they object to his decision. In case of a reference being applied for, the Collector shall, if he has decided that the land is revenue-free, determine the amount of revenue which would be payable for it in the event of its being held to belong to the revenue-paying estate of which it is alleged to from a part.

7. To enable him to calculate accurately the additional compensation to be given under section 23 (2) of the Act, and to keep up fully and clearly his registers of all lands acquired and compensation paid for them, the Collector shall invariably record separately his finding under the first head of section 23 (1) of the Act, which concerns the market-value of the land.

8. The procedure laid down as to the payment of the compensation money in cases of reference under section 18 shall apply also to references under section 30 or section 35. The compensation money, or, if any the parties are willing to accept payment of their shares and payment to them is admissible, the portion of it which is in disputes and cannot be paid away shall be deposited in Court when the reference is made.

9. In giving notice of the award under section 12(2), and tendering payment under section 31(1), to such of the persons interested as were not present personally or by their

representatives when the award was made, the Collector shall require them to appear personally or by representatives by a certain date, to receive payment of the compensation awarded to them, intimating also that no interest will be allowed to them, if they fail to appear. If they do not appear, and do not apply for a reference to the Civil Court under section 18, he shall, after any further endeavour to secure their attendance or make payment, that may seem desirable, cause the amounts due to be paid into the Treasury as revenue deposits payable to the persons to whom they are respectively due, and vouched for in the from prescribed *or approved by Government from time to time. He shall also be give notice to the payees of such deposits, specifying the Treasury in which the deposits have been made. When the payees ultimately claim payment of sums placed in deposit, the amount will be paid to them in the same manner as ordinary revenue deposits. The Collector should, as far as possible arrange to make the payments due in or near the village to which the land pertains in order that the number of undisbursed sums to be placed in deposit on account of non-attendance may be reduced to a minimum. Whenever payment is claimed through a representative, such representative must show legal authority for receiving the compensation on behalf of his principal.

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* See form E in Appendix 5 to the Assam Financial Rules (First Edition).

SECTION II

Rules dealing with the filing and hearing of objections under section 5A of the land Acquisition Act I of 1894 (Assam Government Notification No. 332R., dated the 15th February 1924, as modified by Notification No. 1738R., dated the 8th June 1931).

1. Grounds of objection : An objection may be filed under section 5A (1) on the following, amongst other grounds :

(a) that the purpose for which the land is required is not a bonafied public purpose; or

(b) that the particular land notified is not the best adapted to the purpose or that the area is greater than is necessary; or

(c) that the land contains religious buildings, tombs, and graveyards.

2. Procedure for hearing objections : (a) The objector shall state fully the nature of his interest in the land to be acquired and shall state whether he is or is not in actual possession of the interest. He will be required to prove his interest to the satisfaction of the Collector before his objection is admitted and, if he fails, the objection may be summarily dismissed.

(b) If the objection is admitted by the Collector he shall fix a date of hearing and shall send a copy of the objection to the

Department of Government, Local Authority or Company, on whose behalf the acquisition proceeding have been instituted. The Collector shall allow such body to be represented at the enquiry and shall give the representative of such body an opportunity of being heard.

(c) The Collector shall examine witnesses tendered on behalf of the objector or the opposite party. The proceedings shall be summary and only the substance of the statements made by the parties and their witnesses, if any, shall be recorded.

3. Cancellation of notification under section 4 : If it is decided by Government that land notified under section 4 is not to be acquired, the notification shall be cancelled by a notification in the (official) Gazette.

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CHAPTER I
Preliminary

Introductory definitions : In the folling instructions District officer means the officer in charge of the revenue district or the Additional Deputy Commissioner of the District (modified vide corregendum dated 17-7-61, reference Govt. letter No. RLA 42/ 78/12 dated 4-7-78) in which the land acquired or proposed to be acquired is situated. Collector has the same meaning as in section 3(c) of the Act. The term Land Acquisition Officer instead of the term collector has, on places, been used to denote the officer in charge of acquisition proceedings as the expression occurs frequently in the Railwqay Board's Circular No. 889P.-16 of 30th August 1918, printed in appendix lI of this Manual. Except where otherwise stated or obvious from the context Requiring Authority means the Department of Government, the Local Authority or Railway or Company who have, under section 50(1), to defray the charges of land acquisition.

1. Objectio of the Act : By Act I of 1894 Government is empowered to acquire compulsorily any land which is not already the absolute property of Government and which is required for a public purpose or, under the specified caricumstances described in part VII of the Act, for a company.

"Public purpose" has not been defined in the Act. Government is to ditermine whether the purpose for which the land is required is a public purpose or not and its decision is

final (Ezra versus secretary of State, Indian Law Reports, 30 cal., pages 77-80).

Land required for a really public purpose, but to be paid for from any private source or fund may be acquired; and to prevent any technical objection under the proviso to clause (1) of section 6, the cost should, in the first instance, be paid out of the public revenues and afterwards recovered from the private source or fund.

2. What land may be acquired : Land, all the interests in which are already vested in Government and in which no interests of private porsons exist, cannot form the subject of procceedings under the land Acquisition Act. The transfer of such land from one department of Govement to another or to a Local Authority or Company should be arranged for by executive action.

When Government desire to acquire land for any public purpose they must acquire all the outstanding interests in the land, i.e.,interests not already vested in Government.

When land has been acquired under the Act and made over to a Local Authority or to a Company, it may again be acquired under the Act, if subsequently required for a public purpose by Government or by some other Local Authority or Company.

(3) Territorial scope of the Act : Act I of 1894 is in force throughout the province except in the Lushai Hills District, the Lakhimpur Frontier Tract, the Sadiya Frontier Tract and the Balipara Frontier Tract.

(4) Acquisition of land in hill districts : It is the usual practice in the hill districts to acquire land required for public purposes by private arrangement between the District Officer and the occupiers, but if for any reason it is considered desirable or necessary, recuorse may be had to the land Acquisition Act in those hill districts in which it is in force. In acquiring land by private bargain the previous sanction of the State government should be obtained by the District Officer and the District Officer should satisfy himself that Government secures an indefeasible title to the land acquired.

Subject to the general provisions for the acquisition of land by private bargain, as noted above, the Act should be utilised in connection with projects for land acquisition in the British portion of the town of Shillong.

5. Acquisition of land in plains districts : conditions under which land may be acquired by private bargain : In the plains districts acquisition should, as a rule, be made under the Act. The advantages of acquiring land under the Act over obtaining it by private bargain are that the former procedure secures an indefeasible title and is likely to save Government from the risk of paying more than the true market-value of the land. Land should not be obtained by private bargain without the sanction of the Government who will in such cases require title and that there are sufficient reasons for not following the procedure of the Act. It is not legal to purchase the interest of one claimant by private bargain and simultaneously to acquire the interests of other claimants under the Act. Under the orders of

the Government of India (see Appendix II of the Manual) acquisition of land taken up for railways by private bargain must always be effected in accordance with the formal procedure of the Act and the price agreed upon must, for the purpose of the award, be divided into a specific sum plus fifteen per cent additional compensation. This practice will ordinarily be adopted in the case of lands acquired by private bargain for purposes other than railways. Negotiations for obtaining land by private bargain will be conducted by the department, Local Authority or Company concerned, but the District Officer should furnish any information for which he may be asked, and his opinion should accompany the application to the Commissioner for sanction to the proposal.

6. (1) Cases of free gift : Officers of free gift of land must be carefully scrutinised in the light of the principles (a) that no man can give away what does not belong absolutely to him, (b) in particular, that no landlord can give away the rights of his tenants, and (c) that no gift or waiver by a person holding a position of trust can have effect against the beneficiary owner.

(2) When any person offers to make a free gift of land in which other persons hold interests, the land should be acquired under the Land Acquisition Act and awards should be made to all persons interested, the person who agrees to make a gift putting in a petition waiving his claim to compensatin, provided that he has sui juris full powers of alienation.

(3) Where there is no room for doubt as to the validity of the gift of the entire interests the land may be acquired by a registered deed of gift with the sanction of the Government.

(4) When the gift is saddled with conditions (e.g., that the land should revert to the donor when no longer required for the purpose for which it is given) proceedings under the Land Acquisition Act are not applicable. If the donor has power to make a gift free of all encumbrances, and if the conditions are accepted by Government in the Revenue Department, the land may be obtained by a registered deed of conditional gift.

(5) The cost of registering a deed of gift should in all cases be borne by the donee.

(6) The Court of Wards has no power to make a free gift of land belonging to a ward, nor can a valid gift or waiver of right be made by a minor, or a limited owner (e.g., a Hindu widow), a receiver, a trustee, an administrator or an executor.

(7) No valid acquisition can be made on payment of nominal compensation; an award under the Land Acquisition Act must be for the full market-value of the land.

7. Interests of private individuals to be duly considered in acquiring land : It is incumbent on the officer who selects land for the requiring authority to endeavour to avoid buildings,

particulary religious buildings, tombs, graveyards, etc., the acquisition of which will entail unnecessary expenditure on Government or annoyance to owners or the members of any religion or sect, if the object sought can be equally well attained by a slight alteration of the alignment or site chosen, or in some other manner.

It is the duty of the District Officer to see that the interests of the government, of the public and of private individuals are duly considered and that the land to be acquired so selected as to cause the minimum of expenditure, annoyance and loss compatible with the attain of the object for which the land is required.

8. Collectors other than District Officers : In Assam the Subdivisional Officers have been appointed ex-officio Collectors within their respective jurisdictions vide Notification No. 34R., dated the 1st January 1923. When the District Officer receives a request for acquisition of land on a large scale he should at once consider whether a Special Officer is required to perform the functions of the Collector and if one is required, he should draw up an estimate of the cost involved and submit it in advance without waiting for the issue of orders of acquisition under section 7. The date from which the Special Officer will be required should be noted.

9. Appointment of Special Officers to perform the functions of Collector : Whenever it is necessary to appoint a Special Officer to perform the function of a Collector under the Act the District Officer must apply to the Government in the Revenue Department to have the officer vested with the necessary powers under section 3. It is essential that the officer

selected should, in addition to having a good working knowledge of cadestral survey and record-writing, be well acquainted with the provisions of the law and rules and instructions promulgated thereunder. When applying, the District Officer must state whether he is satisfied that the officer recommended possesses all the qualifications mentioned above.

It is usual to vest officers with the powers of a Collector under the Act either in a particular district or place, or for the purpose of taking up land for a particular object. An officer once vested with powers in a particular district can exercise those powers whenever he may be retransferred in that district.

Subordinate officers may be employed to assist the officer acquiring land in subsideary work such as measurement of land, preparation of plans, distribution of award money, etc., without being empowered under section 3 of the Act, provided thay work under the direct supervision of the acquiring officer and do not exercise any of the powers of a Collector under the Act.

10. Relations between Land Acquisition Officer, District Officers and Railway Authorities : The responsibility of seeing that the works of all the officers doing land acquisition work within the district proceeds expeditiously, that their procedure conforms with rules and that their estimates and awards are properly framed rests with the District Officer whose supervision should therefore be close and careful. All communications between Collectors other than the District Officer and Government will therefore pass through the District Officer.

Land Acquisition Officers employed in taking up land for Railways, although under the direct orders of the District Officer as regards procedure and purely revenue matters, should be in regular communication with the Railway Authorities concerned upon such subjects as when and where land should be first acquired and upon questions of funds.

Land Acquisition Officers are strictly prohibited from accepting either from themselves or their subordinates any concessions such as free passes, medical attendance and the like from Railway or other Compamies without the special sanction of Government in the Revenue Department.

CHAPTER II

Publication of notification under section 4(1) preliminary investigation and disposal of objections (sections 4 to 5A of the Act)

11. Application for draft notification under section 4 (1) : The publication of a notification under section 4(1) is compulsory in all cases of acquisition of land under the Act. Such notification enables the officer of the requiring authority when authorised by Government to proceed under the protection afforded by section 46 to perform all or any of the acts mentioned in section 4(2). It also gives an opportunity to the parties interested in the land to file objections under section 5A to the proposed acquisition. When therefore, it is intended to

take up land for a public purpose or for a Company, an officer duly authorised on behalf of the department, local authority or company concerned should apply to the Collector for a draft notification under section 4(1).

When the land is required for a department of which the District officer is the chief local officer, he himself will initiate proceedings either of his own motion or under the orders of his official superiors.

In the case of acquisition of land of which the cost has to be shown in the Public Works Department accounts, the Executive Engineer in charge of the work concerned, as the officer requiring the land, will apply to the Collector for the draft notification. The site of every building constructed by the Public Works Department is required to be approved by a Site Selection Committee. It is the duty of the Executive Engineer to obtain the approval of the site by the Site Selection Committee before he applies to the Collector for a draft notification under section 4 (1) of the Land Acquisition Act.

When land is to be acquired under the Act for a company between which and the Secretary of State for India there is no such standing agreement as is referred to in section 43 of the Act, the Collector will forward the application to the Government in the Revenue Department with a draft notification under section 4(1). The Revenue Department will, in consultation with the Administrative Department, unless it summarily refuses to entertain the application, cause the notification to be published in the Assam Gazette in the same manner as in the case of

acquisition for a public purpose. Enquiry under section 40(1) is to be directed in cases where the Collector's report submitted under section 5A(2) does not provide sufficient material to enable the Government to come to a decision on the two preliminary issues mentioned in section 40. If Government is satisfied either on the Collector's report under section 5A or on that of the officer appointed under section 40 that the proposed acquisition is needed for the construction of a work and that such work is likely to prove useful to the public, it will require the company to enter into the agreement prescribed by section 41. The agreement must be published in the Assam Gazette in the manner provided by section 42 before proceedings can be taken under section 6 and the following sections. The agreement should conform as closely as possible to the standard Form 1 and in particular should ensure the reimbursement to Government of all costs incurred as incidental to the acquisition, including costs of litigation.

Any requisition for a draft notification under section 4(1) shall on receipt be entered in the Progress Register of Land Acquisition Cases (Form 2).

12. Particulars to be specified in the application for draft notification : The application shall set forth clearly the purpose for which the land is required and shall be accompanied by a plan which in the case of a requiring authority not having a qualified survey staff need not be more than a rough sketch sufficient to enable the Collector to understand what is wanted. The application shall specify the limits of the land, shall state the

local names, if any, by which the land may be known and shall contain such other particulars as may be necessary for the better identification of the land. If the land applied for contains religious buildings, tombs or graveyards, the fact must be specifically noted. The names of persons interested in the land, as far as they can be ascertained, should be supplied with the application. In Railway projects the requisition plans should be supplied in triplicate (i.e., one copy in tracing cloth and two in prints.)

Where land is required for Railways or other large projects, the application shall be accompanied also by a sketch map (or detailed plans if such plans have already been prepared) showing the details mentioned in paragraph 3 of the orders of the Government of India in the Public Works Department Circular No. XI-(Railway), dated the 21st. September 1895, in Appendix K to the Railway Board's Revised Rules relating to the acquisition of the lands for Railways reproduced in Appendix II of this Manual.

13. Forms of notification under section 4(1) : Section 5A of the Act entitles parties interested in the land proposed to be acquired to prefer objections. The land should therefore be described in the notification under section 4(1) as precisely as possible. In case in which the area and the situation of the land to be acquired have been more or less decided upon, Form 3 should be used. When, however, a reconnaissance survey is necessary for a new line of railway, road, canal or other similar work and it is impracticable to specify the boundaries of the land likely to be taken or the names of villages through which

the line of railway, road, canal, etc., will pass, the alternative Form 4 should be used. In the case of each such reconnaissance survey, however, an index plan showing the maximum limits within which the operations of the survey parties are likely to extend should be furnished to the Provincial Government by the railway or other authority concerned and the Collector on receipt of the plan from Government should select suitable places in the locality for publication of notices under section 4(1).

As the notification in Form 4 cannot always be regarded as giving sufficient warning to persons interested in the proposed acquisition to enable them to exercise the right of objection, the Collector should take the order of Government in each case as to whether it is necessary to issue a second series of notifications under section 4(1) as the survey proceeds and the land to be required is selected and surveyed (vide paragraph 15).

14. Publication of the notification in the Gazette and procedure for its local publication : The Collector shall prepare the draft notification in all cases in communication with the requiring officer, if necessary, and shall sign and forward it to the requiring oficer who will in his turn transmit it to his superior officers for submission to Government in the Administrative Department for approval. When approved, Government in the Administrative Department will refer the case to the Revenue Department in order that the notification under section 4 may be published in the Assam Gazette. On such publication due notice of the substance of the notification shall be publicly given by the Collector at convenient places in the locality.

In the case, however, of land acquisition projects on behalf of a local authority or any private body, the draft notification after it has been received from the District Officer should be submitted direct to Government in the Revenue Department for publication in the Gazette.

As the statutory period of thirty days for filing objections under section 5A runs from the date of the publication of the notification in the Gazette it is essential that there should be no delay in local publication. To this end the Revenue Department will send to the Collector direct a manuscript copy of the draft notification as soon as it is passed for the Gazette and intimate the date on which the notification will appear in the Gazette. The Collector will watch for the notification in the Gazette and in the meantime take such steps as may ensure the immediate local publication of the substance of the notification as soon as it appears in the Gazette.

Copies of the Gazette notification when published will be forwarded by the Revenue Department to the Collector and to the Requiring Authority. Without waiting for the receipt of this copy and immediately on the appearance of the notification in the Gazette the Collector will give public notice of the substance of the notification at convenient places in the locality in which the land proposed to be acquired is situated. This will ordinarily be done by posting a copy (in the vernacular) of the substance of the notification on the land proposed to be acquired; copies shall also be served on the persons known or believed to be interested in the land and on actual occupants, if known. In

cases where the persons interested are not resident in the locality, service may be made by registered letter. But the failure to serve a notice on any person interested does not invalidate the proceedings. It will not be necessary to issue notices to persons interested in or occupying the land where the area to be acquired is extensive as for instance where it is being acquired for a road, embankment, canal and the like; but special care should be taken for the service of the public notices in the locality in such cases. In cases where a preliminary investigation under section 4(2) is necessary the Collector must invariably apprise the officer entrusted with the preliminary investigation of the issue of the public notices.

15. Preliminary investigation under section 4(2) : On receipt from the Collector of intimation of the issue of the public notice (but not before), the officer entrusted with the preliminary investigation under section 4(2) may proceed as may be necessary, to examine the land, survey, dig, bore, and otherwise ascertain its suitability for the purpose for which it is required, and shall prepare such a preliminary map or plan of the land and collect such further information as will assist the Collector in forming an estimate of the probable cost of taking up the land. This map or plan together with a memorandum specifying generally the character of the land, e.g., whether waste, cultivated or jheel, etc., and the number and character of buildings, trees, etc., standing on it should be sent to the Collector for the preparation of an estimate of the cost of acquisition and a draft declaration under section 6, or of a

second series of notifications under section 4(1), if so directed by Government, when the procedure laid down in paragraph 14 should again be followed.

In caes where the Requiring Authority has not the necessary qualified staff, the District Officer should render assistance in the preparation of the map or plan and the memorandum.

16. Use of settlement records in preliminary investigation : Where the land to be acquired is land which has already been surveyed in the course of any settlement proceedings, or where such proceedings are in progress it may often be desirable that instead of resurveying the land the officer entrusted with the preliminary investigation should procure a copy of the map of the locality prepared in these proceedings and mark on it the land to be acquired. He may also ask the District officer or Settlement Officer for information from the settlement report and records in order to asceertain the average prices of lands and in Zamindari areas the rates of rent, classes of tenures and other information necessary to enable an estimate to be formed of the probable cost of acquiring the land.

17. Use of settlement map where not possible : The use of the settlement map is not possible unless the land to be acquired is of sufficient area to be made out on the map prepared according to the settlement scale (see paragraph 44). The survey and settlement map cannot ordinarily be used for acquisition of lands required for railways, as the scale prescribed in paragraph 49 for railway land plans are different.

18. Requiring officers forbidden to take possession of the land at this stage : Except so far as may be necessary for the proper survey or marking out of the land required, work must not be commenced or damaged done, materials deposited, or any excavation or demolition put in hand until the land has been formally made over.

19. District Officers investigation under section 5 to be a summary one : The investigation to be made by the District Officer in cases referred to him under section 5 is a summary one. The law gives him no power to take evidence on oath in conducting it. He may order a local enquiry which he is at liberty to make either himself or have made by a Subordinate Officer not below the rank of a Sub-Deputy Collector. The responsibility for the amount of any award for damages under section 5 will, however, in all cases rest with the District Officer.

20. Procedure to be followed in dealing with objections filed under section 5A : On expiry of the statutory period of thirty days allowed for filing onjections under section 5A the Collector shall issue notices on the persons, who have filed objections within the time limit, fixing a date, time and place for the hearing of the objections. In the case of objections filed jointly by a number of persons, the notice shall be served on the first or the principal objector. The objectors should be allowed to adduce evidence in support of their objections , if they desire to do so. Information should also be given to the local officers of the Government Department concerned (e.g., the Agricultural Department, the Public Works Department, etc.), the

local representative of the railway or to the local body or Company at whose instance the notification under section 4 has been published, so that they may be represented at the hearing of the objections. When dealing with these objections, the Collector shall have in view the instructions given in paragraph 7 above.

On finishing the enquiry, the Collector shall forward the objection received by him together with the record of his proceedings, in original, to Government in the Revenue Department through the Deputy Commissioner. When the orders of Government have been passed in the Revenue Department on the objections, they shall be communicated to the parties concerned through the Collector, the record of the case being returned at the same time.

If no objection is received within the statutory period of thirty days, the Collector shall report the fact to Government in the Revenue Department and to the Requiring Authority.

Further instructions are given in Statutory Rules Nos. 1, 2 and 3.

21. Special procedure under section 17(4) : Section 17(4) of the Act authorises the Provincial Government to dispence with the procedure laid down in section 5A and issue the declaration under section 6 immediately after the publication of the notification under section 4(1), without inviting or hearing objections. When it is considered necessary to have recourse to this special procedure the sanction of Government should be applied for at the time of submission of he draft notification under section 4(1). As the effect of this special procedure is not

merely to accelerate the proceedings but also to deprive persons interested in the land of a statutory right to contest the propriety of the acquisition, all such applications require careful examination. The Requiring Authority should therefore furnish the District Officer with full reasons justifying such a procedure, which should be carefully scrutinised, and all available materials placed before Government to enable them to decide whether the project is really of such an urgent nature that the adoption of the emergent procedure is justified. The District Officer is required to certify in such cases that there is no objection to the acquisition of the land on any general and specific grounds. (In case falling under section 17(1) the District Officer will also certify that the entire area is waste or arable)

When in any case Government direct that the provision, of section 5A shall not apply, the notification under section 4(1) will issue in the appropriate form (Form 3 or 4) with the omission of the paragraph relating to the filing of objections, and with a statement that in exercise of the powers conferred by section 17(4) the Provincial Government have ruled that the provisions of section 5A shall not apply to the case. On the publication of the notification in the Gazette, general notice shall be issued in the manner laid down in paragraph 14 and the Collector shall at once take measures to submit the draft declaration and other documents required, through the usual channel. It should be noted that even in cases where the provisions of section 5A have been followed in full, it is open to Government to make use of section 17(1) to take possession before the award.

22. Fresh notification under section 4 is necessary when land to be acquired is not covered by the original notification : Under the revised procedure introduced by the amending Act XXXVIII of 1923, no land can be included in a declaration under section 6, unless it has been previously notified under section 4(1). It is, therefore, necessary that the draft notification under section 4(1), should be so drawn up as to cover the entire area required. Whenever any land lying outside the perimeter of the area covered by the original notfication is required, a fresh notification should be issued in respect of it in continuation of the original notification and the procedure prescribed in instructions 14 and 20 should be followed.

23. A. Notification under section 4(1) either to be followed by declaration under section 6 or cancelled : A notification under section 4(1) must in all cases be followed by a declaration under section 6 as soon as it has been decided to proceed with the acquisition and the position and the boundaries of the land to be acquired have been fixed and determined.

Whenever it is found that the land notified under section 4(1), or a portion of it is not required for acquisition, application should at once be made by the requiring authority through the Collector to Government in the Administrative Department for the cancellation of the notification or of that portion of the notification, which relates to the land abandoned.

Where agricultural lands are being acquired and there is the possibility of proceedings being protracted Land Acquisition Officers should make it known that persons in occupation of the

land need not abandon cultivation until possession is taken of the land and that they will be entitled to compensation for any crops that may be standing on the land at the time at which possession is taken.

CHAPTER III

Preliminary estimate of cost and draft declaration (section 6 and 7 of the Act)

24. (a) Preparation of preliminary estimate and draft declaration : After the preliminaries referred to in paragraphs 15 and 20 have been completed the Collector will proceed to have a draft declaration under section 6 and a preliminary estimate of cost of acquisition prepared for the land which is finally proposed to be acquired, after verification by local enquiry of the map (or plan) and memorandum furnished by the requiring authority. In many cases it will be possible to have the declaration an estimate ready before the period for filing objections is over. If no objection be filed or if the District Officer recommends that all the objections received be disallowed, the ducoments should be submitted to the State Government in the Revenue Deptt. along with the report.

In other cases the above documents should be submitted as soon as possible after the receipt of Government orders on the objections. If in any case there is delay in their preparation, a brief statement of the reasons of the delay should be given when forwarding the documents.

(b) Importance of accuracy in the preliminary estimate : It is of the utmost importance that preliminary estimates should be as accurate as possible and should be prepared with care so as to reach the nearest approximation to the final valuation in the award. Careless estimates throw out the calculations of the requiring authority and also, if they err by excess, although they are in no away binding on Government, are likely to give rise to extravagant claims. The orders of the Government of India (Public Works Department Circular No. XI, Railway, dated the 21st September 1895, reproduced as Appendix K to Appendix II of this Manual) emphasize the necessity for the preparation of preliminary estimates with accuracy and the responsibility of the officers who sign preliminary estimates. This matter is of particular importance, since the awards of a Land Acquisition Officer often follow the preliminary estimate and escape scrutiny if the total does not exceed the amount of the preliminary estimate. These estimates, therefore, should not be prepared with less care by the Land Acquisition Officer or checked with less care by the controlling authorise simply because they are merely preliminary.

(c) Form of estimate : To ensure accuracy it is essential that the preliminary estimate should be calculated, as far as possible, in the same manner as the award, and the form of the estimate should correspond with the form in which the award will be made. Form 5 is a suitable form for preliminary estimates for rural areas in Zamindaris; in the case of areas other than the Zamindaries it should be shortened as explained in the last part of paragraph 74.

In preliminary estimates for sites in towns or in exceptional circumstances, the Collector must use his discretion as to the form to be used, but he should always adopt the method of calculation which is expected to be used in the award, and when the standard Form 5 is not used, the reason for departing from it should be stated briefly on the estimate in an explanatory note.

In railway projects there will be a separate preliminary estimate for each district through which the project passes, but there will not be separate preliminary estimates for each mile.

(d) Estimate for building, etc., on land which is reasonable under terms of the lease : The declaration under setion 6 must not include land which is resumable for public purposes under the terms of the lease without payment of compensation for the land. If it is necessary to pay compensations for any buildings, trees, crops, etc., on such land, a separate estimate must be prepared. The preliminary estimate which has to be prepared along with the declaration under the section 6 relates only to land which has to be acquired under the Act.

25. Material for valuation : The District Officer required to attach to the preliminary estimate a certificate to the effect that the estimate is fair and that rates have been arrived at after local enquiry, inspection of the grounds, and with reference to the settlement reports, village notes and other papers where available and the records of the Registration Department. These records must be methodically examined and the information obtained as to area and quality of land, varieties of interests,

sale prices, rents, etc., must be tabulated in a suitable form, which should be available for subsequent use. The form of tabulation will be decided by the District Officer. Form 6 may be found to be suitable for recoding sale prices. The information supplied by the requiring authority and gathered from an examination of records should be verified and brought upto date by careful local enquiries, so as to form reliable material for valuing the land proposed to be acquired. Close supervision should be exercised over the work of the subordinates employed in making enquiries. General instructions for utilising these material in valuing land and calculating the compensation payable are contained in chapter VI.

A brief report showing the basis on which the estimate has been prepared should be submitted by the Collector with the estimate in all cases and in Zamindari areas where the interests of landlords and tenants are separately valued, a schedule should be attached showing (1) the ascertained or assumed rent values on which the landlords interest is based and comparing them with the settlement rent rates, and (2) the records of sales on which the market value of raiyats' rights have been based.

26. Submission of estimates and of draft declaration under section 6 : The draft declaration under section 6 will be prepared in respect of the land covered by the estimate in accordance with the instructions contained in paragraphs 29, 30 and 32 and in form 7 or 8 as the case may be. The District Officer will verify and countersign the draft declaration and after recording on the estimate that it is fair and signing it, he will forward the papers together with

a plan of the land to the State Government (Revenue Department) who after careful check will confirm the estimates and the draft declaration in all cases in token of their acceptance. The Revenue Department will forward the papers and the plan to the requiring officer through the Deputy Commissioner after countersigning the estimate, if approved.

If the land is required for the Revenue Department and the District Officer is himself the requiring officer he will submit the preliminary estimate and the draft declaration with a plan of the land to Government (in the Revenue Department) for orders.

The special procedure for projects for local bodies is dealt with paragraph 28.

27.(1). Sanction to estimate and issue of declaration : If, on receipt of the estimate from the Government, it is finally decided to acquire the land, the requiring officer will make an application to his superior authority, accompanied by the countersigned estimate and the draft declaration, and also by a duly signed plan in duplicate on tracing cloth for submission to Governmnet in the Administrative Department concerned for sanction to the project and to the estimate and for the issue of the necessary orders from Government in the Revenue Department for the acquisition of the land. Any officer empowered to sanction the project on its way to Government will accord sanction to the estimate and allot funds. After the project is sanctioned, Government in the Administrative Department concerned will refer the case of the Revenue Department with necessary papers and plans in order that steps

may be taken for the acquisition of the land. The order of sanction to the project should also be communicated and it should be stated that funds are available. The declaration will then, in all cases, be published by the Revenue Department and all subsequent proceedings for the acquisition of the land will be taken in that department.

(2) Special procedure for Public Works Department projects : In the case of projects of which the cost of acquisition is to be shown in the Public Works Department accounts but where the Administrative Department is other than the Public Works Department, the following procedure will be observed :

(i) If the acquisition of the site selected by the Site Committee has not already been administratively approved by Government along with the building project, the Executive Engineer should submit through the proper channel, the land plan, estimate and the draft declaration approved by Government in the Revenue Department, as the case may be to the Administrative Department of Government. The latter will, after according administrative approval, forward the land plan, etc., to the Public Works Department which will accord sanction to the estimate and forward the plan and estimate in original together with the draft declaration to the Revenue Department.

(ii) If, however, the acquisition of the site selected by the Site Committee has already been administratively approved along with the building project, the Executive Engineer should submit the land plan and estimate together with the draft declaration to the Superintending Engineer for transmission to Government in the

Public Works Department which will, after according sanction to the estimate, forward the papers to the Revenue Department.

28. Special procedure for projects under local authorities : In the case of acquisition of land for a local authority the Collector will ascertain before forwarding the plan, estimate and draft declaration to the Government that the estimate has the approval of the local authority and that funds have been provided for the purpose in its budget. Information on these poins should accompany the papers when they are sent to the State Government.

29. Declaration under section 6, what to contain : The law does not require that the declaration under section 6 shall specify the precise boundaries or area of the land to be taken, although this is advisable when these particulars can be given. The declaration must, in any case, be so worded as to indicate, as precisely as circumstances permit, the land to be acquired. In areas which have been cadastrally surveyed it will ordinarily be sufficient to describe the land required or its boundaries in terms of settlement plot numbers.

When boundaries are specified in the declaration they should be as accurate as possible. In an unreported case which came up on appeal before the high court, Calcutta, it was found that in the published declaration the southern boundary of the land required and taken up was erroneously defined as northern boundary. All proceedings under the Land Acquisition Act in respect of this land were, therefore, set aside by the High Court as being invalid and without jurisdiction.

In the case of land required for a road, canal, distributory, railway, etc., unless there is any reason to the contrary, it will be sufficient to give in the declaration the approximate area, length, breadth, and the general direction of the land for the line or channel, with the names of the district, parganas, and villages through which it will pass.

Collectors should be careful to avoid discrepancies between plans and schedules and draft declarations with regard to boundaries, areas and names and limits of villages; and when they consider that the plans and schedules of land to be acquired require any modification in respect of any discrepancy, they should communicate with the requiring officer concerned and have the discrepancies reconciled before submitting the draft declaration, estimate, etc., to the Government.

When a draft declaration differs from the notification under section 4(1), an explanation of the discrepencies should invariably be furnished so that Government may satisfy itself before the issue of the declaration that the whole of the land included in the declaration lies within the perimeter of the area covered by the notification.

It has been pointed by the High Court in Indian Law Reports, Calcutta XXXIV, page 599, that in order that the subsequent procedure may not be complicated it is desirable to avoid issuing declarations in rapid succession for the acquisition of portions of the same tract of land. This involves unnecessary cost to Government, as well as to private parties, on account of the multiplication of cases and appeals.

30. Form of declaration when land overlies mines of coal, etc., : When the land required is known or supposed to overline mines of coal, iron-stone, of other mineral and when it is not considered necessary to acquire mining rights the draft declaration under section 6 should be drawn up in form 8.

Officers employed in acquiring lands for public purposes should bear in mind that the interests of Government in mines and minerals in temporarily-settled estates will be best saved if claims to mining rights are enquired into and the grounds for supposing the existence of minerals examined by the officers employed in the acquisition works, and the result reported for the orders of Government, who will decide in each case whether the claims should be admitted and whether the rights of the claimants (if admitted) should be brought up at once or held over for acquisition on occasion arising under the procedure laid down in section 3 of the Land Acquisition (Mines) Act, XVIII of 1885. Where no claim is made the ordinary procedure under the Land Acquisition Act, I of 1894, will cover the case.

31. Issue of direction to the Collector for acquisition of the land : As soon as the declaration under section 6 of the Act is published in the Gazette, the State Government will issue direction to the Collector under section 7 to take order for the acquisition of the land.

32. Revised declaration and land plans, how to be drawn up : The following instructions should be observed in drawing up revised declarations and land plans when the area to be actually acquired does not correspond with that originally declared

although covered by the notification under section 4 (1) :

(i) When the departure from the original plan and declaration is trifling, there is no necessity to revise the declaration, unless objections are raised by parties interested.

(ii) When the plan requires considerable alteration, for instance, on account of re-alignment, etc., in railway cases, a fresh declaration, in modification of the original one, is necessary even when the original declaration is so worded as to be applicable.

(iii) When land in excess of that specified in the original declaration is required, it is not necessary to include in the revised declaration all the land to be acquired, but a new declaration should be issued, in continuation of the original one, for that portion of land which was not covered by it.

(iv) The phrase "in supersession of declaration No. ..... , which is hereby cancelled", should not be used in the subsequent declarations of the kind specified in clauses (ii) and (iii) above, but they should be considered and treated as modifying and suplimenting and not superseding.

(v) Where land less than the amount declared is required to be taken up under the Act no fresh declaration is necessary. It is open to Government under section 48, of the Land Acquisition Act, I of 1894, to withdraw from acquisition of any portion not required, of which possession has not been taken.

(vi) When it is decided to acquire, at the instance of the owner under clause (1) of section 49 a portion of a house, manufactory or other building not included in the original

declaration, a fresh declaration is necessary for the additional area.

33. Special procedure in cases of acquisition of land for large Railway projects : In the case of acquisition of land for large Railway projects the procedure indicated in paragraphs 26 and 27 will be subject to the following modification :

The submission of the draft declaration may, if so desired by the Railway Administration, proceed that of the estimate when the land is originally required. In such urgent cases the draft declaration, with the necessary plans and schedules referred to in pararaph 40, will be submitted by the District Officer to the State Government, who will forward them to the requiring officer with his countersignature to the draft declaration. The requiring officer will forward them through his superior authorities to Government in the Public Works Department for orders, and the estimate will be prepared under the orders of the District Officer with the least possible delay and forwarded to the State Government to be dealt with in the manner indicated in paragraph 26. In the meantime Government in the Public Works Department, if so desired by the Railway Administration (agent, manager or other controlling officer), will require the Revenue Department to publish the declaration and issue direction to the Collector under section 7 of the Act I of 1894 to take order for the acquisition of the land in anticipation of sanction to the estimate ; and the Collector, on receipt of the necessary direction, will commence acquisition proceedings. He must not however proceed to make awards unless an estimate has been duly prepared and sanctioned. He will obtain funds for payment

due under his award in the manner prescribed in rules 2 and 14 of the rules in Appendix 5 to the Assam Financial Rules (reproduced in Appendix I of this Manual). In these cases a copy of the order authorising the acquisition of the land should be furnished to the Examiner of Accounts of the Railway concerned and to the Comptroller, Assam.

34. Special procedure in cases of requisition for railways in cases of emergency : In cases, in which owing to any sudden change in the channel of a navigable river or other unforseen emergency it becomes necessary for any Railway Administration to permanently acquire and take immediate possession of any land for the maintenance of traffic or for the purpose of making thereon a river-side or ghat station or of providing convenient connection with or access to any such station the chief local representative of the Railway Administration concerned will apply to the District Officer with a draft notification under section 4(1), a draft declaration, plan and schedule.The District Officer will certify that it is necessary to obtain immediate possession under section 17(2) in advance of the preparation of the estimate and will send back the papers after check to the local representative of the Railway who will transmit them through his superior authority to Government in the Public Works Department. Government in the Revenue Department will then, on due reference being made, publish the notification under section 4(1) and at the same time give intimation by telegram to the Collector of the publication of the notification in order that public notice may be given in the

locality. Government may direct under section 17(4) that the provisions of section 5A shall not apply and may thereafter publish the declaration under section 6 and issue orders under sections 7, 17(1) and 17(2) by telegram direct upon the Collector, who will at once proceed to take possession as far as he can under section 17(2) and deliver possession to the Railway Authorities. Government in the Revenue Department will also inform the Public Works Department and the Collector of the orders passed. As soon as possible after making over possession the Collector will prepare estimates and forward them to the State Government to be dealt with in the manner indicated in paragraphs 26 and 27 for the submission to Government in the Public Works Department for sanction. As regards the preparation of awards and obtaining funds the Collector will proceed in the way prescribed in the preceding paragraph.

35. Procedure for taking possession of land in Indian States : No Railway officer shall obtain possession of land in any Indian State until such land is made over to him by, or under the orders of the Political Officer. In this case of Government in the Political Department and not the Revenue Department should be moved to issue the necessary instructions to the political Officer.

36. Procedure for acquisition of lands for Railways and other purposes in Indian States in British India : The procedure for acquisition of land required in British India for Indian State Railways or in Indian States for British Railways and the principles to be observed in the assessment of

compensation in such cases are laid down in section XI of Railwy Board's orders in Appendix II of this Manual.

Similarly the principles to be observed in the assesment of compensation for land taken up within indian States or British India on behalf of authorities in British India or the Indian States respectively for purposes of irrigtion, navigation, embankment and drainage works, and works connected with or subsidiary to them will be found in the resolution of the Government of India (Foreign or Political Department) dated 5th may 1930, reproduced in Appendix III of the manual.

CHAPTER IV

PLANS AND ESTIMATES OF REQUIRING OFFICER OR DEPARTMENT

37. Plans to be prepared in continuous portions : The land plans prepared by the requiring authority are to be made up in sets for continuous portions of land, each set being complete for a Revenue District or charge of a Deputy Commissioner (or length of Indian State). On each end sheet (first and last) of every set of land plans, a 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 Indian State) to which the set belongs, as well as the name of the mouza (or pargana) and thana shouled be marked conspicuously on each

sheet. The measurements and areas should be recorded for each survey village separately. In the case of land required for a railway, the details thereof are to be given in schedules which should contain in substance the information provided for in Forms A, B and C, subjoined to paragraphs 39 and 38 below.

38. No classification of land into A and B to be made in the plans and schedules made out for first acquisition, in the case of a railway constructed by Government or by a Company under similar conditions : In the case of a railway to be constructed by Government or by a Company under the terms of whose constract land is divided into two classes, "permanent" and "temporary", the plans made out for the first acquisition of the land will show under 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.

39. Lands to be classified into A, B, C and D in the plans and schedules made out for the first acquisition in the case of a guaranteed railway and railway constructed by a company under similar conditions : In the case of a railway to be conducted by a Company, by the terms of whose contract (or other arrangement with Government) land has to be taken up 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.

40. Scale of plan and method of recording area : Different departments have different rules regarding the scale on

which their departmental plans are to be drawn. The scale for railway land plans is described in rule 60 of Railway Board's Revised Land Acquisition Rules reproduced in Appendix II. The land plans in Public Works Departments projects should ordinarily be on the following scale :

For roads, etc., ... 330 feet to an inch.

For buildings and congested areas in towns ..... 82 $^{1}/_{2}$ feet to an inch.

For railways, roads, embankments, drainage, canals, etc., there should always be a separate plan, for each mile the plan should be numbered consecutively. The area of the land to which each plan refers should be noted in acres and decimals (ordinarily upto two places of decimals), and in standard bighas of 14,400 square feet, on the face of the plan, as well as in an accompanying reference sheet or schedule. Where lands situated in different villages are covered by the plan,the boundaries of each different village, when intersected should be distinctly shown ; and the area of the portion included in each village should be shown separately in the plan and schedule. Each plan and schedule should also bear a note stating the purpose for which the land is required. The names of villages to which the land belongs, 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.

41. When the boundary of a district does not coincide with the termination of a mile, a separate plan to be

prepared of the land on either side : When the boundary of a district does not coincide with the termination of a mile, a separate plan should be prepared for each of the broken parts of a mile on either side of the boundary, so as to keep the records of each district separate.

42. Detached portions of land to be referred to some fixed point on one of the main sheets : Detached portions of land should be referred to some fixed points on one of the main sheets with the distances and the campus 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.

43. Engineers' plans and schedules of land required for railways to be attached and send through Government in the Public Works Department to Government in the Revenue Department with application for the land : The general correctness of the plans and the schedules furnished by the Engineer for guaranteed railways and railways to be constructed by the agent of the Railways ; by the Engineer-in-Chief or other controlling officer. The attesting officer will, in each case, forwrd them with the application for the land through Government in the Public Works Department to Government in the Revenue Department.

It should be noted, however, that in the case of land required by Railway Companies who are entitled to receive it free of cost under the terms of their contracts, no steps for

acquisition should be taken until the land plans and schedules have been countersigned by the Government Inspector of Railways of the circle. Such signature is to signify not that the Government Inspector accepts the correctness of the plans and schedules (for which the Agents are responsible), but that he is satisfied that the land applied for is actually required for railway purposes.

PLANS, SCHEDULES AND MEASUREMENT PAPERS OF THE LAND ACQUISITION OFFICER (SECTION 8 OF THE ACT)

44. Use of survey settlement maps : After the publication of the declaration under section 6 and the issue of the direction under section 7 of the Act, the officer who was entrusted with the preliminary investigation or , in case no such investigation shall have been held some officer on behalf of the requiring authority will, if this has not already been done, mark out,on the requisition of the Collector, the boundaries of the land, and furnish the Collector with a plan or where the land has already been surveyed in the course of any settlement proceedings with a copy of the map then prepared, marking thereon the land to be acquired ; as provided in paragraph 16. The Collector will, in the first place, decide in consultation with the requiring authority whether the settlement map should be used. It is to be remembered that in the case of minute plots, the scale of settlement maps is ordinarily too small, and the enlargement of a map plotted to a certain scale is of no value for determining the boundaries of plots which are too small to be made out of the

plotted map. When it is decided to use the settlement map it will not be necessary for the Collector to make a fresh survey, but he will proceed to verify the map by local enquiry and to deal with it in the manner laid down in the paragraph 47 and 50 below, and consult the current record-of- rights with a view to identifying the owners and other persons interested in the lands and to ascertain if possible the rents payable by the latter. The areas calculated from the settlement map may also be accepted. The Collector should pay for the copies of the papers which he may require from the settlement or land records, and such cost shall be part of the costs of the case.

The survey-settlement maps will not ordinarily suffice for the acquisition of lands required for railways, as the scales prescribed in paragraph 49 below for railway lands are different.

45. (a) Demarcation and survey where no settlement maps available : When the survey-settlement map can not be used, the Collector will proceed to make a detailed survey of the land and will ask the officer deputed for the purpose by the requiring authority to point out its boundaries during the survey to be made by him. For the purpose of his survey the Collector may employ any of his subordinate staff who may be acquainted with surveying. In important cases sanction to a special establishment must be applied for. The cost of this establishment and all other charges for the purpose of the acquisition will be costs in the case.

The survey should be made by plane table traverse followed by a plane table cadastral survey and the surveyor should prepare a detailed record of his survey and measurements.

(b) In the case of acquisition of additional land for Railway Companies the Engineer's plan of the proposed acquisition should invariably be compared, at the time of demarcation and survey, with the Collectorate copy of the plan of original acquisition of the mile concerned.

46. (a) Schedules of land to be prepared : At the time of verification of survey maps under paragraph 44 or of detailed survey of the land as required under paragraph 45, a schedule of land in each village giving details of persons interested, trees, houses, crops, etc., is to be prepared by the officer deputed for the purpose in Form 9. In the case of acquisition for railways, roads, embankments, drainage, canal, etc., where the termination of a mile does not coincide precisely with the boundary of a village, separate schedules are to be prepared for the portions of the village lying on either side of termination of a mile.

(b) Khatian and valuation statement : An abstract or khatian is then to be prepared, grouping together the plots of land and other property found in the possession of each person interested, separately for each superior tenure or estate and valuation thereof is to be made in Form 10 by local enquiry and consultation of records-of-rights. Different interests should be noted and valued successively. As in the case of the schedule referred to above separate khatians are to be prepared for the portions of the village lying on either side of the termination of a mile of railways, roads etc.

47. Cloth to be used for preparing plans : The plan should be prepared on paper of the same quality as that used by the Survey Department for village maps or on tracing cloth but in the

case of lands required for railways, roads, embankments, drainage, canals, etc., plans should always be made on tracing cloth.

48. Scale of survey in non-railway projects : The plans of all ordinary land acquisition projects and also of such Public Works Department projects, as roads, embankments, drainage, canals, etc., should ordinarily be on a scale of 330 feet to an inch. For congested areas acquired in all such projects in towns and in other cases where the plots are very small, a larger scale of 165 feet to an inch or of 82½ feet to an inch may be used. These larger scales may also be used, if necessary, in the case of buildings.

49. Scale of survey in railway project : In the case of lands to be acquired for railways, the plans prepared by the Land Acquisition Officer should be on a scale 100 feet to an inch; but in congested areas in towns and in other cases where the plots are very small, a scale of 50 feet to an inch may be used, if necessary. When, however, the land to be acquired for any railway forms an addition to that already previously acquired, the plans showing the additions may be drawn to the same scale as the original plans.

In acquiring lands for light railways or tramways the same scale should be used by the acquiring officers, respectively, as in the case of lands for railways, but in other respects such lands are not to be treated as railway lands, and the special rules regarding the preparations of the plans of railway lands do not apply to them.

Note : In land acquisition proceedings the Assam-Bengal Railway and the Dibru-Sadiya Railway have agreed to adopt 16″ to a mile scale in rural areas and 32″ or 64″ to a mile scale in crowded urban areas in the

temporarily-settled parts of the Province. The Eastern-Benal Railway (Non-Bengal-Assam Railway) prefers to retain the existing 400 ft. to an inch scale.

(Dy. ---------- of 1936-takes effect from 19th September 1936.)

50. Colourings and marginal descriptions in plans : The plans should show in one or more clearly coloured blocks the lands acquired under the declaration and the scale on which it has been prepared. In the margin of the plan it should be stated that the land coloured (pink or blue or green) in this plan, has been acquired under declaration (note number and date) for (specify purpose) and contains an area of (in acres and decimals) and is bounded as follows:

The description, where possible should enumerate the boundaries on all sides. These particulars should be transcribed in English in the Collector's office. In cadastrally surveyed areas the survey plot numbers of the acquired fields should be mentioned. In other areas the land should if possible be referred in the plan to some fixed points in the settlement or other authoritative map of the neighbourhood, the distances and compass or other bearings being given so as to ensure its ready identification. In the case of detached portions of railway land the instructions of paragraph 42 should be observed.

51. Additional requirements of Land Acquisition Officer's plans for all railways, roads, embankments, drainage, canals, etc. : The Land Acquisition Officer's plans

for all railways, roads, embankments, drainage, canals, etc., should severally correspond with those of the requiring authority and each should represent a mile, according to the marks on the ground where the termination of each mile is represented by a cross nicking. The boundary of each village must be differently coloured and the name of the village written alongside of it.

Each plot of the land acquisition surveyor's measurement is to be numbered consecutively from the beginning of each mile; and the area of each plot (in standard bighas of 14,400 square feet and in acres and decimals, ordinarily up to two places of decimals, but in respect of town lands and bazar sites upto three or four places where necessary) with name of the owner should be noted on the face of the plan. In the cases of lands required for railways, a separate series of numbers must be given for each class of land (A, B, C, or D) and a separate schedule of each class of land in each village should also be given on the face of the plan. The position of the boundary of each class of land is to be determined by dimensions written on the plans- these dimension to be sufficiently complete to enable such boundaries to be, at any time, readily ascertained and verified.

A separate plan should be prepared for each for the broken parts of a mile on either side of the boundary of a district, so as to keep the record of each district separate. Similiarly when the termination of a mile does not coincide precisely with the boundary of a village or holding, the village or holding must be broken up into the portions lying on either side of the termination of a mile.

52. Testing of survey and measurement papers : On receipt from his subordinates of the plan, schedules, khatians, the Land Acquisition Officer should test them by comparison with the map of plan and specification of area supplied by the requiring authority, and if discrepancies are found, he should have an enquiry made, and, if necessary, call on the requiring officer to point out the boundaries a second time. When the Land Acquisition Officeer has satisfied himself that the two plans, viz, the requiring officer's and his surveyor's represent the same land, he ought, where this appears advisable, to have the survey tested on the spot. He will also test the correctness of the surveyor's work in every particular making any alternations that he may think necessary in red ink, and returning the rough copy to the surveyor to be copied fair, as finally approved.

When a long stretch of land is to be acquired for a railway, road, embankment, canal, etc., the plan and schedule of each mile or part of a mile, as soon as it is completed should be submitted by the surveyor to the Land Acquisition Officer for testing its corretness.

Regarding the local verification of the surveyor's plans, discretion must be exercised by the land Acquisition Officer. The cases of large and important projects or of disputed measurements a personal local verification should be made; in minor projects the agency of a Sub-Deputy Collector or Kanungo may suitabily be utilized for the purpose, if available. The Land Acquisition Officer is required to satisfy himself that the plans are correct, and although in some cases this may be

satisfactorily established by a comparison only of the surveyor's plan with those submitted by the requiring authority, the necessity of local verification by some superior officer should be dispensed with sparingly.

DETAILED VALUATION AND REVISED ESTIMATE

53. Further enquiry into rates and values : The Collector will then consider the estimate. In small projects in which all the available materials have been fully considered in preparing the preliminary estimate, and in which the procedure under section 8 has disclosed no new information, a revised estimate will not be required and he will proceed at once to issue notice under section 9. In large calculations based on detailed informations which does not cover the whole area, he will proceed to make a detailed enquiry as to sales, the quality of land, the value of houses, trees and crops; and in sublet areas, to rates of rent and conditions of tenancy. In conducting his enquiry he will make use of all the materials specified in paragraph 25 and of the tenants' rent receipts, and he will cause the information to be recorded methodically. If a subordinate officer is deputed to make enquiries he must work under the close supervision of the Collector.

It should be possible at this stage to estimate the area which may be resumed where it is covered by a lease which contains a condition of resumption.

54. Revised estimate. Any material excess over preliminary estimate to be specially reported : With information thus obtained the Collector will be in a position to revise the preliminary estimate, if necessary, and in doing so, the greatest care must be taken. The particulars of the revised estimates should be recorded in form 5 prescribed by paragraph 24 and if it exceeds the preliminary estimate by more than 20 per cent, the Collector should stay proceedings and report the probability of such excess to the Executive Engineer, in the case of land required for public works purposes or in the case of land required for any other department or for a local authority or company to the chief local representative of the department or local authority or company so that it may be ascertained whether the object sought can not be otherwise secured, either by obtaining some plot of land other than that originally contemplated, or in some other way.

55. Procedure on revision of estimate : The revised estimates will be signed by the District Officer and if it exceeds the preliminary estimate by more than 20 percent, it will be accompanied by an explanation of the excess. If it exceeds Rs. 1,000 it will be countersigned by Government in the Revenue Department. The estimate will then be forwarded to the officer requiring the land by the District Officer, or Government in Revenue Department, as the case may be for submission to Government in the administrative department concerned. If that department decides to proceed it will accord the sanction of Government to the revised estimate and issue instructions to the

Revenue Department to proceed with the acquisition or to postpone the proceedings until funds are available. If the administrative department decides not to proceed it will ask the Revenue Department to drop the proceedings taken for acquiring the land. When the estimate exceeds Rs. 25,000 and the Revenue Department is the administrative department, similar action on the estimate will forthwith be taken by that department instead of it being forwarded to the officer requiring the land. In cases where any authority subordinate to Government is empowered to sanction the cost, the revised estimate will be submitted for the sanction of the cost, the revised estimate will be submitted for the sanction of such authority, who will also take similar action and report for the information of Government what action has been taken.

56. Detailed estimate in railway project : In railway projects the revised or detailed estimates will be drawn up separately for each mile, and will " if it exceeds Rs. 1,000 be countersigned by the Government in the Revenue Department" It will then be sent to the Railway Authorities for obtaining sanction and for indicating the head to which the expenditure will be chargeable. After delivering possession of such waste and arable lands as have been the subject of orders under section 17, and after acquiring such homestead lands as the Railway Authorities desire to be handed over to them immediately, the Land Acquisition Officer will proceed to prepare the revised or detailed estimates mile by mile, and to hold enquiries and make awards as sanction is received. He should arrange this work in such a manner as will keep the whole of his staff fully employed, and should begin to hold his enquiries and make awards for the

miles for which estimates have been sanctioned, while materials are being collected for the detailed estimates of subsequent miles.

CHAPTER V
NOTICE, ENQUIRY AND AWARD
(Section 9 to 15 of the Act)

57. Issue of notices under section 9 : As soon as the plans, schedules and khatians have been tested and the revised or detailed estimates, where necessary have been prepared and sanctioned, the Collector will issue the notices prescribed by section 9 and, if necessary, requisitions prescribed by section 10 on the persons interested in the land or occupiers (if any) of such lands. He shall at the same time inform the local authority, railway or other company who have, under section 50 (1), to defray the charges of the land acquisition, of the day on which the enquiry under section 11 is to be held, or to which it may be postponed, and shall give such authority or company an opportunity of appearing by a representative or agent to contest the claims of the claimants to compensation and to produce evidence before the awards is made, as to the value of the land; and when making the award he shall take into consideration any representation which such officer may make, whether it is make orally or by letter. Should the land be occupied by; or any portions of it belong to or be in the possession of, Government, the personal notice required by the law should be served on the

chief local representative of the department interested. The forms of notices and requisitions are forms 11, 12 and 13.

58. Notices under section 9who are entitled to as persons interested : The object of the law is to secure the publication of a general notice before the surving of a special notice, but there is no objection to the special notice being issued simultaneously with the general notice. A zaminder, patnidar and other intermediate tenure-holders, an ijaradar, and raiyats may be persons interested. In the case of Narain Chandra Baral versus Secretary of State (I.L.R., 28 Cal., p. 152) it was held that a yearly lessee of tanks was also a person interested.

When a notice under section 9 of the Land Acquisition Act does not contain the material facts, which would enable the landowner to identify the land intended to be taken up, and where the land to be acquired is affected with a franchise and the franchise is not described, and the notices fixes less than the prescribed time to prefer claims, these being irregularities, a suit for damages for permanent injury to a ferry caused by acquisition under the Land Acquisition Act is maintainable in the Civil Court, notwithstanding that an award has been made by the Collector, not allowing any compensation for the ferry, as it was not claimed even after a special notice. Sub-section (2) of section 10 of the Railway Act does not bar a suit for compensation in the Civil Court, When the Collector refused to adjudicate upon the claim put forward by the owner. A suit will lie in the Civil Court in respect of claims for damages, which could not be foreseen at the time of the acquisition proceedings.

A suit to recover compensation for land required, instituted on the refusal of the Collector to award any compensation under the Land Acquisition Act, is governed by Article 120 of Schedule I of the Limitation Act, the right to sue accruing either from the date of the acquisition or refusal by the Collector to award compensation. The mere construction of a railway bridge across a river, whereby the profits of the ferry are reduced, does not entitled the owner to claim damages; but where lands on both banks of the river, which were used as landing places for the ferry, were acquired for the purpose of a railway bridge, and the access to the river and with it the exercise of the franchise was destroyed, the owner was entitled to compensation. The value of a ferry ought not to be determined by ascertaining the average profits at the date of the acquisition by regarding it as an invariable quantity and by taking a number of years' purchase. The damages ought to be calculated on the basis of the average profits from the ferry (I.L.R., 34 Cal., page 470).

The persons interested must clearly state in their claims the interests they have in the land and the amount they claim for it. (Appeal from original decree, No. 172 of 1901, Calcutta High Court - Kasi Prasad Singh versus Secretary of State, not reported.)

Government have been advised that a receiver is not a trustee and does not ordinarily come within the enumeration of per "entitled to act" as defined in section 3(g). If a receiver claims to be entitled to act for parties interested who are his principals, his authority must be ascertained from the order appointing him, just as the authority of a pleader or a mukhtear

must be ascertained from his vakalatnama or mukhtearnama, or power-of attorney.

59. Unit of case for the purposes of award : It is not always necessery or even desirable to treat the whole land coverd by a declaration as a single case. In large projects, in which the land lies in several villages or in several states within a village or in railway and other projects, in which the land runs through lengths of more than one mile, it is desirable to make separate awards for different portions of the land. A separate claim and not a separate interest in land can form the subject of an award. It is not permissible to treat separate interests in a plot or group of plots in separate awards. There is a wide difference between a separate claim and a separate interest. A may be interested in a piece of land as a proprietor, B as a tenure-holder and C as a raiyat, but the three interests of A. B and C make up only one claim. The point for enquiry is the whole value of the land though that value may be divisible among several persons holding different interests in the land.

When lands are required for railways, roads, embankments, drainage or canals, a case should not include land covered by more than one mile plan. Each plan should then be treated as a separate unit for the purpose of the formation of cases from the claims to the land comprised in it.

The High Court have ruled in I.L.R., Cal. XXXIV, page 599, that the Collector and the Judge should try to consolidate claims to compensation as far as possible and have pointed out that the splitting up of lands for the ascertainment of compensation may afford a just ground for complaint.

60. (a) Registers of land acquisition cases : (a) All officers employed in the land acquisition work are to maintain registers in Forms 2 and 14. For really large projects separate volumes of the registers should be opened.

(b) Register of projects (Form 2) : Register in Form 2 is intended to show progress at each stage. As soon as an application is received for a draft notification under section 4(1) in any project, an entry will be made in column1; care should be taken, if a separate volume is not opened for the project, to allow sufficient pages in the register to cover the number of cases likely to be opened. The subsequent columns will be filled in at each stage of progress.

(c) Register of land acquired (Form 14) : Register No. 5 in Form 14 will contain a detailed account of the land acquired and the cost of acquiring it, and is intended also to furnish the information required for correcting the Deputy Commissioner's Land Registers as required by paragraphs 128 - 132.

Columns 4, 5 and 6 to 12 will be totalled when the awards are completed, and the columns 13 to 15, when the last reference or appeal in the project is decided or when the time for making references has expired and no applications have been received. Column 16 will contain a single entry for the whole project, viz. the total of monthly apportionments made under paragraph 187. The totals of columns 12 to 15 and entry in column 16 should then be totalled horizontally, and the total of column 17 should be deducted therefrom to show the total cost of acquisition in column 18. Entries in column 20 will be made

for each case or for a group of cases according as the trees, etc., are sold on a basis of separate case or group of cases.

Each entry of area in column 6 should be compared carefully with the corresponding area shown in khatian prepared by the Land Acquisition Officer in Form 10 for the purpose of calculating the values in detail, and the total area of the project with the total of the khatian, and the area as entered in the Schedule (Form 9), which must all agree with each other, and also with the gross area in the plan of the requiring authority or in the case of acquisition for railways in the mile plan of the Engineer. An attempt should be made to reconcile and correct even the smallest differences between the area axtracted from the Land Acquisition Officer's plan and in the gross area in the plan of the Requiring Authority and if the difference exceeds 2½ percent the matter should be brought to the notice of the Requiring Authority and a formal note of the reasons should be recorded in the "Remarks" column.

In case of railways, roads, embankments, or canals, such registers should be separate for each unit of a mile or portion of a mile to correspond with the separate plan and schedule of the land acquision surveyor and should be opened as soon as the khatians are ready. The separate registers for the whole scheme will be stitched together on the completion of the proceedings.

61. Order sheets : To ensure that land acquisition cases are treated with despatch and are not lost sight of and that the procedure is in accordance with the law, the orders issued at all stages of the proceedings will be recorded on order sheets, and every order must specify the date on which the case is to be put up.

For each project there will ordinarily be three order sheets which may be called (1) preliminary order sheet, (2) project order sheet, (3) separate case order sheets (one for each case as determined in accordance with rule 59).

(1) Preliminary order sheet : This will generally begin with a reference to the letter of the requiring officer or department asking for a draft notification under section 4(1). It will contain all the orders relating to submission of draft notification, issue of notice under section 4(1), intimation to requiring officer and disposals of objections under section 5A and it will end with the submission of estimate and draft declaration under section 6.

(2) Project order sheet : This will be opened on receipt of orders for acquisition under section 7, and will contain the orders relating to the detailed survey the schedules of plots and the khatians, the revised map and revised estimate (if any), the constitution of separate cases, and the issue of notices under sections 9 and 10. In the case of large projects for railways, roads, drainages, embankments and canals there will be a separate project order sheet for each mile of the project. After the issue of notices under sections 9 and 10 the orders peculiar to separate cases will be written on the order sheets of those cases, but orders relating to the whole project or mile of the project will from time to time be entered on the project order sheet, e.g., orders relating to local enquiries affecting the whole project, to the preparation of the awards statements in Form A, to applications for allotment of additional funds, etc. The orders relating to the preparation of the final report and to the deposit of the record in the record room will also appear in the project order sheet.

(3) Separate case order sheets : There will be separate case order sheets for each separate case constituted under paragraph 59. It will open with an order recording the date which has been fixed by the notice under section 9 for making claims, and all subsequent orders relating to the service of notice under section 9, the enquiry and award under section 11, the issue of the notices of the award under section 12, the adjournment of the enquiry under section 13, the taking of possession under sections 16 and 17 and the application for reference under section 18 shall be recorded thereon. General orders relating to local enquiries which cover the whole project or mile of a project may be entered on the project order sheets so long as sufficient entries are made on the separate case order sheet to show clearly the course of the enquiry and the dates fixed for each stage of it. In large offices rubber stamps should be provided to facilitate the entry of the commonest orders. For the purposes of sections 12, 18, 25, 29 and 31 it is essential that the record of the Collector should show clearly which of the interested parties received notices under section 9 and whether the dates to which the enquiry was adjourned were duly announced, so that those who received notices under section 9 had opportunities of making claims (section 25 (2)), which of the parties were present personally or by their representatives when the award was made (section 12 (2) and 18 (2) (a)); when the notice under section 12 was served (section 18 (2) (b)); whether the several persons interested agreed in the apportionment of the compensation (section 29), and whether any interested party who received payment did so under protest (section 31). The necessary information on these points should be recorded on the order sheet.

62. (1) Position of the Collector and of the Land Acquisition Officer : The Collector in making an enquiry and award under section 11 is, in no sense of the term, a Judicial Officer, but acts as the agent of the Government acquiring the land. The enquiry and valuation made by him are not judicial proceedings, but are departmental in their character, for the purpose of enabling the Government to make a tender through him to the persons interested, and it is opened to him in making his award as to the compensation to be offered, to consider all available information on the question. It is also opened to Government to issue instruction as to the information the Collector is to take into account in making his valuation, and as to the course to be taken by him when he finds, as the result of his enquiry, that the amount of the compensation which in his opinion should be allowed for the property, largely exceeds the estimates on which the acquisition was sanctioned.

In the case of Durga Das Rakhit versus Queen Empress reported at pages 820 - 827 of the Indian Law Reports, Calcutta service, Volume XXXVII, for Octoner 1900 it has been ruled by the High Court that a Deputy Collector acting under the Land Acquisition Act, (a) is not a judicial officer, (b) is not a Revenue Court within the terms of section 476, Code of Criminal Procedure, (c) is not authorized to administer an oath, and (d) is not authorised to required a verification.

(2) Whenever proceedings are conducted by an officer - other than the District Officer - empowered under section 3 to act as a Collector, such officer may, in cases where there has

been a revised estimate amounting to over Rs. 1,000 duly prepared and sanctioned for the project, make ordinarily the award without further reference provided the amount of the award is (i) within the sanctioned estimate and (ii) does not exceed Rs. 10,000 in any one case and (iii) where the rates adopted in the award do not exceed those specified in the estimate by 10 per cent.

Note : The above sub-paragraph should be interpreted as follows : Where the sanctioned revised estimate exceeds Rs. 1,000 but does not exceed Rs. 10,000, the officer can make an award without further reference provided (1) the rates adopted by him do not exceed the revised estimate rates for individual items by 10 per cent or more, and (2) the total amount of the award is within the total amount of the revised estimate.

E. g. : If a block of land to be acquired consists of different classes of land - agricultural, residential or trade sites - and revised rates for each of these classes of lands have been sanctioned, the officer can make variations upto 10 per cent, in the rate of any of the classes provided the total amount of the estimate is not exceeded.

In csaes not covered by these conditions he must consult the District Officer demi-officially, and take into consideration such in formation as to the proper valuation as that officer may communicate to him, and follow such instructions as he may

provision of section 48 of the Act, or to allow them to proceed on the basis of the award of the officer-in-charge of land acquisition proceedings.

(4) When the proposed award in proceedings whether conducted by the District Officer or by any other officer appointed to act as Collector exceeds the sanctioned estimate by over 15 per cent the District Officer will see that the award is deferred and the requiring authority informed of the facts. Further actions should be suspended until the requiring authority has decided whether the acquisition should be proceeded with or not and has provided the necessary funds.

63. (a) Method of conducting enquiry : It is the duty of the Collector to conduct his enquiry in such a manner that the parties may have full opportunities to have their claims considered. If, as will usually be the case, the Collector on receipt of the claims fixes a date for local enquiry, the parties should receive notice of the date of the local enquiry and should be given opportunities of explaining and supporting their claims on the spot.

(b) Grounds of Collector's award to be fully explained : In conducting his proceedings, the Collector should explain to the parties before him the provision of the section 23 and 24, informing that his own award and that of the Court, if reference be made to it, must be based on the principles therein enunciated; and that, if the case goes to the Court, they may be disallowed a portion of their costs, or may be required under section 27 to pay a portion of the Collector's costs, if the Court

should be of opinion that their claims are extravagant or that they were negligent in putting their cases before the Collector.

64. Award to be made in all cases : Subject to the condition that no award shall be made unless an estimate of cost for the project has been duly prepared and sanctioned, the Collector shall make an award in all cases whether the claimants attend the enquiry or not and whether they agree or do not agree to the compensation fixed by him. If dispute arises as to the apportionment of the award the Collector has the option of referring it for the decision of the Court under section 30, but if he does not do this he must apportion the compensation, though he must take care not to make payment before the time for reference under section 18 (2) has expired.

65. Form of award : The Form of award is Form 15. It should be written out, signed and dated before any payment is made.

66. Additional compensation under section 23 (2) : The attention of Collectors is called to the provisions of section 23 (2), by which an additional compensation of 15 per cent. on the market value, not on the total award, is to be paid to the owners of the land occupied. In other words 15 per cent is not to be added to compensation awarded in consideration of any of the matters specified in clauses secondly to sixthly of section 23 (1). A table is given in Appendix IV for calculating the addiional compensation.

67. On trees, houses, etc. : As under section 3, trees, houses, crops, and other immovable things standing on land under acquisition are included in the definition of the word "land", the value of such things should always be included in the Collector's

estimate of the market value of the land, and the additional compensation under section 23 (2) must be paid on the lump sum.

The words "standing crops" and "trees" mentioned in clause secondly of section 23 (1) refer to crops and trees grown after the date of notification under section 4 (1) and before the Collector's taking possession of the land acquired and additional compensation is not payable for them.

68. Additional compensation under section 23 (2) to be paid in all cases unless waived by written agreement : It should be borne in mind that it is a presumption of law that the surrender of land acquired under the Act is compulsory. The additional compensation of 15 percent must, therefore, be paid in all cases. In cases in which under special agreement the parties have accepted a lump sum, and distinctly waived or included therein the claim to any additional compensation under section 23 (2), that lump sum must, for the purpose of award, be divided into a specific amount plus 15 per cent additional compensation (vide paragraph 5). In all cases this agreement must be taken in writing and filed with the proceedings.

69. (a) Award may not be amended except in certain cases : When the Collector has made his award under section 11 he is not competent to amend it or to make a supplementary award except in cases of clerical error, error of calculation of manifest omission to deal with a part of the claim made by an interested party.

(b) Collector's order under the Act cannot be set aside or modified by executive authority : Government cannot set aside or modify any order passed by the Collector under the Act.

70. Immediate notice of award to be given to parties : Section 12 (2) requires that immediate notice of the award shall be given to any of the persons interested who were not present personally or by representatives when the award was made. It is advisable in practice to issue these notices to all the persons interested in whose favour an award is made. A form of notice is given in Form 16.

Under section 51, a claimant is entitled at any time, free of cost, to one certified copy of so much of the award as concerns himself and no court fee is chargeable on his application for such a copy.

71. Accounts Officeers to whom statements of accounts are to be sent : Statements of awards (Forms A and AA in Appendix 5 to the Assam Financial Rules, reproduced in Appendix I of this manual) should be sent in all cases whether of temporary occupation under Part VI of the Act, or for permanent acquisition, to the officers named below.

If the land is taken for any purposes of the Public Works Department, for any civil department or for any local fund, or other authority financially independent of Government- The Comptroller, Assam.

If the land is for the railway - The Examiner of the Railway Accounts concerned.

If the land is for the Military Works Department - The Examiner of Military Works Accounts.

If the land is for any purposes of The Military Department - The Comptroller of Military Accounts.

If the land is for the Postal or Telegraph Department - The Accountant-General, Posts and Telegraphs.

The award statement (Form A) should be despatched immediately after the award is made in each case, and the subsidiary statement (Form AA) should be despatched as soon as all the compensation has been disbursed in one or more of the method enumerated in that form.

The Accounts Officer concerned will return the statements after audit to the authority who finally confirms the land acquisition proceedings as explained in paragraph 133.

The award statements, when returned by the Accounts Officer concerned should be preserved permanently in the office of the authority confirming the proceedings under paragraph 133, i.e. Government.

CHAPTER VI
GENERAL PRINCIPLES AND PROCEDURE OF VALUATION

72. Market-value of land : Section 15 of the Act lays down that the Collector shall be guided by the provisions of section 23 and 24 in determining the amount of compensation, which he should award under section 11. Sub-section (1) of section 23 enumerates the points which the Collector must take into consideration in fixing compensation.

The first and most important item is the market-value of the

land at the date of the publication of notification under section 4 (1). 'Market-value' has been interpreted as the price which a willing vendor might be expected to obtain in the open market from a willing purchaser (vide Mr. Justice Beverley's Annotated Land Acquisition Act, 5th edition, page 43).

73. Classification of land : If the land under acquisition is not of a fairly uniform nature from the point of view of market-value it should be classified from that point of view. The form prescribed in paragraph 24 refers to land under heads arable, homstead, bazar, waste and other kinds. There is no objection to opening additional heads such as land under tea, land under forest, land under roads and so on nor should there be any hesitation in sub-dividing the classes mentioned above where the difference in the values of lands falling under any of the classes is marked.

74. (a) Methods of determining market-value : The recognised methods of ascertaining the market value are :

1. To discover the prices paid in previous bonafide sales of the land or part of the land under acquisition or in sales of similar lands in the vacinity within a fairly recent date; these prices, if not adopted, can be modified for adequate reason.

2. To discover the net annual income from the land and to collect its value on a certain number of years' purchase.

Sales, leases, net annual letting value, net annual value of produce and value awarded in previous land acquisition proceedings are relevant evidence on the question of market

value. Sales form the best evidence. If there are no sales and the annual letting value can not be ascertained, the annual value of the produce, i.e., the net profit derived from the land should, as far as possible, be estimated.

(b) The method contemplated by the Act is to ascertain first the total value of the land, and subsequently to apportion the value among the person holding different interests in the land. In practice, however, this is often a mater of some difficulty because it is very seldom in permanently- settled areas as Sylhet and Goalpara, that land sold with all the interests in to combined. Usually, it is only a particular interest, e.g. the landlord's or the tenant's interest that is sold. In most cases, therefore, it is first necessary to estimate the value of the different kinds of interest in the land and then to add together the results so as to arrive at the total value of the land to be acquired.

Most agricultural land is in direct possession of raiyats and in permanently settled districts many of those raiyats have saleable interests. In large zamindari estates as in Goalpara and some parts of Sylhet, sales of land in the cultivation of proprietors are not common. The most convenient way of determining the market value of agricultural lands is to value the two main interests in it separately, namely, (1) the interest of the occupancy raiyats, or raiyats with saleable rights, (2) the interest of the proprietor, the latter may be divided between the proprietor and intermediary rent-receivers. It will often be possible to determine the value of the interest of raiyats especially those with saleable rights, by reference to private sales

in the neighbourhood. As regards the value of the interests of the proprietor it will usually be necessary in the absence of any better material, to capitalise the annual rent paid by raiyats. Lands in the cultivation of landlords may, if there are no sales of such lands, be valued in the same manner as lands occupied by a raiyat having saleable interests and adding thereto the value of the proprietor's interests.

The form of estimate prescribed in paragraph 24 assumes separate valuation of landlord's and raiyat's interest. Where the market-value of land is ascertained with reference to the sales of land in the cultivation of owners the portion A in Part I dealing with the landlord's interests separately should be omitted and the heading B - "value of raiyats, should be changed to "A and B" value of the Land Lords and raiyats' or owners' interest" according as a land is leased or is in the occupation of owners.

75. Sale statement : The Collector should check the sale statement prepared at the time of the preparation of estimates. He should add to it, by consulting the records of the registration office and making local enquiries to find out instances of sales in the area under acquisition or in its neighbourhood. He should inspect the land sold in each sale that comes to his notice and record the result of his investigation in the statement.

In the case of large estates search should also be made for instances of lands in the cultivation of landlords leased to raiyats and if found, they should be examined and the result tabulated. The salami paid and the rent reserved in such leases will furnish useful data for determining the value of land which is not settled with raiyats.

If possible, the relative position of the lands covered by the sales and leases with reference to the land under acquisition should be entered in a copy of the cadastral survey map.

Cases of sales cited by the parties interested in filing claims in pursuance of notices under section 9, which are unknown to the estimating officer, should be carefully examined on the spot by the Collector and included in the sale statement. Collectors cannot be too careful in their enquiries into the bonafides of recent sales as it is not infrequent that such sales are bogus ones made by or at the instigation of interested persons in order to create evidence for the purpose of land acquisition awards.

Sales or leases subsequent to the date of publication of the notification under section 4(1) should not be taken into consideration in determining the value of the land.

Sales which have taken place in times of abnormal economic depression or prosperity should be carefully examined. A perusal of the Sub-Register's note book, if it has been intelligently maintained, may often prove useful. Sometimes the value of land in recorded sales may be low because the vendor could not be said to be in the position of a free agent, e.g., being in the clutches of a money lender. On the other hand, the value may be unduly high, e.g., because in the case of the purchase of town lands for a shop site, the purchaser has had to pay some "fancy" price demanded by the vendor.

76. (a) Valuation by the method of capitalization of profits : The principles underlying the practice of capitalization

of the net annual profit should be clearly understood. A purchaser of agricultural or town land, other than a cultivator ordinarily regards land as an investment yielding interest in the form of rent, and even the purchaser of house property who intends to reside in the house regards the property as an investment which will save him the payment of a certain rent. The annual profit (or saving as the case may be) obtained by such purchases, therefore, represents intersts on capital invested and the rate of that interests is reasonably assumed to be equal to the rate of interest obtainable from other securities of similar safety. An investor in an uncertain security expects and obtains a higher rate of interest than an investor in a safe security. Land is a safe form of security, and consequently an investment in land does not ordinarily obtain a high rate of interest, but some kinds of lands constitute safer securities than others, e.g., agricultural land is ordinarily the safest because it is least liable to undergo change and to remain vacant, while the safety of the security of house property depends on the condition of the buildings and the chances of the property remaining unlet. The number of years' 'purchase at which the net annual profits of land are capitalized are generally 16 $^{2}/_{3}$, 20 or 25, though intermediate numbers are sometimes given. 16 $^{2}/_{3}$ years' perchase means that the interest on the investment is treated as being 6 per cent, 20 years' purchase means 5 per cent and 25 years' purchase means 4 per cent.

77. Factors to be considered in capitalising the income of landlord from rent : Sales of landlords' interests are generally useful as furnishing data from which to deduce the number of

years' purchase, on which the net annual rent of profits of the landlord should be capitalized to determine its market-value.

It is necessary, however, to consider whether the rent is fixed or variable, whether the landlord's title is permanent or not and transferable or not; also what is the current return expected on investments in land.

In capitalizing the income of a landlord, the expenses of collection of rent, the revenue due to Government or rent due to superior landlord should be deducted from the gross rent collections. It is usual to take the collection expenses at 10 per cent of the gross rental.

78. Landlord's interest : The form of estimate prescribed in paragraph 24 contemplates a case in which the interest of the landlord is confined to the right to receive permanently rent at a fixed rate, and the value of this interest is calculated by deducting the cost of collection and of repairs (in the case of house property) and the Government revenue and capitalising the net annual profit, and in such cases this is the correct method of valuation of the landlord's interest, and the interest of other parties can be separately valued. But there are varying conditions which effect the nature of a landlord's interest and this must be taken into consideration. Thus the value of the interest of the landlord is greater in proportion as the fixity of the tenure of the interested party subordinate to him is less, and in cases in which the holder of the subordinate interest can find purchaser for his interest in the open market subject to the consent of the landlord and on payment of fee by the purchaser, the landlord is entitled

Allowance should similarly be made for landlords' fees on succession, bequests, gifts, etc., if such fees are sanctioned by law. Whatever method is adopted it is most important that the award should show clearly that the question of transfer and other fees has not been overlooked, and if compensation has been awarded for the prospective loss of such fees, in what manner this has been done. It must be remembered that the acquisition of an occupancy holding under the Land Acquisition Act is not a transaction which requires the landlord's consent, and a landlord is not therefore entitled to receive as compensation one-fourth (or whatever the customary portion may be) of the amount awarded to the raiyat a compensation for his interest.

In the case of town lands occupied by tenants-at-will in which no one subordinate tc the landlord has any interest which would fetch a price in the market if sold, the landlord's compensation can sometimes be estimated better by a consideration of the rent which the landlord receives.

79. Raiyat's interests : The values of the interests of raiyats holding at fixed rents or rates of rent, occupancy raiyats, non-occupancy raiyats and tenants-at-will depend on the varying conditions of their tenancies. Ordinarily where the party has a saleable interest or can find a market for the sale of his interest, the prevailing prices as recorded in registered deeds will provide the most reliable basis for valuation even in cases in which the purchaser cannot obtain a valied title without the landlord's consent. In the latter cases, the market-value of the interest is the price which it actually fetches in the market, whatever that

interest may be. The landlord is not entitled to any share in that portion of the compensation which represents the value of such interest of the tenant, and his claim (if any) based on the right to receive transfer fees must be dealt with by a consideration of his loss of prospective transfer fees. The interests of non-occupancy raiyats and of raiyats holding under unexpired leases will usually be valued on a consideration of their net profits for a short term of years, due regard being paid to the inferiority of their interests as compared with that of occupancy raiyats, and the consequent superiority of the interest of the landlord. The compensation payable to tenants-at-will is generally confined to what is due under the provision of section 23 (1) fifthly. Collectors should take care that raiyats are not deprived of their due compensation either through their ignorance of the law and procedure or through encroachment on their rights by parties who are more capable of pressing their claims.

It should be added that though there is no rent law in force at present in the temporarily- settled parts of the province and the status and rights of tenants are wanting in statutory definition, not all the tenants in these areas are mere tenants-at-will; some, like paiks and thakbukta tenants have a right to hold lands at the current Government rates of revenue and cannot be ejected except in execution of a decree; and a few, e.g., Bhakats in Barpeta Satra are believed to have saleable interests.

80. Award to include value of trees : (1) : The award to be made by the Collector must include the value of trees standing upon the land, but Collectors should be careful not to

pay the value of trees twice over, e.g., when the value of the produce of the tree has already been included in the rent which forms the basis of the award. The raiyat is entitled to compensation for the value of the produce of the trees and such compensation should be awarded to him unless it has already been included in the rent which forms the basis of the award. The right to the timber of the tree when felled belongs by the general law to the proprietor of the land, subject to any custom to the contrary, the burden of proving such custom being on the raiyat. (see ruling of the High Court in Nafar Chandra Pal Chaudhury and others versus Ram Lal Pal, I.L.R., Calcutta Series, Volume XXII, Pages 742 - 752). Where according to local custom, the landlord is entitled only to the rent of the land and not to the value of the trees when felled, he should not be paid separately for the trees, the market value having been calculated on the rental; where the landlord and tenant are entitled each to half the value of trees when felled or fallen they should both receive some compensation for trees of any value as timber; and where the tenant alone is entitled to the value of trees when felled, he alone should receive separate compensation for them. Land is generally made over with trees to the requiring authorities, and the trees are either kept or sold by them when felled. When, however trees are sold by the Collector, he should credit the value of the timber to the project.

(2) Special provision for Goalpara district : In Goalpara district, the apportionment of the value of trees will be governed by section 84 of the Goalpara Tenancy Act (Act I of 1929) section 74 (3) (d) of the same Act may also be referred to.

81. Additional 15 per cent compensation does not apply to standing crops and trees grown after the date of notification under section 4 : The standing crops and trees referred to in clause secondly of section 23 (1), are crops and trees grown after the date of the notification under section 4 and additional compensation is not payable for them.

82. Valuation of tea garden lands : The Collector should study the sales, if any, of tea gardens in the district. The sale price would, in the case of whole gardens, include the present value of machinery, buildings, tools and plant, goodwill of the labour, etc., and a deduction on this account must be made before arriving at the price of land and crop. The value of the land and crop taken up may be assessed by comparing the fertility, accessibility and other circumstances of the garden with those of the gardens sold. The Collector may check the results thus arrived at by calculation based on the capitalization of net annual profits described below.

Under the latter method the owner of the estate should be required to produce the accounts of the estate for a period of the preceding five or more years showing what its average net profits have been during that period after deducting for each year from the total receipts from tea sales, the total expenditure on the estate under all heads, e.g., the maintenance of buildings and machinery, cost of importing and feeding coolies, salaries, commission, freight to Calcutta or London, brokerage and insurance, etc. The average net profits of the estate having thus been ascertined, the tea-bearing estate may be valued at so many

years' purchase. The valuation arrived at by this method covers the value of the whole property including buildings, machinaries, coolies, etc. where therefore the Government takes up only the land and crop, a deduction must be made on this account, the amount of which must depend on the circumstances of each case and on the evidence produced by the claimant as to compensation. The capital expenditure of the garden will have to be considered and the proportions chargeable to the land taken up. By capital expenditure is meant the capital spent on the estimate and not the present value of the buildings, machinary and coolies, etc. The Collector should in all cases examine the Manager, record his evidence, verify it by local inspection and clear up doubtful or obscure aspects of the "profit and loss accounts" and the "assets liabilities statements" filed before him.

Waste land in a garden should be valued no higher than other waste land. Similarly nurseries or land planted out with tea which is not at present yielding anything cannot be valued with reference to the profits it will bring hereafter when the tea becomes mature. Such lands should ordinarily be valued by taking the value of waste land and adding to it the estimated expenditure incurred in cultivating it upto date.

There may be cases where a garden has not for some years earned a profit. It may be that a new garden has not reached the profit- giving stage or that the tea market may have been at a low ebb for some years or that an old garden is producing tea at un-remunerative prices. In such cases some other material than the capitalization of profits must be employed in assessing the

value of the tea land under acquisition. It will often be found possible to ascertain by local enquiry, e.g., from neighbouring planters what the approximate acreage value of the tea-land is. This method may also be adopted-at least as a check-in the case of a tea-garden making a profit.

Valuation of tea land by counting the number of bushes and assessing the value per bush is not to be commended as it is practically impossible to ascertain the net profit to the owner which each bush yields. Counting of bushes, however, in some cases may be useful for ascertaining the number of vacancies in a plot. Another point to be noted that frequently the yield in some sections of a garden is greater than in others. As a rule, the garden records will show the average yields for each section and if the average net profit per acre of the whole garden is known, it may be possible to ascertain, proportionately to the yield, the net profit per acre of the tea-lands which it is proposed to acquire.

It is for the Land Acquisition Officer to consider how many years' purchase of the net profits should be capitalised. Probably 16 $^{2}/_{3}$ years purchase, taking 6 per cent as a fair rate of interest, is reasonable. Where tea lands are held fee-simple or on some other tenure more advantageous than the usual lease for temporarily settled lands, a larger number of years' purchase might be reasonable.

The valuation of tea lands presents pecular difficulties. The instructions given in this paragraph may afford some guide but the Land Acquisition Officer, particularly if he has no previous

experience in the acquisition of tea-lands, would be well-advised to seek the advice of his superior officers.

83. Valuation of buildings : Houses in villages are seldom let out. No data regarding their letting value are usually available.

Huts are usually valued on plinth-areas at suitable rates to cover the cost of construction, deduction being made for depreciation. The value of the land must separately be computed in such cases. Owners of thatched huts or other buildings, which can be removed without serious damage, may sometimes prefer to remove them on payment of the expense of removal.

Masonry buildings in rural area have generally been constructed by the owners for their residence, and there is no market for such buildings. The structures are in such circumstances valued by calculating the cost of construction minus depreciation. Similarly where houses are used for some particular purpose not of a commercial nature, for instance a school, compensation is fixed on the cost of building the school elsewhere. The land on which structures stand must be separately valued.

In towns the method of valuation of house property will necessarily vary according to the nature of the information available as regards rents, sale prices, and the condition of the property. Though both rent and sale prices should always be considered, the methods adopted can be distinguished as valuation based on rental and valuation based on sale prices.

In valuation based on rental the municipal assessment should be considered, where it is made on the valuation of holdings, but

the safest guide will be found in the rent actually received for the holding to be acquired and in rent actually received for similar holdings in the immediate neighbourhood. When the rent has been ascertained, deductions should be made for taxes payable by the owner, the cost of repairs, collection charges and the periods during which the property is likely to be unoccupied and the net annual value should be capitalized at a number of years' purchase; the number of years should be calculated in accordance with the principles stated in paragraph 78 with due regard to the condition of the buildings and the risk of their remaining unoccupied. When this method is adopted no separate compensation should be paid for the value of buildings, trees, tanks, wells or other conveniences, since these all form part of the holding for which rent is paid.

The second method is based on a consideration of sale prices of house property in neighbourhood, but as the sale-deeds frequently do not distinguish between the prices of the house and the land, and attempt is made to ascertain what portion of the sale price represents the price of the land, by valuing the house separately and deducting its estimated value from the total sale price. In such cases the house is valued on a consideration of its plinth area and probable or actual cost of construction, deduction being made for depreciation. When the value of the plots most similar, which have been sold in the neighbourhood, has been thus estimated, it is sometimes found that the land under acquisition differs from the land which has been sold according more or less of its area is adjacent to a road

order to estimate the error which might arise from the difference the Collector sometimes makes use of what is called the "belt" system, which fixes a ratio, which the value of frontage land of certain depth bears to land at the back.

The disadvantage of the valuation of town lands on the basis of sale prices is that values vary very widely according to position, and it is consequently difficult to find a case of sale of similar property, even if the situation of the land is similar, the nature of the building may differ and the relative value of the two plots of land may thereby be obscured. Moreover, the method of valuing a building which has been described above is based rather on the cost than on the market value of the building and is artificial, seeing that the sale price represents the market price of house and land together. Again the "belt" system of vluation is not always satisfactory, as it is difficult to determine in each case what are fair widths for the assumed "belts", and what are fair proportionate values of the lands in each "belt".

When therefore the conditions permit and records of sales of very similar house property are not available, it is generally preferable to value town lands on the basis of rental, but even when the rental basis is adopted, it is often convenient to check the results by a consideration of the prices obtained for the lands most similar which have been sold.

84. Valuation of tanks and wells : The following principles should be applied in awarding compensation for tanks :

(1) If the tank is used for the purpose of supplying water

for irrigation or for drinking and is in good repair, the cost of construction of a similar new tank including the cost of the land required for the tank and its banks should ordinarily be tendered as compensation. If the tank is out of repair, a deduction should be made on this account.

(2) If the tank is not used for drinking water or for purposes of irrigation, compensation should only be allowed on its present value, if such value can be ascertained by precedents, or on a number of years' purchase of the receipts from the bank, from fish or other sources.

(3) In case (1) the tank and its banks are valued together. In case (2) the banks should be dealt with separately, compensation being awarded on the basis of the market value of similar raised land in the neighbourhood.

Small wells and irrigation channels, excavated in arable fields for the purposes of irrigation need not be separately valued, if in valuing the land its improved qualities due to irrigation facilities is taken into account. Wells sunk for the supply of drinking water and big masonry wells should be valued separately from the land on which they stand. The cost of construction of a similar new well minus deduction for depreciation would generally be a fair compensation.

85. Caution against double payment for buildings, wells, tanks, etc. : Where the land by itself has been separately valued the Collector must include in his award the value of buildings, trees and the improvements, or conveniences standing

on the land ; where, however, land has been valued together with the trees, bushes, houses, tanks, wells, irrigation channels, etc., as in the case of valuation of orchards, tea-lands, house property, irrigated lands, etc., on the basis of capitalizing the net annual rental or profits (or in some cases of sales) the Collector should be careful not to assess and pay the value of buildings, trees, tanks, etc., twice over.

86. Standing crops : It is not ordinarily necessary to include the value of the crops which may be on the land at the time of preparing the estimate or award unless the acquisition is very urgent and it is certain that possession will be taken before the crops will ripen. Before including the value of standing crops in the estimate or award the Land Acquisition Officer should settle this point in consultation with the requiring officer. Unless the urgency of the acquisition absolutely prevents it, the cultivators should, as a rule, be allowed to remove the standing crops at the time of acquisition. This will save money to the requiring authorities and loss to the cultivators. Ripe crops should be valued at the price they would fetch for their grain and straw, if sold in the field. The valuation of unripe crops presents some difficulty. It will be for consideration if they should be valued at the full value of ripe crops minus a deduction for the cost of further cultivation, harvesting and the risk of failure, or the actual cost of cultivation up to date. The stage of growth of the crops should determine which of these methods should be adopted.

87. Compensation under clauses secondly to sixthly of

section 23 (1) : At the time of preparing preliminary estimates, when claims of the parties interested are not before the Collector, it may not always be possible to foresee, unless they are very obvious, whether any damage under clauses secondly to sixthly of section 23 (1) of the Act are payable, and, if so, to calculate them. It is generally convenient to examine definite claims filed by the parties, on any of the grounds enunciated in those clauses, at the stage of enquiry under section 11. It should be brone in mind that clauses secondly to sixthly of section 23 (1) provide only for damages or loss sustained by the persons interested in the land acquired and not by persons not interested in the land nor by the owners of neighbouring lands from whom nothing has been taken.

In an appeal in connection with the payment of compensation in a land acquisition case for the stoppage of a private ferry in consequence of the construction of a bridge by a district board, it was held by the High Court that the word "acquisition", as used in section 23 of the Act, includes the purpose for which the land is taken as well as the actual taking, and that in this view persons, a part of those land has been compulsorily taken from them, should, apart from its actual value, be compensated for injury done to their other property.

In addition to the value of a temple as a building, the sebait is entitled, under the clauses fifthly of section 23 (1), to reasonable compensation for removing the image of the deity and ceremony of re-consecrating it.

88. Beds of navigable rivers : Land acquisition proceedings are not necessary in respect of the beds of existing navigable

rivers unless it be clearly established that they are private property.

When the boundary of a private estate is a river which is not private property, the actual boundary is the high bank and the foreshore is part of the river.

CHAPTER VII
ABATEMENT OF REVENUE

89. Mode of dealing with abatement of revenue : In every case of revenue-paying land, its acquisition under the Act entitles the owner to release from liability for any revenue charge upon the land, and it is the duty of the Collector, before determining the amount of compensation to be allowed in the case of any such land which is under acquisition, to ascertain, in the manner laid down in rules 3 and 4 of the statutory rules at page 50 of this Manual, the amount of Government revenue which is to be deemed payable in respect of such land, and to record this for the purposes of the subsequent proceedings. The amount should be calculated to pies, all fractionss of a pie being dropped. The owner receiving the market-value is also entitled to have his revenue abated by the amount of revenue to which his estate is liable if the and acquired be a whole estate assessed with a specific amount of revenue, or by the amount assessed by the Collector as above upon the land acquired, and this abatement must in every case be offered.

In the case of a temporarily-settled estate (or patta) the extent

of abatement is limited by the fact that the revenue of a temporarily-settled estate must not be less than one rupee in the Assam Valley and eight annas in the Surma Valley.

90. Submission of abatement statement : Land Acquisition Officers will submit statement of abatements to be granted in Form 17 to the Deputy Commissioner. The latter will pass orders on the abatements concerning estates other than permantntly- settled estates and forward the statement to the State Government for orders regarding the abatements, if any, concerning permenently-sattled estates. The Deputy Commissioner's or Commissioner's orders on the statement will be the authority for correcting the Tauzi Roll and for including the amount of abatements in demand Statements submitted in form No. 60 in Volume II of the Land Revenue Manual, 1931, and will be quoted in each instance in the Demand Statements.

On receipt of the Deputy Commissioner's or Commissioner's orders referred to above, the Land Acquisition Department of the Deputy Commissioner's office will forward to the Tauzi Department two copies of the abatement statements with the number and date of the crder noted on the top and the Tauzi Navis (or Registrar Kanungo) will return one copy with his signature and the date noted thereon, in token of his receipt of the statement. This copy of the statement should then be placed in the record of the case to which it refers.

91. Inclusion of capitalized value of revenue in the preliminary estimates : District Officers should, as a rule, provide in the preliminary estimates for the capitalized value of

the revenue chargeable on the land as in many cases payment will have to be made to the Government in reimbursement of the loss due to abatement. The annual revenue should be capitalized in 25 years' purchase for the purpose of the estimate of the amount to be reimbursed to Government. But if the acquisition refers to temporarily-settled lands, and is undertaken at the cost of local bodies or villagers for purposes such as roads, sites of hospitals, dispensaries, schools and the like yielding no return to local bodies or private individuals the District Officers, in forwarding the estimates to the Government should draw their attention to the fact so that the Government may, if they deem fit, grant exemption from the payment of the capitalized revenues and amend the estimate accordingly.

CHAPTER VIII

TAKING AND DELIVERY OF POSSESSION : WITHDRAWAL FROM ACQUISITION

92. Possession to be taken by Collector : Section 16 empowers the Collector to take possession of the land as soon as he has made an award. It must be distinctly understood that occupation of the land by any other officer or person without written authority from the Collector is illegal. For instance, when land has been taken up for the use of the Public Works Department, possession will be given by the Collector to the

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Executive Engineer, or to some person duly authorised in writing by the Executive Engineer to receive it, and to no other person.

93. Consideration for public convenience : Public convenience should be considered as far as possible in taking possession. Notice should be given to the persons interested so that they may have time to make arrangements for moving.

94. Extinction of public rights by acquisition : In accordance with section 16 land acquired under the Act vests absolutely in the Government free of all encumbrances; therefore no public right-of-way or other easement continues after possession has been taken, the law does not provide for acquisition subject to the continuance of such rights. If it is necessary for the convenience of the public that they should continue to use for any purpose land which it is proposed to acquire, the case should be specially referred to Government for orders before the land is acquired with a view to arrangements being made whereby the public may continue to use the land without any right being conceded or admitted; at the same time it should be reported whether the Government Department, local authority or company on whose behalf it is proposed to acquire the land consents to acquisition on the terms proposed. If any such agreeement is sanctioned, care must be taken at the time of taking and delivering possession both to ensure the concession the public convenience and to avoid the admission of any right thereto; in the case of acquisition for a company mention should also be made of such arrangements in the agreement executed between the Company and the Secretary of State for India under section 41 of the Act.

95. Taking of possession when to be postponed : Section 48 enabless Government to withdraw from the acquisition of any land at any stage before possession has been taken. Therefore if any question of withdrawal has arisen the Collector should abstain from taking possession until it has been decided. If claims have been largely in excess of the estimate and the Collector, though not prepared to allow to them, thinks that there are reasonable grounds for fearing that the Court will largely enhance this award, he should either defer making his award, or if he has made his award and the time for making reference has not expired, he should defer taking possession until he has consulted the requiring officer or department and has obtained orders.

If any reference case is pending, or there is any likelihood of a reference case being filed, the Collector should not take possession of the land until it is absolutely imperative, unless the Requiring Authority agrees to pay whatever amount is decreed by the Court.

96. Taking of possession under section 17 : When it is found necessary that possession of land should be taken under section 17, the sanction of Government should be applied for at the time of sending up the declaration under section 6. The following conditions must be fulfilled in cases in which possession is taken under section 17 (1) :

(1) The declaration under section 6 must have been published.

(2) The land must have been marked out and mesured under section 8.

(3) The land must be required for permanent acquisition, and not for temporary occupation and use under section 35, because the effect of taking possession under section 17 is that the land vests absolutely in the Government.

(4) The orders of Government for taking possession must have been received.

(5) Compensation for immediate damage must be assessed and offered.

(6) The land must be "waste" or "arable". "Arable" land means land which is ploughed for annual crops such as jute, rice, etc. The expression does not include orchards, homesteads, tanks, lands under tea, or other lands laid out in permanent crops.

(7) Fifteen days must have expired after the publication of the notice under section 9 (1)

The first five of the seven conditions mentioned above must be fulfilled in cases in which possession is taken under section 17 (2), but this clause provides, with certain conditions about buildings, that possession may be taken of any kind of land, and it allows possession to be taken immediately after publication of the notice under section 9 (1). Possession should not be taken under section 17 of any land which is reasonably suppose to contain workable mines.

97. Detailed explanation to accompany applications for the special procedure under section 17 (1); how section 17

(4) is to be used : In view of the difficulty of making a fair award when possession has once been taken under section 17 (1), particularly when a long strip of land is to be acquired Government are unwilling to sanction the special procedure provided for under this section, unless detailed reasons are given to satisfy them that the matter is really urgent. Collector should, therefore, fully explained the reasons for taking immediate possession, when they apply for the sanction of Government to the application of section 17 (1). When it is necessary to have records to clause (4) of section 17, the procedure to be followed is given in paragraph 21 of these instructions.

The mere recital in the notification under section 4 that, in virtue of the powers conferred by section 17 (4), the provisions of section 5A of the Act shall not apply to the waste or arable portions of the land, does not amount to a direction to take possession under section 17 (1). The specific sanction of Government to take such possession must be obtained.

98. Procedure to be followed in cases of lands made over free of cost to the Railway Company : In the case of land acquired by Government and made over, free of cost, to a Railway Company for the construction of a railway, it has been decided by the Government of India that the Railway Company concerned, in the absence of any express stipulation to the contrary, are entitled to dispose of, or use for the purpose of the railway only, any material, trees, buildings, or other property that may be on the land when it is handed over to them, but the Government are entitled before handing over the land to dispose,

or stipulate for the disposal, of any such material, trees, buildings, etc., which they have been obliged to acquire with the land, and to apply the proceeds in reduction of the cost of acquisition. It has been stated further that it is the business of the Railway Company to clear the land of all obstacles or obstructions and prepare it for the construction of the railway, Government undertaking to secure them empty possession only, free of legal encumbrances. Land Acquisition Officers should bear these orders in mind, and, whenever possible, buildings, trees, crops, materials or other property acquired with the land should be sold by them, and if necessary, remove by the purchasers before the land is made over to the company, unless the company desire to take over such buildings, etc., or portion, for the use of the railway , in which case the value should be fixed for payment by them. When the land must be made over before buildings, etc., can be sold, and cleared, which will often be the case, a stipulation should be made before delivery of possession that the Railway Company shall pay the amount which may be realized by their subsequent sale, a similar stipulation for payment of the value of any buildings, etc., which the Company intends to use for the railway, being also made. The amount received from the Railway Company or by sale shall be credited to the cost of the project.

99. Certificate as to possession : As soon as possession of land is taken under section 16 or 17 of the Act, the fact should be noted at once by the Collector on the project order sheet, as it is an important proceeding.

When land is made over to Railway authorities, a certificate of acknowledgement of possession should be obtained from them in Form 18 and filed with the record, a copy being sent to Government in the Revenue Department at the same time.

In other cases, a similar certificate of acknowledgement of possession should be obtained from the chief local representative of the Requiring Authority and filed with the land acquisition case record.

A certificate of delivery of possession should be given to the requiring officer by the Collector, in Form 18, substituting the word "delivered" for "received" and "to" for "at the hands of".

100. (a) Subsmission of application for withdrawal under section 48 : Although the law does not require the publication of a notification of withdrawal from acquisition under section 48 (1) in the official gazette, it is usual to publish such a notification. Whenever therefore it is intended to withdraw from an acquisition, an application for withdrawal should be made to the Collector of the district, who will submit it with a draft notification in Form No. 19 under section 48 (1) with his opinion to the Government in the Administrative Department stating clearly that possession has not been taken and what amount, if any, is required to cover compensation for damages under section 48 (2) of Notification I of 1894. The Collector will also state whether any charge should be realised from the requiring authority for the cost of establishment and contingencies incurred. The Government in the Administrative Department which sanctioned the original project will then, if it approves of the withdrawal, forward the case to the Revenue Department for

publication of the notification in the Assam Gazette and the issue of necessary orders to the Collector.

The Collector may proceed sumarily in his enquiry in determining the compensation payable under section 48 (2).

(b) Procedure where land is restored after possession is taken when the parties interested agree to restoration : Although section 48 (1) provides for the withdrawal of the Government from acquisition only when possession has not been taken, there is no objection to land being restored at any stage of the case after possession has been taken, when so desired by the authorities on whose behalf the acquisition has been made, provided that the persons interested in the land agree to this course, and are willing to receive that their property with such compensation for damages and costs as may be awarded under section 48 (2). Such cases should be reported to the Government for their orders. Landlords should usually be required to execute an agreement to recognize in their raiyats the same status which they have before the land was acquired : as the Collector is not bound to restore the land to any particular individual there will not generally be any difficulty in enforcing this condition. The restoration of the land may be effected by means of a grant of the land under the Crown Grants Act (XV of 1895) by the Government to the zamindar as part of his previous estate.

CHAPTER IX
REFERENCE TO THE COURT
(Section 18 to 28, 30, 35 (3), 37 and 49 (1).)

101. Different kinds of reference : Reference to the Court are made under sections 18 to 28, 30, 35 (3), 37 and 49 (1) of the Act. The conditions, under which the several kinds of reference are made, should be clearly distinguished. When a reference is necessary, the Collector should make it with the least possible delay and should do all he can to expedite its disposal, so as to avoide inconvenience to the requiring department and the parties interested.

102. References under section 18 : A reference to the Court is obligatory on receipt of an application under section 18, unless the application is barred by the provisos to section 18 or by the second proviso to section 31 (2). The fact that a claim is unreasonable or that it was not pressed or even made before the Collector does not allow the Collector any option in making the reference.

An application for reference under section 18 may be made by any person interrested and section 3 (b) defines the expression "person interested". It includes every person claiming an interest in the compensation whether or not he is recorded by the Collector as owner or occupier of the land. In I.L.R 38 Cal., page 230, it has been held that the expression "any person interested" in section 18 does not include the Secretary of State.

103. References under section 30 : References under section 30 are made at the option of the Collector and of his own motion. If a dispute arises on the points mentioned in section 30, the Collector may refer the matter to the Court under that section instead of making an apportionment himself or awarding the compensation to one of the rival claimants. Before making such a reference the Collector is bound to make an award of the amount of the compensation. If the Collector does not refer the case to the Court but makes the apportionment himself, the parties may subsequently apply for a reference under section 18. In cases where the dispute as to the apportionment of the compensation or as to the persons who are entitled to it, is a complicated one, it is desiarable that the Collector should refer the dispute to the Court under section 30.

104. Government not concerned in references regarding apportionment : In making a reference to the Court under section 18 and under section 30 in cases in which a landlord claims the whole or a part of the compensation awarded by the Collector for the raiyats, interest on the ground that the interest of the raiyats was not transferable without the landlord's consent or on any other ground, the Collector should be very careful to make it quite clear in the reference that the landlord and the raiyats are the interested parties and that Government have no concern in the matter. He should name all the raiyats concerned as well as the landlord in describing the "persons interested" in the reference.

105. References under other sections : References to the Court under section 35 (3), 37, and 49 (1) are obligatory, if disputes of the kinds mentioned in those sections arise.

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105. References under other sections : References to the Court under section 35 (3), 37, and 49 (1) are obligatory, if disputes of the kinds mentioned in those sections arise.

The Madras High Court has held that when a public body seeks to acquire any portion of a block of buildings which is structurally connected with the main block, the burden is on that body to show that the portion is not reasonably required for the full and unimpared use of the house (Venkataratnam Naidu versus Collector of Godavari (1903), I.L.R. 27 Madras, page 350.)

106. Power to apply for reference against Land Acquisition Officer's award on behalf of Wards etc., Estates : Government as Court of Wards have delageted to Deputy Commissioners the power of deciding whether application should be made by the manager of a wards, attached for encumbered estate to the Collector under section 18 for a reference to the Court, when in the opinion of the Deputy Commissioner the award is incorrect or inadequate.

107. Separate reference for separate award : There must always be a separate reference for each case in which a separate award has been made.

108. Forms of reference : References to the Court under sections 18 and 30 should be drawn up in Forms 20 and 21 respectively. Forms for reference under the other sections are not prescribed. The Collector should be careful to record or requisite particulars.

109. Collector to defend the reference to the Court as a Government suit : When a reference to the Court has been made by the Collector under section 18, on the ground of an objection to the measurement of the land or to the amount of compensation, and not on account of a dispute as to the

persons to whom the compensation is payable or as to the apportionment, the Collector should defend the case exactly as he would a Government suit. The claimant in such cases is to be regarded as the plaintiff and the Governmnt as defendant and it is the duty of the Collector to see that evidence is forth-coming to show the fairness of the amount which he has given as compensation. As soon as the claimant files his written statement in the case in Court, the Government Pleader should apply to the Court for a copy for the information of the Collector, to enable the Collector to meet the case set up by the plaintiff with suitable evidence. The Collector must remember that the Court will decide, on the evidence before it, what amount of compensation should be given, and he must therefore, be prepared with reliable evidence at the trial. The Land Acquisition Officer's proceedings and his notes of the data collected by him are not by themselves evidence, but require independent proof. The necessity for giving legal proof of the various data on which the Land Acquisition Officer's awards are based is frequently overlooked and requires the personal attention of the Collector. In important cases the Collector should consult the Legal Remembrancer.

When making a reference to the Court under section 18 on the ground of an objection to the measurement of the land or to the amount of compensation, the Land Acquisition Officer should at the same time furnish the Government Pleader with a copy of all papers necessary to enable him to conduct the case. He should also keep a copy of the reference with his case record.

110. Notices of reference to be sent to local authority or Company concerned : Under the provisions of section 20 (c) of the Act, the Court is required to give notice to the Collector whenever the objection refers to the area of the land or to the amount of the compensation. When the proceedings have been undertaken on behalf of a local authority or Company, the Collector should at once send to the local authority or Company a copy of the notice received by him from the Court, in order that arrangements may be made by them, if necessary, to supplement the action taken by the Collector under the preceding rule to defend the case. In cases in which the issues are of special importance, the Collector should also communicate with the local authority or Company by letter.

111. Cost of serving processes : The cost of service of the notices prescribed in section 20 is chargeable to the parties interested and not to Government. When the Collector makes a reference under section 30, he should in the first instance pay the process fees and remit them to the Civil Court with the reference, and the Government Pleader should apply to the Court to deduct the cost from the compensation payable to the parties. When application is made for reference under section 18 the applicant should be informed of the amount of the cost of service of notices under section 20 and be required to deposit the amount, so that it may be remitted to the Civil Court with the reference. If the cost have not been deposited when the reference is ready, the reference should be made and the Collector should inform the Court that the process fees are

payable by the applicant for reference and that they have been demanded but have not been paid.

112. Costs decreed to Government not to be taken in abatement of the price paid : Costs decreed to Government, although realised from the owner of the land by deduction from the amount of compensation paid, being of the nature of advances recovered, should not be taken in abatement of the price paid for the land. In paying the compensation money such cost should be deducted by the Court and intimation of the fact sent to the Collector for adjustment of the advances. In such cases the date and number of the voucher on which the cost was advanced, when it was incurred, should be stated on the voucher in which the cost is realised, by deduction from the compensation paid, to enable the necessary adjustments to be made in the accounts office. In cases in which a reference is made to the Court on the parties interested accepting payment of the compensation under protest and in which the judge upholds the award of the Collector, the general practice as to recovery of costs due to Government should be followed, in such cases the Collector must be careful to record the particulars of cost as soon as the judge's order is received, and to take prompt measures for recovery.

When costs decreed to Government exceed the amount of compensation awarded, the matter should be reported to Government in the Revenue Department with a recommendation as to whether the excess should be remitted or not.

113. Court hearing land acquisition reference is a Court of special jurisdiction : The Coutrt of the Land Acquition Judge is a Court of special jurisdiction, the powers and duties of which are defined by statute, and it cannot legitimately be invited to exercise inherent powers and assume jurisdiction over matters not intended by the legislature to be comprehended within the scope of the enquiry before it. It was never contemplated by the statute to authorise the Land Acquisition Judge to review the award of the Collector, to cancel it or to remit it to him to be recast, modified or reduced. The Court of the Land Acquisition Judge is restricted to an examination of the question which has been referred by the Collector for decision under section 18, and the scope of the enquiry cannot be enlarged at the instance of parties who have not obtained or cannot obtain any order of reference (I.L.R. 38 Cal. pages 230 and 231).

In a proceeding under the Land Acquisition Act a party who had raised no objection to the apportionment of compensation made by the Collector must be taken to have accepted the award in that respect. Under sections 18, 20 and 21of the Land Acquisition Act, or that the Court can deal with is the objection which has been referred to it; it cannot go into a question raised for the first time by a party who had not any question or raised any objection to it under section 18 of the Act (I.L.R. Cal., page 451).

CHAPTER X
PAYMENT OF COMPENSATION
(Section 31 to 34)

114. Conditions under which payment can be made : After making the award the Collector will tender payment to the parties interested, and to whom payment is permissible under section 31. If any parties are unwilling to take payment, he should inform them that they may accept payment, under protest, but that if they accept without protest they will not be entitled to apply for a reference to the Court. In such cases it must be clearly recorded at the time whether payment was received under protest or without protest. Provided that in cases in which all the parties have not accepted the award and the apportionment thereof no payment shall be made until the time for applying for reference as calculated in accordance with section 18 (2) shall have expired.

115. Competence to receive compensation money : Even when there has been no dispute before the Collector, it is required to consider before making payment whether the claiment, in whose favour he has made an award, is competent to receive compensation money. Section 3 (g) of the Act enumerates certain persons who are entitled to act on behalf of others in land acquisition proceedings, but the fourth proviso to section 3 (g) lays down that such person are not competent to receive the compensation money, unless they would have been competent to alienate the land, and section 31 (2) of the Act requires that, if there be no person competent to alienate the land, the amount of the compensation shall be deposited in the Court. The question

whether any person is competent to alienate the land is a question of law and fact, on which precise rules cannot be laid down. Each case, in which doubt arises, must be examined on its merits and, if necessary, the Collector should consult the Government Pleader before making payment. A receiver, even if entitled to act, is not competent to receive the compensation money payable to the person to whom he is entitled to act except by special orders of the Court appointing him.

Note 1. : A Hindu widow is not competent to alienate land and is therefore not competent to receive payment of compensation, unless the land is her self-acquired property or was received as dowry.

Note 2. : In the case of property dedicated to an idol, the position of a sebait is analogous to that of the manager of an infant and he is not competent to alienate the land. Section 31 (2) therefore applies to him. (I.L.R., 40 Cal., page 895).

116. Payment into Treasury as Revenue Deposit : Rule 9 of the statutory rules contains instructions about payments. When the time has expired and no application for reference has been made, and when the Collector has been unable to make payment to the interested parties either locally or at headquarters, he will cause the amounts due to be paid into the Treasury as Revenue Deposit payable to the persons to whom they are respectively due, and vouched for in the form referred in statutory rule 9 (Form E - Appendix 5 to Assam Financial Rules). He will at the same time issue notices in Form No. 22 to the persons to whom

payments are due. It is the duty of the Collector to make every endeavour to pay the parties himself and thereby save them the trouble of withdrawing their compensation from Revenue Deposit.

117. Method of payment : Payments by the Collector to interested parties are made in cash, by cheque or by money order. When payments are made in cash or by cheque the parties receiving payment must be duly identified and the name of the identifier recorded, and receipts must be taken.

118. Cash payments : No sum exceeding Rs. 20 should be paid in cash at headquarters, and large amounts due to single individual should not be paid in cash. Ordinarily the majority of payments should be made in cash in the villages of the payees. No limit is prescribed for the amounts which may be drawn for local payment, but the money shall be drawn subject to the conditions (1) that adequate arrangements can be made for its safe transport and custody and (2) that each advance drawn is fully accounted for before a subseequent advance is drawn for the same purpose.

119. Payment by money order : Where local payment is not practicable, and payees fail to attend on or before the day intimated to them (vide note I to rule 6 in Appendix 5 - Assam Financial Rules) sums not exceeding Rs. 50 to any individual payee may be made by postal money order less the money order commission.

120. Payment by cheque : All large amounts due to single individual and all sums in excess to Rs. 20 which are paid at headquarters shall be paid by cheques payable at the headquarters or Sub-Divisional Treasury, according to the

convenience of the parties interested. Cheques must be drawn by the Land Acquisition Officer himself at the time of payment and handed over by him or in his presence to the payees.

121. Procedure where a land owner or proprietor has not got his name registered : When a Revenue Officer is engaged in the acquisition of land finds in the course of his proceedings that any proprietor of land holder of the estate-revenue paying or revenue-free-claiming compensation before him has not been registered either through an oversight in the Land Records Department or through the negligenc of such proprietor or land holder, he will warn the claimant of his duty to have his interest registered under the Assam Land and Revenue Regulation and will withhold payment of the compensation money due to the claimant, unless the claimant shows that he has applied for registration and there is no reason to believe that registration will be refused.

122. Delay in payment of compensation to be avoided : The District Officer is required by Government to satisfy himself that there is no avoidable delay in the payment of compensation. Such delay not only causes hardship to the interested parties but adds to the cost of acquisition, the charges for interest payable under section 34. In Railway projects in which large areas of waste and arable land and taken possession of at one time under section 17 there is a tendency to delay between the taking of possession and the making of the award. In such cases the preparation of awards can sometimes be expedited by an increase of the staff, but care must be taken not to increase the staff beyond the limit of the Land Acquisition Officer's powers

of supervision and control. Under the orders of the District Officer additional gazetted officer may be temporarily deputed to assist the Land Acquisition Officer in making local payments.

123. Provision of funds : If the amount to be disbursed is likely to exceed the funds at the Collector's command, he should take timely steps in accordance with departmental instructions to obtain the necessary supply of money before the date on which the payment becomes due, but payment must in any case be made when due and properly applied for.

124. Payments of sums decreed by Court in excess of sanctioned estimate : District Officers are authorised to pay, in anticipation of the santion of Government compensation for land acquired, even in excess of the sanctioned estimate, when finally awarded by a Court. The amount thus paid will be kept under objetion by the Comptroller, pending receipt of Government sanction in respect of budget provision, which only is required for the adjustment of an inevitable payment of this nature.

The revised estimate in such cases should be submitted by the Collector to the officer of the department requiring the land, with a view to the allotment of necessary funds by Government. The Collector should at the same time forward to the State Government a copy of such estimate with a full explanation of the increase when the amount exceeds Rs. 1,000 and in any other case when he considers it necessary.

125. Account rules for payment and custody of receipt forms and cheque books : The rules of the Provincial

Government and the Auditor General for the payment of compensation are contained in Appendix 5 of Assam Financial Rules (Reproduced in Appendix I of this manual). The forms of vouchers referred to in the rules are standardized. When a cheque book is used under rule 10, it should be kept under lock and key by the Land Acquisition Officer himself, who should make a periodical comparison of the treasury plan book with the counterfoils. The blank Form C vouchers should also be locked up. These should be sewn together and consequitively numbered by the Land Acquisition Officer. If a cheque book is not used, the Land Acquision Officer should compare the halves of Form C which he retains, with the Treasury Officer's advice list of payments (see rule 14, Appendix 5 of the Assam Financial Rules).

126. Preservation of counterfoils of vouchers : Counterfoils of vouchers issued in Form C, D and E, and duplicate copy of the consolidated voucher in Form CC for payment of compensation for land acquired under the Act, prescribed in Appendix 5 of the Assam Financial Rules, should be preserved permanently in District Offices and filed with the records of the case.

127. Adjustment of advances and payments - they should be kept separate for each declaration : On receipt of the treasury advice list referred to in rule 14 in Appendix 5 of the Assam Financial Rules, the officer who issued the orders of payment should himself see that the amounts paid are those for which orders were issued by him. When advances are drawn for payment to the payees they should be separate for each

declaration under which the land is acquired, and the receipts for the advances must mention the Accounts Officer to whom the corresponding awards statements have been sent; when the payees, receipts are forwarded to the Treasury Officer in adjustments of the advances they should be accompanied by a statement showing the amounts drawn and paid; and if there remain any balance in hand which is not required for payments for the lands acquired under the declaration, it should at once be refunded into the treasury, and should not, under any circumstances, be paid for lands taken up under an other declaration.

CHAPTER - XI
CORRECTION OF LAND REGISTERS

128. Alienations to be noted in Collector's General Registers : Alienations of land from revenue paying or revenue-free estates should be careffully noted in the Deputy Commissioner's General Registers of Revenue paying or revenue - free estates as the case may be, a reference being made to the year and number of the case in the Register of Land acquired (Register 5 in Form No. 14.)

Note : As there is no General Register for permanently settled estates in the district of Sylhet, vide note (2) below section 49 of the Assam Land and Revenue Regulation at page 17 of the land

Revenue Manual, 1931, the abatement of land revenue on account of acquisition of lands in permanently settled estates in that district should be noted in the Tauzi ledgers as well as in the Demand Register kept in the Tehsil offices.

129. (a) Particulars of alienations to be communicated to the Land Registration Department : To enable this to be done, the Officer-in-charge of land acquisition proceedings whether stationed at or away from the headquarters of the district shall communicate to the Deputy Commissioner in Form No. 23 the particulars of all alienations of land or revenue made in the proceedings taken by him. This statement will be prepared in the Land Acquisation Office as soon as acquisition proceedings in the respect of any particular declaration are completed by the Land Acquisition Officer. It shall contain information as to the acquisition of all lands covered by one declaration whether comprised in a revenue paying or revenue-free estate and whether abatements of revenue have been allowed or not, and the amount of land revenue abated, if any.

(b) When particulars are to be furnished : If, however, the Land Acquisition Officers so directs the statement may be furnished from time to time during the proceedings in respect of such estates as may have been completely dealt with.

130. Any change made in the particulars owing to Civil Court orders to be also communicated : Care must be taken to inform the Deputy Commissioner of any change made in the

particulars subsequent to the completion of the Land Acquisition Officer's proceedings owing to orders of the Court on reference or of higher authorities before the proceedings are confirmed.

131. Receipt for Form 23 to be given by Registrar Kanungo or Land Registration Clerk : When the Land Acquisition Office is situated at the headquarters of the district, the Registrar Kanungo (or the Land Registration Clerk) shall give a receipt for the statement in column 23 of Register No. 5 of the land acquired which shall be sent to the Land Registration Office for the purpose, otherwise, the receipt form attached to the statement shall be signed by the Registrar Kanungo (or the Land Registration Head Clerk) and returned to the Land Acquisition Officer, who will cause it to be pasted in column 23 of Register No. 5. For facility of preparation of this statement and for easy reference a summary will be made by the Land Acquisition Officer by estates in Register No. 5 in respect of each project (i.e., proceedings covered by one declaration) in the following form :

1. Name of district,thana, mauza or pargana or village.
2. Name of estate and class of tenure (e.g., lakhiraj permanently settled , nisf-khiraj, khiraj, special estates etc.)
3. Number of estates on the General Register concerned and tauzi number (for permanently settled estates only).
4. Total area acquired in acres.
5. Amount of revenue abated, if any.

6. Date from which the abatement takes effect.

132. Procedure in the case of acquired lands sold to private parties or reabsorbed in the original estate : When lands which are no longer required by a Railway or by a department other than a Railway, for which they were acquired are re-absorbed in the original estates under Chapter XV or disposed of as revenue-free or subject to assessment, the Deputy Commissioner should take steps to have the necessary amendments or additions as the case may be, made in the General Register concerned.

CHAPTER XII

FINAL REPORT AND DISPOSAL OF RECORDS

133. Final report of acqisition proceedings : When land is permanently acquired the Collector will prepare a final report of his proceedings for its project in Form 24 and submit it to the Government.

This report will be accompanied by a statement in Form 25 and a certificate from the Collector in the following form :

"Certified after a careful examination of the Land Acquisition surveyor's $\frac{\text{plans}}{\text{plan}}$ that $\frac{\text{they have}}{\text{it has}}$ has been drawn up on the scale prescribed $\frac{\text{paragraph}}{\text{paragraph (in Railway project)}}$ and strictly in accordance with the introductions contained in $\frac{\text{paragraph}}{\text{paragraph (in Railway project)}}$ of the Executive instructions in the Land Acquitions Manual".

In cases of acquisition for a Railway the final report will

also be accompanied by the plans noted below :

1. The original Engineer's plan,
2. The duplicate Engineer's plan, certified in the manner laid down in paragraph 140 below,
3. The original Land Acquisition Officer's plan,
4. A certified copy of the Land Acquisition Officer's plan, as prescribed in paragraph 138, and, when necessary, by Form 26.

In the case of a project in the charge of a special officer, such as the acquisition of land for a Railway or canal, the Officer-in-charge should attach to the final report a consolidated completion report briefly dealing with important points in connection with the proceedings.

A list of enclosures should invariably accompany the final report and each office through which the case passes should satisfy itself that the enclosures have been received according to the list.

In all Railway projects and in those cases of non-railway projects the final report with its enclosures will be transmitted to Government in the Revenue Department for the confirmation of the proceedings.

In Railway projects Government after seeing that all the four plans agree, will return with its order confirming the proceedings the original Land Acquisition Officer's plan and the final report Collector to be lodged in the collectorate record room, and send the duplicate copy of the Engineer's plan with the Collector's

certificate of acquisition endorsed there on to the Railway concerned and keep the copy of the Land Acquisition Officer's plan, the original Engineer's plan and the Forms 25 and 26 in the Secretariat.

In other projects Form 25 will be recorded in the office of the confirming authority and the final report (Form 24) will be returned to the Collector with the orders confirming the proceedings.

134. Delay in submitting final reports to be avoided : The final report should be submitted by the Collector without waiting for the decision of reference to the Court, and Government in the Revenue Department, will confirm proceedings and review results without waiting for such decision. After the reference to the Court have been finally decided a supplementary report should be submitted in cases in which the award has been materially exceeded.

The submission of final reports should not be delayed because of the default of the payees in appearing personally or by representative before the Collector to receive payment of the compensation awarded. The sums due as compensation to the defaualting payeas should be placed in revenue deposit under statutory Rule 9 and the final report submitted as soon as this has been done.

135. Proportionate cost of establishment when to be reported : When a Public works disburser (i.e. an officer specially employed for the work of land acquisition and placed at the disposal of the Public Works Department) has had more than one project in his charge, or when an officer in the general

line has been employed in acquiring land for a railway, or for a Company or other body of persons chargeable with the cost of establishment, the figure to be entered in column 15 of Form 25 for "Establishment" charges will be obtained in the manner prescribed in paragraph 184. If at the time of submitting the final report the statutory time for making applications for reference to the Court has expired, and no applications have been made or all applications received have been finally disposed of, column 15 can be filled up immediately. Usually however, this will not be the case, so that ordinarily in submitting the final report column 15 of Form 25 will be left blank, the charges debitable up to date being quoted in the covering letter & final figures should be reported later, when all references have been finally disposed of, or, in the case of a Public Works Disburser, when the special office is closed.

136 : Transmission of records to record room : When the final report of a project has been confirmed and returned by the State Government the Land Acquisition Officer will transmit it to the Deputy Commissioner together with the Register of Records of the case for deposit in the records room.

137 : Procedure in dealing with land acquisition plans and records in district offices : The final reports as well as abatement statements returned by the Tauzi Department should be kept with the case records and not with the correspondence as they are to be preserved permanently.

Land acquisition records viz., the register, plans, schedules,

counterfoils of receipts for the compensations paid, case records, etc., should be kept in a separate recognised place in the records room. They should not be mixed up with estate boundless. When necessary, some preservative may be used to protect the plans.

CHAPTER XIII
SUPPLY OF PLANS OF LAND ACQUIRED

138. Certificate of acquisition to be endorsed on Land Acquisition Officers plan and on its copy : In all cases of permanent acquisition of lands, copies of the Land Acquisition Officer's plan showing the lands actually acquired shall be prepared by the Land Acquisition Officer, who will endorse the following certificate up on it.

"Certified that the lands in this plan were duly acquired under the provisions of the Land Aacquisition Act, I of 1894, and under declaration No. ..... of the..... and in proceeding Nos. ..... of 20 ....., and that they were made over by .....on the ..... on behalf of the Deputy Commissioner of the district to ....on behalf of the (authority on whose behalf the proceedings were taken).

(S / d.) .....
Land Acquisition Officer,
Sub-Divisional Officer

139. Supply of copy of Land Acquisition Officer's plans to the requiring authority in non-railway projects : In non-railway projects as soon as awards have been made and possession of the land has been taken, the copy of the Land Acquisition Officer's plan, certified as above, should be supplied to the authority on whose behalf the land is acquired, and the original kept with the land acquisition record of which it forms a part.

The cost of preparing the copy of the plan supplied under the above instruction to a local authority or any company referred to in selection 50 (1) of the Act will be charged to such local authority or company. The copy is required to be stamped under Article 24, Schedule I, of the Indian Stamp Act, II of 1899.

140. Supply of plans in Railway cases : When land is acquired for a Railway, the Railway authorities should invariably furnish the Collector with the Engineer's plan in duplicate for the purpose of acquisition. When after the acquisition it has been ascertained after careful comparision that there is no deviation between the Engineer's plan and the land Acquisition Officer's plan, the Land Acquisition Officer will endorse the certificate of acquisition prescribed in paragraph 138 above on the duplicate copy of the Engineer's plan. In the case of any division, however, the Engineer should be required to furnish the Land Acquisition Officer with a fresh plan duplicate showing the land as actually acquired and made over. On receipt of such plan, it should be carefully compared with the Land Acquisition Officer's plan and if it is found that the two agree, the duplicate copy of the revised plan furnished by the Railway Engineer will be endorsed by the Land Acquisition Officer with the certificate of acquisition.

The Engineer's plan and the certified duplicate of it as well as original Land Acquisition Officer's plan and its copy certified as directed in paragraph 138 will be submitted by the Collector to Government in the Revenue Department with the final report, Government on being satisfied that the four plans agree, will send the duplicate of the Engineer's plans to the Railway concerned, keep the original Engineer's plan and the certified copy of the Land Acquisition Officer's plan in the Secretariat and return the original Land Acquisition Officer's plan to the Collector (vide paraş aph 133).

When, however, a Railway Administration will apply, a copy of the Land Acquisition Officer's plan and of the Collector's detailed awards with the necessary certificate or acquisition endorsed thereon, should be furnished to the Railway Administration, as soon as the awards have been made and possession of the lands has been taken. The post will be included in that of acquisition and recovered in accordance with the rules.

141. Requiring authority to demarcate the land after acquisition : On receipt of the certified copy of the plan of land acquired, it will be the duty of the authority for whom the land is acquired to demarcate the land in a satisfactory manner so as to prevent encroachments and facilitate the easy detection of encroachment when such occur.

142. Information to be supplied to the Deputy Commissioner for entry in the register of lands used for public purposes : The Deputy Commissioner maintains register 6 - a register of lands used for public purposes. It includes all

lands in the possession of any department of Government except Railway lands and lands in the occupation of (a) the Central Government, (b) Local Board, (c) Municipalities and(d) Companies. Lands occupied by public buildings held by Civil Departments although the buildings are in charge of Public Works Department are entered in this register. The object of the register is that the revenue authorities may be kept informed concerning the lands occuppied by the several departments of the administration in order that these lands may not be lost sight of.

Therefore whenever any land is acquired which is of a kind which will be entered in the aforesaid register, the Land Acquisition Officer will supply the Deputy Commissioner with a certified copy of the plan of the land for his use in connection with that register. It is unnecessary to enter the following in the register :

(1) roads, whether Central, Provincial or maintained by a local body.

(2) railway lands and embankments.

(3) reserved forests.

(4) fuel reserves or village forests.

(5) grazing grounds.

CHAPTER XIV
TEMPORARY OCCUPATION
(Sections 35 to 37)

143. Procedure for temporary occupation of land in the preliminary stages : Ordinarily the procedure laid down for permanent acquisition of land should be followed mutatis mutandis when land for temporary occupation under section 35 of Act I of 1894, is required. In case of temporary occupation no preliminary notification or declaration is required to be published and an estimate alone is needed. A plan of the land, of which temporary occupation is desired, will be furnished to the Collector with a statement of the reasons for which the occupation is required and the length of time for which the land is wanted, and with a request that an estimate may be furnished of the probable cost of the occupation.

If for the same project any land is also needed for permanent acquisition, a separate application to the Collector should be made for land needed only for temporary occupation, and in this application the fact that permanent acquisition is not required should be clearly stated.

On receipt of the estimate endorsed by the District Officer to the effect that there is no general or specific objection to the occupation of the land being obtained for the purpose specified, the requiring officer should forward it with the plan to Government for orders through the prescribed channel of the department concerned. When the project has been sanctioned by Government in the administrative department concerned and the

necessary funds have been alloted, the Revenue Department, as in the case of the permanent acquisition of land, will issue order under section 35 of the Act, authorising the Collector concerned to procure the temporary occupation and use of the land.

In case where land is needed for earth work on roads, and embankments and the amount of digging contemplated is likely to cause serious damage to the land, permanent acquisition of the land in the first instance may be more economical than procuring temporary occupation for three years and in the end having to acquired the land permanently. On receipt of applications of this nature, this aspect of the question should be adequately investigated and the requiring authorities apprised definitely of the ultimate financial commitments involved in either course and the comparative advantages of each, if the scrutiny of the application shows that it was desirable to do so.

144. Procedure for taking possession of land required for temporary occupation : In procuring temporary occupation of land there must be an agreement in writing between the Collector and the parties interested as to the amount of compensation, and if the Collector and the parties disagree as to the sufficiency of the compensation or its apportioment, the Collector must refer the matter to the Court. In case of reference, the Collector will abstain from making any award but will explain clearly in his reference the awards which he proposed to make and the grounds on which it was based .

It may sometimes happen that the parties interested do not appear before the Collector after the issue of the notice under

section 35 (2). It then becomes difficult to comply with the provisions laid down in section 36 (1) before entering upon and taking possession of the land. The following procedure will best meet such a case:-

It should be stated in the notice issued under section 35 (2) that on the failure of the party to attend in person or by agent at the appointed time, the Collector will award compansation ex-parte and will enter upon and take possession of the land. This notice will be in Form 27. This will probably result in the parties appearing before the Collector. If they still do not, the Collector should record his finding as to the proper sum payable as compensation, and proceed to take possession of the land. If the parties subsequently appear he can pay them according to his finding, if they agree, if they do not agree, he can refer the case to the Civil Court under section 35 (3). The Collector should, however, endeavour to obtain the agreement of the parties to the compensation awarded and if they do agree, to pay them, and payment should preferably be made locally. If payment can not be made within a reasonable time, the amount awarded should be placed in deposit in the manner prescribed in rule 9 of the statutory Rules, and in any case it should be placed in deposit before the end of the financial year in which possession is taken.

Under section 51 a claimant is entitled at any time, free of cost, to one certified copy of the agreement as concerns himself and no court-fee is chargeable on his application for such a copy.

145. Special procedure in urgent cases of temporary occupation of land : In cases, in which land is urgently required for temporary occupation, it will be sufficient for the Railway administration to supply the Collector concerned through the prescribed channel with a plan of the land required, showing existing field boundaries and at the same time to write or telegraph to Government in the Revenue Department to authorize the collector to procure the temporary occupation and use of the land. The plan should be on the scale prescribed in paragraph 49 and should be accompanied by a list showing for each field the nature of the crop and the number of trees standing on it; and whether any building, well and tank exists on it. It is to be noted that under section 35 of act I of 1894 temporary possession can only be given of waste or arable lands, arable land means land which is ploughed for annual crops, such as rice, wheat etc. Waste and arable lands to not include lands occupied by roads, tanks, buildings, gardens, orchards, etc. The order to the Collector under section 35 will be issued by the Government in the Revenue Department, and the Collector will take the necessary proceedings in order to procure the temporary occupation and use of the land, obtaining funds for payment due under his award in the manner prescribed in rules 2 and 14 of the rules in Appendix 5, Assam Financial Rules (see Appendix 1 in this Manual). In these cases also a copy of the order authorizing the temporary occupation of the land should be furnished to the examiner of Accounts of the Railway concerned and to the comptroller, Assam.

146. Final report in the case of temporary occupation of land : In cases of temporary occupation two reports should be submitted. The first as soon as all compensation under clause 2 of section 35 has been paid or placed in deposit, and the second as soon as the land has been restored to the parties interested under clause 2 of section 36. The first report should contain particulars of the area accupied, the date of the service of notices, the amount of compensation awarded, the date of making payment or executing agreement or making a reference to the court, as the court may be and the date of the occupation of the land. The second report sould show the date of which the land is restored and the total payments including payments of compensation for damage under clause 2, section 36 together with the particulars of any payments which may have been made subsequent to the submission of the first report. These reports will be disposed of in the same way as final reports in cases of permanent acquisition.

Note : It is not necessary to send any Engineer's plan with the Collector's certificate endorsed thereon to the Railway in respect of temporary occupation of land.

147. Restoration or permanent aquisition of land occupide temporarily : On the expiry of the period of three years provided for in section 1/35 (1) for temporary occupation of land the Collector must either restore the land to the parties interested under section 36 (2) or take steps for its permanent acquisition.

In a certain case in 1877 land was taken up for a temporary purpose. It was afterwards found necessary to continue its occupation for a period exceeding three years. On a reference the Legal Remembrancer, Bengal advised as follows :

"No doubt the law does not contemplate that the land should be held for temporary purposes for a period exceeding three years and the owners of the land at the end of three years could insist upon the Government either relinquising the land or permanenetly acquiring it. But if the owners of the land acquiesce in the Government remaining in occupation of it beyond the three years. I see no reason why the Government should not do so, without issuing any fresh notice at all. In the absence of any agreement to the contrary the occupation after the three years would be on the same terms, as the occupation during the three years."

148. Principles for assessing compensation for temporary occupation : The principle to be adopted in assessing the compensation to be offered to persons interested in land to be temporarilry occupied is that its party should receive the value of that of which he is temporarily deprived.

It is to be noted that section 35 makes no provision for the payment of an additional amount of 15 percent on the market value as is provided by section 23 (2) in cases of permanent acquisition. When an arrangement is made by which the land lord is to receive the usual rent ; or its equivalent, he is ipso facto fully compensated and is entitled to no additional payment.

In the case of a occupant, who in view of the terms of section 35 will generally be a cultivator, the Collector should offer the net value of the produce of the land, or not less than half of the gross value. In this case the occupant is subject to a compulsory process by which he is materially affected in his means of livelihood. His position is different from that of the land lord who, at the most, will receive his rent from Government instead of from his tenant. The cultivator should therefore be treated with reasonable liberality in the assessment of the produce of his land.

The Collector should ascertain what arrangement the parties interested desire to make as regards the payment of rent, and he should be careful to record this arrangement in the written agreement with a view to the protection of both parties, and to frame his proposals for compensation accordingly. Ordinarily the minimum disturbance will be caused if the tenant continues to pay rent to the land lord, and in the absence of any valid objection such an arrangement should be encouraged. When the conditions of temporary occupation make it necessary to remove trees from the land, compensation for the trees should be assessed and offered as in the case of permanent acquisition and in the case of trees which produce income but will not be removed compensation should be offered for the loss of income.

Compensation should always be offered for standing crops which were grown before notice of intending occupation was delivered unless it is possible for the occupants to cut them in a ripe condition. When compensation has been assessed for

standing crops it should be considered in assessing the loss of net profits for the first year of occupation whether the harvest of another crop in addition to the standing crop will fall within the first year of occupation, and if it will not, no further compensation for loss of profits should be offered for the first year.

CHAPTER XV
DISPOSAL OF SURPLUS LANDS

149. Surplus land no longer required for public purposes how to be dealt with : All lands which have been permanently acquired for public purpose by Government in any department or for a Railway, whether by private purchase or compulsory acquisition and which are no longer required for the purposes originally intended, shall be relinquished under the orders of Government in the administrative department concerned, which will issue instruction to the Government in the Revenue Department for the resumption of the land and for their disposal in the manner hereinafter described. On receipt of this instructions Government in the Revenue Department will, after ascertaining the requirements of other departments, if necessary, issue order to the Collector of the district concerned, in order to give effect to the orders of Government.

Lands acquired for a municipility, local board or any other local authority legally entitled to, or entrusted by the Government with the control of management of any municipal or local funds, do not come within the scope of this rule.

Note : Government have decided that when any permanently-settled land which is acquired for a local board at their cost and which vests in the Government under section 16 of the Land Acquisition Act, is subsequently returned to Government, such land should be settled afresh by Government as a temporarily-settled estate. The leases of such land after classicification under paragraph 153 should be referred to Government under paragraph 159 for orders with the District Officer's recommendations.

All lands in an indian state which a Railway company intends to relinquish should be made over to the State through the Political Officer or the any other officer duly authorized in this behalf. In this case the Government in the Political Department and not in the Revenue Department, should be moved to issue the necessary instructions to the Political Officer.

When the Revenue Department is the administrative department concerned the necessary orders for the resumption and disposal of the land relinquished will be issued to the Collector from that department.

Post Master Generals have been empowered by the Government of India in their order No. 11931-129, dated the 23rd October 1914, to sanction with the approval of the Provincial Government the sale of the sites of postal buildings which are no longer required, provided that the land was originally required for the post office or was transferred unconditionally to that department, provided also that the land is

not required by the Provincial Government for any other purpose. The Post Master General in such cases will address the Deputy Commissioner of the district in which the land lies, who should take the order of Government. In the event of Government having no objection to the sale of the site, the sale should be conducted by the Deputy Commissioner, who is the recognised authority for conducting sales in the district on receipt of a formal requisition from the Post Master General.

When the necessity for occupation of land by any Railway ceases, the proper time for its restoration to the Provincial Government will be determined by the Agent in the case of land relinquished by companies and by the Engineer-in-Chief of other controlling officer in the case of those relinquished by State Railways.

Relinquishment cases should be treated as distinct cases of the Land Acquisition Department and not as part of the general English correspondence.

150. Procedure showing how railway land in excess of requirements is to be dealt with : The disposal of land taken up for a Railway in excess of immediate requirements is governed by the following rules (vide section V and VI of Railway Board's Revised-Rules in Appendix II of this manual).

(i) Land which is likely to be required for the Railway in the near future should remain in the custody of the Railway authorities and they should not be called on to relinquish it. The term "near future" is to be liberally interpreted with reference to the

probable requirements of the Railway, and when there is any uncertainty, the benefit of the doubt must be given to the Railway in favour of retention. Such lands may not be leased, nor a license for their use granted to outsiders for purposes not connecctd with the working of Railway, except consultation with the Provincial Government and with the approval of the Railway Board (vide Government of India, Railway Department [Railway Board] letter no. 284-W., dated the 15th January, 1933).

(ii) Land which may probably be required in the distant future should not be relinquished but be made over to the Revenue Authorities for safe custody. Land so transferred is not to be sold nor should it be let except on such terms of temporary occupation as will not interfere with its being made available on short notice for Rilway purpose. These conditions may best be attained, if the concurrence of the Railway Authorities is first obtained to any proposals that may be made for utilizing the land from time to time.

The net receipts from the Railway lands so dealt with (i.e., the amount which remains after deducting from revenue the charges for collection, etc.) should be credited to :

(a) Head XII "Subsidized companies" when the cost

of land is not debited to the capital account of the Railway but is met by Government.

(b) "Railway Revenue" of the undertaking in the case of Railway whose capital account is charged with the cost of land including capitalized value of the land revenue abated.

Exceptions : In the case of the Bengal and Assam Railway whose capital account though bearing the cost of land does not include the capitalized value of land revenue abated, the net receipts should be credited to "Land Revenue" in the Civil Department.

(iii) Land for which the Railway is unlikely ever to have any further use should be relinquished outright to the Revenue authorities for disposal. Where a reasonable price is not likely to be obtained by the immediate sale of the land outright, there is no objection to the Revenue authorities retaining the land after relinquishment until an offer more commensurate with its value is obtained, provided that the sale is not delayed for a period disproportionate to the anticipated increase in the price. In such cases the land will continue to be show in the Collectorate General Registers as belonging to the Railway, and any rent which may be realized by the temporary lease of such land is to be adjusted in the accounts in the manner specified in (ii) above.

District Officers should report any case in which they consider that land is being kept in the possession of Railway authorities in contravention of the above rules.

151. Deputation of an officer to verify the Collector's acquisition plan and the Engineer's relinquishment plan in cases of relinquishment of largeareas along several miles of a railway : When the land is so relinquished, Government in the Revenue Department on receipt of instructions from Government in the Administrative Department for its resumption and disposal, will, in the case of large areas relinquished continuously along several miles of a railway after the line is opened, depute a competant officer to verify on the spot the Collector's plans showing the land acquired and the Engineer's plans of the land relinquished and to make necessary amendment of the Collector's plans. In other cases, where the areas relinquished are small and isolated, Government in the Revenue Department will issue instructions at once to the Deputy Commissioner concerned in order to give effect to the orders of Government. In such cases the Deputy Commissioner will have the plans of the land verified and amended on the spot.

152. When any portion of the relinquished land is required by the railway, the agent must obtain the orders of Government sanctioning its retention : In verifying the plans the officer will first, communication with the Agent, ascertain if any portion of the relinquished land is required for the Railway. If so, the orders of Government in the Revenue Department for the retention of the land should be obtained by the Agent.

153. Classification of land during verification of plans : During the verification the lands to be rusumed should, for the purposes of their disposal, be classed under the following two heads :

(i) Lands not being building sites within agricultural or pastoral areas.

(ii) Lands which are town lands or are suitable for building sites.

In the case of land relinquished near railway stations in temporarily or permanently settled estates the expression 'building sites' should be interpreted as including land of which the use for building purposes can be foreseen.

154. Preparation of four sets of verified plans : On the completion of the Verification the officer will, in order to secure a correct record of title for all Railway lands, prepare four sets of verified plans with schedules written on them, and one of these sets will be forwarded by government in the Revenue Department to the District Officer, with instructions to dispose of the land not required. This set of plans will be used by the District Officer for the purpose of dividing the land into lots for sale. When this is done, the lots should be numbered consecutively and entered in the Lotbundi Register (Form 28) which will be made use of at the time of sale. In the case of small and isolated areas the District Officer after verification of the plans on the spot, will have the land divided into plots in the verified Engineer's plan, if necessary and have such lots numbered consecutively and entered in the Lotbundi Register.

155. Time and place of sale : Ordinarily the district Officer will use his own discretion as to the time and place of sale, but in no case should land be sold until the final report of the proceedings taken for the acquisition of the land has been prepared, or, if the land has been taken by a special officer, until the final report has been submitted to the District officer.

156. Publication of sale and form of advertisement : The date of sale should not be fixed before at least at six week after the date of the first publication in the Assam Gazette of the advertisement of sale. Publicity should be given to the notice locally of the intended sale by beat of drum, and by all other means considered necessary. The advertisement of sale in Form 29 should be forwarded by the District Officer to the Director, Assam Govt. press.

157. Agricultural or pastoral lands (not being building sites) in permanently settled areas, how ordinarily to be disposed of : In permanently-settled areas the disposal of lands falling in class (i) of paragraph 153, i.e., lands not being building sites situated within agricultural or pastoral areas, should be guided by the following geneal consideration :

(a) All rights of proprietors and of permanent tenure-holders and all rights of occupancy which were extinguished by the acquisition of those lands, should be first offered to the persons from whom they were acquired, or to their heirs, if discoverable, the offer to the person of superior status being in every case subject to his

recognition of the person of inferior status under the provision of the Crown Grants Act, XV of 1895. In cases which, at the time of acquisition, no abatement of revenue was made, the offer of restoration should be made subject to the express condition that the lands will be re-absorved into the revenue paying estate of which they originally formed part. When an abatement of revenue has been granted at the time of acquisition, the amount originally abated should be added to the revenue of the estate as it stands at the time of restoration.

(b) No elaborate enquiries are necessary to find out the original owners of their heirs, and the titles of claimants should be determaned summarily, as the above concession is made as an act of grace, and is wholly within the pleasure of Government to grant or to refuse in any particular case. It will be sufficient if a general notice is published locally and also at the Railway Station near the land in the case of Railway lands.

(c) The price at which the rights above referred to are to be offered should be amount of compensation originally paid for them, less than 15 percent. Which may have been given in excess of the value, should the acquisition have been compulsory. This price may be reduced, if necessary, on account of any deterioration that may have taken place in the fitness on the land for agricultural or pastoral

purposes while it was in the occupation of Government, but it should not be increased, except in the case stated below on account of any rise in its market-value during that period. In the case of plots which, by reason of their size or shape, are practically of no value to any one but to the owner of the adjoining land, if those owners are not entitled to the first offer as above they ought nevertheless to receive the first offer, but in that case there is no objection to asking the market value, though the reasonable offer of a neighbouring holder should always have the preference over that of an outsider. The price thus fixed should be considered as the highset bid for the land for which it is offered.

(d) The State Government will always retain and exercise discretion in the application of the rule about the charge of cost price. Special cases may occur, and exceptions will be justifiable, as for example, when the person first entitled are remote descendants or relations of the original holders, or when the rise in the marke-value of the land has been so exceptionally great as to take the case out of the general rule. Before the sale the District Officers should bring any such case specially to the notice of the State Government.

(e) Agricultural or pastoral lands not restored to

original owners and urban lands how to be disposed of : Lands falling in class (i) of paragraph ph. 153 of which the original or represantatives can not be found, or if found, decline to take back their lands at the price offered should be sold to the highest bidder on the date of sale as advertised. Subject to the sanction of the State Government the District Officer is authorised to sale such lands revenue free if on account of their small area it would be in Government to assess revenue on them and sell them as temporarily-settled estates, but agricultural lands of considerable areas should be assessed to revenue and sold by auction to the highest bidder as revenue-paying temporarily settled estates.

158. Procedure for disposal of surplus lands in temporarily-settled areas : In temporarily-settled areas the disposal of lands relinquished by Railways will be guided by the general consideration mentioned in the foregoing paragraph subject to the following remarks :

(a) The Deputy Commissioner or the Settlement Officer should offer settlement of the land to the original owner of his heirs, provided they agree to pay the original value, i.e., the amount of compensation allowed less the 15 percent. which may have been given in excess of the value should the acquisition have been compulsory and provided that they agreed to pay the Government revenue. If the original owner or his heirs accepts the offer the land should be settled with him on periodic patta, unless for reasons to be stated the Deputy

Commissioner or Settlement Officer decides that the settlement shall be annual, and it should be assessed to revenue at the prevailing rates for similar land in the neighbourhood. Where the land was originally lakhiraj, nisf-khiraj or held on special tenure, the Deputy Commissioner may, instead of settling the land on khiraj Patta, restore the original tenure. In cases where he settles such land on khiraj patta, a deduction will be made from the amount of the original value. The original price of the land should be ascertained from the land acquisition records.

(b) Settlement of land of which the original settlement-holders or their representatives can not be found or of which the original settlement-holders decline to the settlement at the price offered, and plots which on account of their size or shape are of practically no value to any one but the owners of the adjoining lands should be first offerd to the neighbouring settlement-holders. This offer may be at the market-value. The price thus fixed should be considered as the highest bid for the lands for which it is offered.

(c) If none of the person specified in clauses (a) and (b) accept settelment, on the terms offered the land should be divided into blocks of convenient size and put upto auction as revenue-paying

temporarily-settled estates, or, if the Deputy Commissioner so decides, may be treated as waste land at the disposal of Government on payment of the original value or such sum as may be agreed in cases where the original value is payable to the Railway company.

(d) The sale proceeds of land should under this rules, will be dealt with according to the principles laid down in rule 73 of the Railway Board's Circular No.889-P16, dated the 30th August,1918, printed in Appendix II of this Manual.

159. Disposal of town land and building sites : In cases where land relinquished by a Railway includes building sites for town lands and the orders issued by Government under rule 149 above do not specifically provide for the disposal of such sites or lands, the Deputy Commissioner or Settlement officer should refer the matter to Government for orders, with his recommendation.

160. Submission of statement of lots sold and of sale proceeds : In the case of Railway lands a statement in Form 30 of the lots sold and of the sale-proceeds should be submitted quarterly to the Government for confirmation of the sales, and after such confirmation the officer concerned will submit to Government in the Revenue Department a copy of Form 30 together with one set of plans of the lands sold, so as to enable them to have the verified records of Railway lands in their office. Where the price appears inadequate, the advisability of deferring the sale for a reasonable period in accordance with

paragraph 150 (iii) should be considered. If the retention of land is recommended by the District Officer, the period of such retention should be stated on the price which it is expected that the land will fetch at the end thereof. A note should be made by the District Officer in the last statement that no more land remains to be sold.

161. Sales proceeds how to be credited : After the confermation of the sales the proceeds should in the case of Railway lands be credited in accordance with the revised instructions issued with Railway Board's letter no. 284-W. dated the 15th January, 1933, reproduced as Sections IV-VI of the revised Rules relating to the acquisition of land for Railway purposes. When land acquired at the cost of a company for the construction of a private siding is relinquished, the sale proceeds of such land should be refunded to that Company.

162. Deed of conveyance to be given to purchaser : The purchaser should be given a deed of conveyance executed by the District Officer in Form 31 and this should be accompanied, in the Government, instructions for resumption and disposal of the land under paragraph 149 will (1) have the Land Acquisition Officer's plan, showing the land acquired and the departmental plan if any showing the land to be relinquished, verified and amended on the spot (2) have the relinquished land classified in the manner laid down in paragraph 153; (3) sell the relinquished land in accordance with the instruction contained in paragraph 157 and 158 above. The result of the sale will be reported to the State Government for confirmation. After the sale is

confirmed, a deed of conveyance should be executed by the District Officer in favour of the purchaser and delivered to him an unstumped duplicate of the conveyance being kept with the District Officer's record of the relinquishment case in accordance with the instruction in paragraph 162 above. The proceeds of the sale should be credited to the account to which the cost of the land was originally debited.

164. Principles to be observed in transferring relinquished lands to a Railway or other department of Government : Land relinquished by a departmeent of Government or by a Railway for which it was acquired, if required for the use of a Railway or another department of Government, will be transferred on the following terms :

(1) Land relinquished by Railways, when transferred to a department of the Government of India or of the Provincial Government will be governed by the Railway Board's revised rules relating to land acquisition reproduced in Appendix II and Appendix V of this Manual.

(2) Land relinquished by the department of the Government of India or of the Provincial Government, when transferred to a Railway will be governed by the Land Transfer Rule in Appendix V.

(3) Land relinquished by a department of the Goverment of India when transferred to a department of the Provincial Goverment for its use will be governed by the rules in Appendix V of this Manual.

(4) For land relinquished by a department of the Provincial Government, when transferred to the Government of India, the market value of the land will be debited to the Central Department for which the land is required.

(5) The transfer of land relinquished by one department of the Provincial Government to another department of that Government which may require it for its use will be free of charge; unless the land is transferred to or from a department which keeps a commercial (profit and loss) account, in which case the full market value of the land will be debited or credited to that department.

CHAPTER XVI
MAINTENANCE OF LAND ACQUISITION PLANS : REGISTERS AND BOUNDARY MARKS

165. Attested plans and schedules to be sent to the Agent of the Railway after disposal of relinquished land : On the disposal of the surplus lands relinquished on a Railway after the line is opened, besides the verified plans referred to in paragraph 154, and three sets of schedule & three copies of registers of title will also be prepared in Form 32 and 33 for State Railways, and in Forms 34 and 35 for guranteed Railways and railways constructed by other companies. One set of plans and schedules and a copy of the register of title will be sent to

the Agent of the Railway. Of the remaining two sets, one will be sent to the Deputy Commissioner of the district and the other will be kept in the office of the Director of Surveys. All three sets will be attested by the Deputy Secretary or Under Secretary, Revenue Department, the Agent of the Railway, and the Under Secretary, Public Works Department, if for a State Railway and by the Deputy Secretary or the Under Secretary, Revenue Department, the Agent or Chief Engineer of the Railway, and the Under Secretary, Public Works Department, if for a guaranteed Railway or a Railway constructed by other Companies.

166. Procedure for maintenance of Railway land plans : In the case of acquisition of additional railway land, the District Officer should have the necessary corrections made in the Collector's plan of original requisition and sent it with the plans indicated in paragraph 133 above regarding the new acquisition to Government. The letter after comparing all five plans will correct its own copy of the original Land Acquisition Officer's plan and the Engineer's plan in the office of the Director of Surveys and return the Collector's original and additional acquisition plans to the District Officer to be lodged in the Collectorate. The same procedure should be followed in the case of relinquishment when the District Officer should, after making necessary correction send the corrected plan with one set of the plans of the land sold to Government who, after making necessary corrections in the plans maintained in the office of the Director of Surveys will return the Collector's corrected plan.

The changes should be made in the plans in such a way

(e.g., by hatches in different coloured ink) and with such explanatory note as may be required to so clearly what the additions and alterations are and when they were made.

When verified plans under Chapter XV exist they should be dealt with also in the same way as the original plans.

Schedules of the area entered on the face of the plans should be corrected whenever the plans are corrected in consequence of additional acquisition or relinquishment.

167. Procedure for maintenance of non-railway plans : In respect of non-railway lands verified plans, schedules and registers of title such as those referred to in paragraph 165 above are not prepared and maintained in the office of the Director of Surveys. The title deeds for such lands are to be found in the records of the acquisition proceedings kept in the Collectorate record room. It will be the duty of the Officer of the department, company or local body, on whose behalf the lands are acquired, to note upon the certified plans supplied to them by the Collector under paragraph 133 and 138 above all changes occuring subsequent to the preparation of the plans and to maintain the plans in question in such a way that they may be readily available in support of their title to the lands acquired for them.

168. Demarcation of lands by Railway Officer : It has been laid down by Government that it is advisable for a Railway Officer, in order to prevent any doubt arising as to the exact boundaries of land permanently acquired, to define them on the ground in such a manner as to enable them to be readily ascertained and identified.

169. Periodic adjustment of boundaries of land : It has been laid down by Government that it is the duty of the controlling authorities of Railways, in conjunction with the Revenue authorities, periodically to adjust the boundaries, the controlling officers being held specially responsible for any excess or deficiency in the land held for Railway purposes, as well as for the punctual fulfillment of the forgoing rules in their several departments and for the careful record of correct registers, plans and schedules in their own offices.

CHAPTER XVII
ACCOUNTS, ESTABLISHMENT, RECOVERY AND ADJUSTMENT OF CHARGES

N.B. : The attention of Land Acquisition Officers is drawn to Articles 116, 118 and 437, 451 of the Civil Account Code, volumes I and II. Appendix 7 in the Civil Account Code, volume I, prescribed the procedure for disbursing compensation in land acquisition cases pertaining to Central departments. The corresponding procedure regulating payments relating to provincial transactions is contained in rules 69 and 70, Subsidiary orders 68 to 71 and Appendix 5 of Assam Financial Rules reproduced in Appendix I of this Manual.

170. Land of the Public Works Department taken up either by the Collector or some Special Officer : Land required for Public Works Department is taken up under the Act

either by the Collector or by some special officer who is placed at the disposal of Public Works Department and vested with the powers of a Collector under the Act; the accounts procedure differs in the two cases.

Procedure for special officers who are regarded as public works disbursers : Officers who are specially employed for this work, being vested with the powers with a Collector under the Act and placed at the disposal of the Public Works Department, are regarded as Public Works disbursers, and are supplied with funds in the manner prescribed for works outlay of Public Works officers, the expenditure being accounted under the Rules in the Public Works Account Code.

171. Special Officer for large Railway projects : When a large Railway project is being undertaken and as is usual, the Railway authorities desire to have the acquisition of land expedited, the Commissioner of the Division will consider carefully how many Special Officers are required and will make his recommendations to Government as early as possible. Ordinarily in such cases one Special Officer should not be in charge of the acquisition of more than 30 miles of the project, but the number of officers who can be deputed will depend on the availability of a sufficient number of officers with the necessary experience.

172. Accounts how to be kept by officers who are Public Works disbursers : Officers engaged in land acquisition work, who are public works disbursers, are required to keep the accounts in the manner prescribed for works outlay in the Public Works Account Code, vide also Appendix 5 to the Assam Financial Rules.

173. Accounts how to be kept by officers who are not public works disbursers : Land Acquisition Officer who are not public works disbursers, should kept the accounts prescribed in rules 12 to 14 of Appendix 5 to the Assam Financial Rules, and should also keep a ledger account of each project in Form 36 so as to check the expenditure incurred on each project and to make the necessary agreement with the Treasury Accounts.

When a land Acquisition Officer draws an advance in cash from the Treasury for disbursement, he should also enter in a daily cash book the total sum received in cash, the total daily payment (of which the details are entered in the counterfoils of Form C and in Form CC in Appendix 5 to the Assam Financial Rules), and the daily cash balance in his hands.

If the Land Acquisition Officer is not a Public Works disbursers and has no pass book, he should obtain from the Treasury at the end of the month a list of bills drawn by him, showing (1) number of vouchers, (2) date of payment, (3) nature of the bill, and (4) amount of the bill.

174. Accounts how to be kept by officers who are Railway disbursers : Officers specially employed for acquiring land for Railways, being invested with the powers of a Collector under the Act and placed at the disposal of the Public Works Department of the Provincial Government acting on behalf of the Railway Department of the Central Government, are regarded as Railway disbursers and are supplied with funds in the manner mentioned in Article 430 of the Civil Accounts Code, Volume II (8th edition). The procedure to be observed by such officers in

payment of compensation for land is as described in Rules 3 to 10 read with Rule 17 of Appendix 5 to the Assam Financial Rules.

175. Special pay to special Land Acquisition Officers : The provincial Government will grant special pay to an officer deputed to land acquisition work when the circumstances justify this. The special pay will not exceed Rs. 100 a month in the case of an Extra Assistant Commissioner, and will ordinarily not exceed Rs. 50 a month in the case of a Sub-Deputy Collector. The Government will determine whether the duties are important enough to require any, and if so what, special pay, subject to these limits.

176. Scale of establishment for a special Land Acquisition Officer : Ordinarily the following scale of establishment is considered as a full scale for an officer who is specially employed in acquiring lands for a new work of any importance, and is fully employed for such work :

	Rs.
1 Head Cleark and Accountant . . .	75
1 Second Clerk and Peshkar . . .	50
1 Third Clerk and Nazir (Cashier) . . .	35
2 Muharrirs at Rs. 30 each . . .	60
1 Draftman and computor . . .	35
1 Orderly peon . . .	12
1 Office peon . . .	11
6 Process-serving peons at Rs. 12 each . .	72
Total . . .	**350**

The full establishment must not be employed as a matter of course. On the other hand, work can often be expedited and economy effected by the temporary increase of that portion of the staff for which for the time being there is exessive work : the object to be aimed at in considering what staff is suitable at any stage of the proceedings is that the Land Acquisition Officer shall be kept fully employed and that his progress shall not be delayed by arrear of clerical work : and at the same time that the sub-ordinate staff shall not be so large that the Land Acquisition Officer shall not be able to control it efficiently.

As regards field establishment no hard and fast rules can be laid down. Land Acquisition Officer will find it difficult to supervise the work of more than 10 or 12 surveyors (amins or mandals). Subject to this limit as many surveyors as may be required and can be efficiently supervised by the Land Acquisition Officer should be employed on pay not exceeding Rs. 30 per mensem each and also two chainmen for each surveyor on pay not exceeding Rs. 14 per mensem each. A Kanungo on pay not exceeding Rs. 60 may be appointed to help the land Acquisition Officer in supervising the work of the surveyors. The field establishment should be disbanded as soon as field work is completed. Ordinary local enquiries may be conducted by the Kanungo. The draftsman or the Special Officer's regular staff may also be employed on urgent local enquiries when necessary.

177. Travelling allowance of field establishment : The pay of the field and survey establishment of Special Land Acquisition Officer's is also fixed as to compensate them for all

ordinary camping expenses. They are, therefore, not entitled to draw travelling allowance for journey (other than journeys by rail or steamer) within their spheres of duty.

178. Combination of officers of Accountant and Cashier to be discouraged : One and the same clerk should not be both Acountant and Cashier, and the combination of the duties of bill drawing and disbursing should be always discouraged.

Where there is a separate Land Acquisition Office the head clerk should carefully supervise the works of the other clerks and should satisfy himself by frequent inspection of records and registers that the correct procedure in work and the rules of accounts are strictly observed.

179. Security from clerks in Land Acquisition Offices : Clerks in Land Acquisition Offices, both of Special Officers and officers of the general staff, who handled and disburse money received for pay bills, travelling allowance, contingencies etc. must furnish security, which should be 10 percent in excess of the maximum amount likely to be in their custody at one time for such purposes. The Gazetted Officer in charge of any such office is, however directly responsible for such moneys and for sums drawn from the Treasury for disbursement to parties as compensation money and must keep latter in his personal custody. See also Rule 5 of the Assam Financial Rule.

180. Authority to sanction temporary establishment : The mere sanction of Government to an estimate, containing a provision for the entertainment of extra establishment, is not a

sufficient authority for the employment of that establishment by the local officers. Whenever any temporary establishment is required for work in connection with the acquisition of land for public purposes, the specific sanction of Government to each entertainment is necessary underRule 55 of the Assam Financial Rules. The Commissioner of Division is, however, empowered to sanction within the limit prescribed in Rule 176, the entertainment of temporary establishment under officers of the general line (i.e., not Public Works disbursers) provided that adequate budget provision exists for the purpose in the budget of the district concerned under the head "22-General Administration-General Establishment-Pay of Establishment".

When, however, the acquisition is for a particular department, a Railway Company, or a local body, the cost may be debited straight to the party concerned in accordance with Article118 of Civil Account Code, Volume I and need not be provided for under "22-General Administration".

181. Cost of special establishment and contingencies incurred by Public Works disbursers to be debited to the projects : The cost of any special establishment entertain under order of Government and the cost of contingencies incurred, by a civil officer employed as a Public Works disburser are chargeable to the works concerned.

The following items are also chargeable to the accounts of works concerned.

(1) Assessor's fees.

(2) Stamp duty.

(3) Law cost including pleaders' fees and court cost.

(4) Process fees.

(5) Batta of process-servers.

(6) Registration fees.

(7) Interest at 6 percent per annum paid under section 34 of the Land Acquisition Act.

Note : in the case of acquisitions for provincial departments the cost of pleaders'fees is debitable to "24. - Administration of justice"

182. Cost of special temporary land acquisition establishment under a civil officer of the general line and special contingencies incurred for a particular project, how to be met : The cost of any special temporary land acquisition establishment entertained for a particular project under a civil officer, who is not employed as a Public Works disburser, and also any contingent charges incurred by a civil officer specially for a particular project, should in all cases be treated as an integral part of the cost of the land and debited to the department for which the land is acquired. Thus, if the object of acquiring a particular plot of land is to provide a site for a Public Works Department building, a cost of which is debitable to "41. - Civil Works', not merely special changes on account of the establishment and contingencies for each acquisition should be recorded under that head.

The following instructions should be observed for making budget provision :

A : Acquisition for provincial departments where the land is being acquired for -

(1) A department or branch of a department which maintains a commercial (for profit and loss) system of accounts, the cost will be a direct charge on the department or branch of the department and should be budgeted for accordingly.

(2) Any other department or branch of a department :

(a) If a Public Works Department building project is immediately in view, the cost of land, special establishment and contingencies will be a charge on the public Works Department and should be provided for in the Public Works Department budget.

(b) Where no Public Works department project is concerned the cost of land and of special establishment and contingencies should be charged on the requiring department on the civil side (e.g., Agriculture, Medical etc.) and provision should be made by the head of the department in his departmental budget.

B : Acquisition for Central Departments :

(a) Where land is being acquired for a Public Works Department project, the procedure should be as in (2) (a) above, but the charges should be against

"41. - Civil Works" (Central), of the Military Department when military works are involved.

(b) Where the Public Works Department project is concerned, the cost of special establishment and contingencies for land acquisition is debitable to the Central department concerned, and should be budgeted for accordingly.

The requiring department shall obtain from the District Officer information regarding the special establishment and special contingencies for the project, and include this charges in its estimate for the acquisition of the land. This charges shall be drawn by the Collector, in a separate bill, the name of the project and the department to which they are debitable being noted on the top of the bill. It will not be necessary for the Collector to take the charges against the ordinary district agent, they will be adjusted by the Comptrollar against the department concerned.

C. - Where the land is being acquired for a local body -

(a) Where the land is being acquired for a local body or a company, the charges for special establishment and contingencies, should like the cost of land (vide rule 20 of Appendix 5 to the Assam Financial Rules) be adjusted against the credit under the head - "Deposits for work done for private bodies or individuals". There would then be no necessary for budgeting for them separately and no provision should be made on the budget on this account.

(b) When land is acquired jointly for two or more non-commercial departments, the charges shall not be divided but debited wholly to the department for which the greater part of the land is acquired, vide Article 181 (5) of the audit code, Volume 1.

183. Cost of temporary establishment entertained under a Land Acquisition Officer in the general line and contingent charges incurred by him, how to be budgeted for and apportioned : Any temporary establishment which is employed, not for a particular project but for several projects or different departments, and is working under a Land Acquisition Officer who is in the general line, will be provided for in the budget of the district concerned under "22 - General Administration General establishment - pay of establishment. Temporary Land Acquisition establishment" and its cost will be met from that head. Similarly contingencies incurred by such officer not for any particular project but for several projects of different departments will be made from Collector's contingent grant under "22.-General Administration - General establishment". If any of the project for which the temporary establishment is employed for the contingent expenditure incurred is one in which land is acquired at a cost of a commercial, Railway or a Central Department or of any Company or any fund controlled or managed by a local authority, such as a Municipilaty or a Local Board, the proportionate cost of such establishment and contingencies, as apportioned under paragraph 187 will be ultimately recovered from such company or authority in the manner laid down in paragraph 188.

184. Charges of establishment and contingencies to be paid by commercial deparment or companies and local authority at whose cost land is acquired, such estimates to be included in the estimate of cost : Under section 50 (1) of the Act when land is acquired at the cost of a commercial department or any fund controlled or managed by a local authority or of a company, the charges of and incidental to the acquition shall be defrayed from such fund or by such company. This charges comprise the salaries and travelling allowance of the Land Acquisition Officer and his establishment (permanent as well as temporary), the contribution for leave and pension charges of the Land Acquisition Officer and the pensionable members of his establishment, contingent charges including the cost of forms and stationary, and low charges incurred in conducting references, and also a charge on account of the time of the officer and his establishment devoted to references to the Court (see paragraph 187). Such charges must therefore be separately estimated in all acquisition made at the cost of commercial department or companies or funds controlled or managed by local authorities. Such charges should be included in the estimate of cost in addition to the compensation payable for the land and the capitalized value of Government revenue assigned to the land (if it appertains to a revenue-paying estates), which will be collected at 25 times the annual amount of revenue (vide paragraph 91). If as is oftened the case, the Land Acquisition Officer and his establishment are engaged on acquiring land in other projects or are not solely employed on

land acquition, the proportionate share of the salaries of the Land Acquisition Officer and his establishment and of contingencies should be provided for in the estimate, special charges, if any, either for staff or contingencies required solely for the project concerned being added to the proportionate share.

When the estimate of cost of establishment and contingencies can not conveniently be based on a forecast of actual charges, it will ordinarily be collected by taking a percentage of the estimated compensation. The Collector will use his discretion as to the percentage to be taken in its particular case. Ordinarily the percentage will vary from 5 percent on expensive projects to 20 percent on small projects. Actual recoveries will be made on a detailed apportionment prescribed in paragraph 187 below.

Note : Where land is acquired for villagers in areas for which no land records establishment is maintained, e.g., permanently settled areas a contribution to cover the cost of establishment as well as contingencies should be estimated and realized. Where the land acquired for villagers falls in a area for which a land records establishment is maintained, it will be enough to charge a contribution to cover only the probable contingent expenditure. As most of the projects are small contingent expenditure should ordinarily be estimated at 5 percent of the estimated compensation subject to a minimum of Rs. 2.

185. Such charges to be deposited in advance together with the cost of land and capitalized value : Attention is drawn to rule 20 of Appendix 5 to the Assam Financial Rules, which prescribes the account procedure to be followed when land is acquired at the cost of a body financially independent of Government. Whenever the land is acquired for a municipality, a local board or and any other local authority or at the cost of a company, and it is directed by the Provincial Government that the payments instead of being made in the same manner as the ordinary payments of such authority or Company, shall be made as if the land were being acquired for Government purposes, acquisition proceedings shall not be commenced until the amount of the estimate, inclusive of the capitalized value of Government revenue if any, and the cost of establishment inclusive of leave and pensionary charges, where leviable, and contingencies has been paid into the Treasury in the manner provided for in Rule 20 quoted above.

186. Charges of establishment and contingencies in railway projects : In acquisition for Railways, charges for only special establishments and contingencies whether incurred by Land Acquisition Officers in the general line or public works disbursers, are debitable to the account of the Railway in accordance with the instructions issued with Railway Board's letter no. 284W., dated the 15th January 1933, reproduct as sections IV-VI of the revised rules relating to the acquisition of land for Railway purposes (Appendix II) contribution for leave and pension charges of the pensionable members of such special establishment being included in the charges. No portion of the

salaries of the Land Acquisition Officer in the general line or of his regular land acquisition establishment, or a share of the charges for his ordinary contingencies need therefore be calculated and shown in the estimate of cost in Railway projects.

187. Apportionment of charges of common establishment contingencies in certain cases : Public works disbursing officers engaged on more than one project, and officers in the general line when acquiring land at the cost of a Company or any fund controlled or managed by a local authority are required to submit for the orders of the District Officer after the close of each month and apportionment statement showing the amount debitable, in the case of the public works disburser to each of the projects in his charge, and, in the other case mentioned above, to its project of the company or the local authority, on account of establishment and contingent charges for that month, the charge in each case being based on the proportion of the whole time of the officer and his establishment devoted to such project. Contribution for leave and pension charges of pensionable members of the establishment should be added in cases in which it is recoverable. Special charges incurred solely on account of any individual project should not called for an apportionment.

In the case of acquisition by an officer of the general line for local bodies and private companies or a department of the Provincial Government maintaining a commercial system of account a charge should also be included on account of the time of the officer and his establishment devoted to references to the Court.

The total of the charges apportioned as above under the orders of the District Officers month by month plus the special charges, if any, debited against any particular project will ultimately be entered in column 15 of the statement of expenditure in Form 25 for each such project in accordance with the instructions given in paragraph 135 above.

188. Recovery of apportioned charges : As such each project is completed, the total of the apportioned charges will be recovered, in the case of acquisition at the cost of a Company or a fund controlled or managed by a local authority, by the Land Acquisition Officer himself by debit to the deposit head "Deposits for work done for public bodies or individuals" for the project concerned (vide note under rule 20 of Appendix 5 to the Assam Financial Rules) and by transfer credit.

(1) When the Land Acquisition Officer is in the general line to the receipt head "XXXV.- Miscellaneous - collection of payments for services rendered" and (11) when the officer is a public works disburser, to the project against which the charges were originally drawn.

When the projects to which the apportioned charges are debitable are of other Government departments or Railway administration, a statement of the apportionment of the charges signed by the District Officer should accompany the monthly accounts in the case of public works disburser, while it should be forwarded to the Comptroller, Assam, by other civil officer not acting as such disburser for necessary adjustment in the Account Office.

189. Recovery and adjustment of law charges incurred in land acquisition : No preliminary estimate can be prepared for law charges in land acquisition cases; the actual expenditure incurred will be separately recorded and the adjustment of the charges should be made in accordance with the following procedure:

(1) The charges will be drawn in a fully vouched contingent bill in Assam Schedule III, section I, Form No. 29 by the Land Acquisition Officer or by the District Officer where there is no such special officer. When the Land Acquisition Officer is a Public Works disburser the charges are debited to the work concerned, and when he is not a Public Works disburser they are adjusted under the head of account to which the cost of the land is debited. The cost of pleader's fees is debitable to "24 - Administration of Justice" when the aquisition is for a provincial Department of Government. When land is acquired for the Central Government the pleaders fees should be debited to the head to which the cost of the Project is debited. The law charges including pleaders fees in connection with land acquired at the cost of a Company or a fund controlled or managed by a local authority will be met from the deposit account "Deposits for work done for public bodies or individuals", for the project concerned, deposit to that head being required, if necessary, from the

Company or local authority, as indicated in rule 20 of Appendix 5 to the Assam Financial Rules.

(2) The bills for the law charges drawn by the land Aquisition Officers acting as publicc works disbursers should be supported by a certificate to the effect that the charges are within the santioned estimate of the project concerned, after allowing for awards not yet paid. Such charges should not be included in the award statement.

190. Law charges may be met by Land Aquisition Officers and will be admitted in contingent bills passed by the Collector : Officers specially appointed to acquire land under the Act. for irrigation and railway purposes are empowered to meet law charges incurred by them, and the comptroller, Assam on the Accounts Officer concerned, as the case may be, will admit the charges in the monthly contingent bills, when duly supported by vouchers, provided that the bills, have first been passed by the District Officer.

191. Recovery of capitalized value of Government revenue and credit to Government : It is the duty of the Land Aquisition Officer, whether he is a public works disburser or an officer in the general line, to credit to Government the capitalized value of Government revenue in respect of which an abatement has been granted to the proprietor, when land is acquired for Railways and at the cost of Companies and local bodies as well as for a department of the Central Government and a department of the Provincial Government maintaining a

commercial system of accounts. The value should be computed at 25 times the annual amount of revenue actually abated. It should be paid from the head of account in the manner indicated in letter no. 284W., dated the 15th January 1933, reproduced as section IV - VI of the revised rules (Appendix II) relating to the acquisition of land for Railway purposes in the case of Railway projects; from the special deposit account in cases of acquisition for local bodies and Companies, and from the budget head to which the cost of land is chargeable in cases of acquisition for the Central Government or the Department of Provincial Government, and credited to the revenue head" V. - Land revenue - sale proceeds of waste land and redemption of land tax".

Note : In the case of land acquired for a department of the Central Government (including Railway department) the capitalized value of land revenue assessable on the land should be recoverable only in cases where the transfer of the land to the Central Government causes actual loss of land revenue to the Provincial Government.

192. Payment of compensation and of costs of acquisition how to be made when Government accepts as a donation the cost of the schemes : When Governments accepts a donation from a private body or individual for the purpose of acquiring land for a public purpose, and it is intended that the land shall vest permanently in Government, the donation will be credited to Government as a receipt of the department concerned, and the land will be acquired for

Government and at the expense of Government. In such cases specific budget provision for the expenditure is required, and accordingly the compensation is paid out of the public revenues. No provision for capitalized value of Government revenue need ordinarily be made in this cases.

193. Capitalized value and cost of establishment and contingencies, when to be shown in the estimate : The capitalized value of Government revenue and the cost of establishment including pay, allowances and leave and pensionary contributions of the Land Acquisition Officer and his establishment and contingencies are to be included in the estimate of cost only in cases in which they are debitable to the project concerned and to the extent they are so debitable under the foregoing paragraphs.

In communicating sanction to the estimate of cost to the Accounts Department, the sanctioning authority should invariably send a copy of the estimate.

194. Procedure for the resumption of Government land leased out on terms providing for its resumption for a public purpose without any payment for the land itself : The following instructions are to be observed in the resumption of Government land leased out on terms which provides for its resumption for a public purpose without payment to the lessee of any compensation for the land itself. When such land is required for a Railway or for any other commercial department, the full market value of the land is debitable to the Railway or the commercial department for which the land is required, the

debit in the case of Railway being made in accordance with the revised instructions contained in the Railway board's letter no 284W., dated the 15th January 1933, reproduced as Section IV - VI of the revised rules (Appendix II) relating to the acquisition of land for Railway purpose, and in the case of a commercial department in accordance with rule X of Appendix IV to the Assam Financial Rules. The expression "full market-value" in these cases will be interpreted as including the value of all interests in the land other than the proprietary interest of Government. In such cases the lessee not being entitled to any compensation for the land under the terms of the lease, the whole of the valuation should be credited to Government to that head to which the sale proceeds of such lands would be creditable under Article 181 (6) of Audit code, Volume I. When such land is required for any department of Government other than a commercial department it will be resumed and transferred to the requiring department free of charge on the principle laid down in rule X of Appendix IV to the Assam Financial Rules, unless compensation is due under the terms of the lease for any improvements made by the lessee in which case the requiring department will bear the cost of such compensation.

195. Adjustment of road lands made over to Railways : Where a Railway authority bears the cost of diverting a Public Works Department road or a Local Board road, it should not be required to pay for the land in use as the existing road, but it should pay for trees transferred with the existing road.

196. Adjustment of cost of land acquired for, or relinquished by Railways : For adjustments necessary in accounts

data on which he is calculating or proposes to calculate compensation, and any other information of importance. Where a decision is given by the Civil Court affecting rates over a large area or in a number of cases involving a large amount of compensation, the grounds on which the Court proceeded should be briefly stated and any intention to appeal should also be mentioned.

(iii) Return XVIII (b) - Annual statement showing the progress made by special officers solely empolyed on land acquisition work (Form 39)

This return should be submitted annually, showing for each officer the amount of work which he had to do during a year and the amount done during the year, and whether the progresses made by him was in the District Officer's opinion good or not. As the work of any partcular project or part of a project may be of specially troublesome nature, any special difficulties with which the Land Acquisition Officer has had to deal should be noticed in an explanation sheet attached to the return.

The returns showing the work of an officer solely employed upon the duties of Land Acquisition or those showing the progress in land acquisition work made by an officer who, in addition to his land acquisition duties, is employed in the general line, need not be submitted to Government, but will be finally reviewed and disposed of by the District Officer. This returns show the stages of each case from the receipt of orders under Section 7 to the taking of possession under Section 16. A case will be brought on to this return immediately upon receipt of orders under Section 7 of the Act.

The District Officer should insist upon the punctual submission of the returns.

CHAPTER XIX
INSPECTION

198. Inspection of Land Acquisition Offices by District Officers and by the Commissioner : Government attaches importance to the regular inspection of the offices of officers entrusted with the duties of land acquisition. Such inspections of the proceedings of officers in the general line are governed by the usual rules regulating the inspection of Collectorates and Sub Divisional offices but, in the absence of other specific orders, it is necessary to lay down that the offices of officers specially deputed to land acquisition work should also be fully inspected by District Officers at least once a year. The notes of inspection made by District Officers should be submitted to the Government.

199. Points specially to be noted during inspection : In making an inspection, special attention should be paid to the extent to which the land Acquisition Officers has done important work himself or delegated it to his subordinates, to the amounts given as awards and the data on which the awards were based, e.g., information for settlement reports and other papers, prices paid according to the deeds for sale produced for registration, the result of crops experiments, compensation awarded in previous land acquisition cases, etc. Special attention should also be paid to payments for lands and crops. It should be examined how and by whom the amount were calculated and by whom where payment was made except where the acquisition is a matter for urgency, compensation for crops should not be necessary; it should be carefully ascertained that excessive

payments have not been made for trees and that the trees paid for are or were in existence.

District and Sub-Divisional Officers when on tour should make a point of visiting lands under acquisition in the neighbourhood of their camps and of checking on the spot the valuation and amounts actually paid.

200. Inspection questions : The following is a list of questions for the inspection of a Land Acquisition office.

(1) Who is the Land Acquisition Officer and how long he been in charge?

(2) What is the establishment employed ? Is the work properly distributed and are all members of the staff fully employed ?

(3) What are the survey qualifications of the Land Acquisition Officers, Kanungo, surveyors or amins?

Procedure preliminary to declaration

(4) Examine the procedure which is followed on receipt of a requisition for notification under Section 4 (1). Are all such requisition entered in the register in Form 2 immediately on receipt? What requisitions are pending ? Has there been any avoidable delay in supplying the draft notification to the requiring authority in any case ? Does the Land Acquisition Officer promptly publish public notice of the notification locally ? Are the objection received

under Section 5 A duly investigated and the results of enquiry promptly reported to Government?

(5) Examine the procedure which is followed on receipt on a requisition for draft declaration under Section 6 and estimate. What requisition are pending? Have any been unduly delayed? Examine cases in which preliminary estimates did not accompany draft declaration and see if steps have been taken for their submission without delay.

(6) What procedure is followed by the Land Acquisition Officer for ascertaining from the Registration Office and recording, for the preparation of estimates and awards, the sale prices of land? If the officer does not obtain the informtion by personal examination of registers and documents, by whom it is obtained, and to what extent is the work checked by the officer? Is the information collected about sales and leases verified locally and are the lands sold and leases inspected and the circumstances of the sales and leases investigated ?

Is the ascertained sale price per acre worked out and recorded and is the information really available for use when references are made to the Court ?

(7) In preparing estimates does the Land Acquisition Officer consult settlement reports, village notes and other records ?

(8) Does the Land Acquisition Officer consult the District Officer when preparing the estimates in important cases and does he submit full information at the time of doing so?

(9) Does the Land Acquisition Officer submit an explanatory note with the estimate to elucidate the date on which the calculations of the principal terms in the estimate are based?

Procedure from declaration to award

(10) What method is followed in dividing a project into cases, and does it admit of a definite veluation of the interest of its person interested?

(11) Are order Sheets prepared for each separate case record ? Are they written up regularly? Are dates fixed and adhered to? Do the order sheets show that the persons interested have had facilities for knowing the dates to which enquiries have been adjourned?

(12) Do the order sheets show on which the persons interested the notice under section 9 (3) was served, and which of the persons interested have appeared (section 12 (1)) and whether they have accepted the award (section 18 (1)) and agreed as to the apportionment (section 29)?

(13) Do the awards show that compensation has been apportioned among all the persons known to be

interested? If in any case the compensation due to two or more parties has been lumped together, for what reason the Land Acqisition Officer neither decide on the apportionment nor make a reference under section 30?

(14) Do the records show that the claimants have had resonable opportunities for presenting their claims and having them investigated? Do they show the grounds on which the Land Acquisition Officer based his awards?

(15) Has the local authority or company requiring the land been informed of the dates fixed for enquiry and has it had an opportunity to appear and contest claims and produce evidence as to the value of the land?

(16) On what principles are the interests of land lords and of tenants valued respectively? Are tenents deprived of any portion of the actual market value of their interest on the ground that transfer without the landlord's consent does not convey a valid title?

(17) What principles are followed in valuing houses?

(18) Examine whether in assessing the market value of properties partly on the basis of sale prices and party on the basis of the capitalization of the net rental or profits, any of the items have been valued twice?

(19) Are notice of awards issued promptly under section 12(2) to perties interested, perticularly those

who are naither present nor represented when the awards are made.

(20) Has there been any undue delay in making awards in cases in which possession has been taken before award under section 17?

(21) On what principles is compensation assessed for temporary occupation?

Procedure after the awards

(22) Does the Land Acquisition Officer take care not to make payments before the time for reference has expired (Section 18 (2)), and when payments are due does he make them promptly? Are payments made locally when this is desirable?

(23) Has any compensation money been placed in Revenue Deposit which, with proper diligence, might have been paid to the parties to whom it is due?

(24) Does the Land Acquisition Officer ever alter his award after he has made it, and if so, what is the explanation?

(25) Have reference under section 18 been made promptly, and have particulars required by section 19 been fully entered ?

(26) Have any applications for reference been refused? If so, examine the application and see whether the refusal was legal.

(27) Have reference frequently resulted in an enhancement of the award ? If so, examine the records carefully and ascertain whether this is due to the cases not being properly represented before the; Judge to deficiencies in the information contained in the Land Acquisition Officer' record ; or to under valuation or wrong prin-ciples adopted by the Land Acquisition Officer.

(28) When the requiring authority is a local authority or a company, is it promptly informed when a notice is received under section 20?

(29) When cost have been decreed to Government in reference cases as the Land Acquisition Officer taken proper steps to realise them, and are there any cost long outstanding?

(30) Have payment been promptly made when the Judge has enhanced the awards so as to avoid accumaulation of interest?

MISCELLANEOUS

(31) Has any land been temporarily occupied under the orders of the Land Aqquisition Officer under section 35 for a period exceeding three years, and if so, under what circumstances ? On the expiration of the term of temporary occupation, is possession invariably restored formally to the persons interested therein?

(32) Are enquiries under section 40 held in strict confirmity with the terms of that section?

(33) Are the forms of agreements under section 41 approved by Govrnment before being executed by the companies concerned?

(34) Have there been any cases in which Government has withdrawn from acquisition of land after possession has been taken ? If so, did all the persons interested agree and was the case reported to the State Govt. for orders? Was care taken that the raiyats as well as the landlords were restored to their former positions?

(35) Has the acquisition of any land been stayed on account of the objection of an owner to the acquisition of part of a building? If so, did the objection specifically state that the owner desired the whole of the building to be acquired and was the objection made before the award? Has the Land Acquisition Officer refused to refer such a case to the Court and if so, on what grounds was his refusal justified ?

(36) As soon as awards are made and possession taken, are certified copies of the Land Acquisition Surveyor's plans showing the lands actually acquired, prepared and furnished to the requiring authori-ties?

(37) Are statements of abatment of revenue submitted quarterly in the duplicate in Form 17 and is one copy received back in the Land Acquisition office with the signature of the Tauzi Navis or Registrar Kanungo?

(38) Are alienations of land and revenue due to acquisition communicated to the Land Registration Branch in the Deputy Commissioner's office in the prescribed from (Form 23) and does the Land Acquisition Officer obtained receipts for the statements?

(39) Has there been any delay in the preparation of final reports and in the deposit of records in the records room? If so, what are the causes?

(40) Are the several registers of the Land Acquisition Department properly kept and written up-to-date?

RAILWAY ORDERS RELATING TO THE ACQUISITION OF LAND FOR RAILWAYS BOARD'S CIRCULAR NO. 889-P-16, DATED THE 30TH AUGUEST 1918, AS AMENDED UP-TO-DATE

MEMORANDUM

Read again -

Raiways Board's Circular No. 27 - R.C. of 12th April 1907
,, ,, ,, No. 215 - R.C. of 24th January / 1908
,, ,, ,, No. 2179 R.C. of 10th August / 1908
,, ,, ,, No. 271 R.C. of 25th January / 1909
,, ,, ,, No. 2642 R.C. of 17th September / 1909
,, ,, ,, No. 2650 R.C. of 2nd September / 1913
,, ,, ,, No. 285-F-17 of 8th May / 1918

Read also -

State Railway Construction Code (First Edition), 1909, paragraphs 1078- 79 and 1193-95.

The Land Acquisition (Mines) Act, 1885 (XVIII of 1885).

The Indian Railways Act, 1890 (IX of 1890).

The Land Acquisition Act, 1894 (I of 1894)

The orders relating to the acquisition of lands for Railways were last revised and republished for general information with Railway Board's Circular No.-27-R.C., dated the 12th April / 1907.

Various orders and rulings have since been issued having a bearing upon the subject, and the Railway Board have for some time had under consideration the question of issuing a revised edition, of the orders. The Railway Board have found, moreover, that some of the existing orders which deal with the procedure to be followed in connection with land acquisition are obsolete in certain respects, while in their general arrangement the rules are unnecessarily involved. As these rules are intended to serve as a guide not only to the main line administrations, but also to the agencies of the various branch lines companies which are rapidly springing up, it seems desirable that the necessary instructions should be set forth in a simplier and more intelligible form As they stand at present, the orders contained in the body of the rules are amplified by further instructions contained in a number of appendices which quote Government circulars from 1861 onwards and lead to frequent references occasioned not by the intrinsic difficulty of carrying out the orders but by the unnecessary complicity which has been introduced in giving expression to them.

2. For these reasons the rules have been recast and brought up-to-date so as to give in consecutive order the necessasry instructions regarding each of the operations connected with land and acquisition in as concise a manner as possible and are forwarded here with for the information and guidance of all Railway administrations.

Revised Rules relating to the Acquisition of Land for Railway purposes, 1918-

PRELIMINARY

The following is an abstract of the orders issued by the Government of india and the Railway Board from time to time regarding the acquisition, transfer, relinquishment and leasing of land on Railways. These rules should be observed in future on all Railways, whether constructed for work by the States or by Companies.

Note : These rules do not apply to land taken up for tramways.

INTRODUCTION

1. Preamble : The term 'Agent' includes 'Engineer-in-Chief' directly under the Railway Board.

The term 'Department' include 'Branch' or 'Service'

The term 'Head of Department' includes 'Principal Officers'.

Responsibility : The Railway administration is responsible for seeing :

(a) that it is necessary to acquire the land;

(b) that the sanction of competent authority exist for the acquisition;

(c) that if any departure from the rules is contemplated, the specific approval of the Railway Board to such departure has neen obtained;

(d) that the purchase price is resonable;

(e) that a proper title to the land acquired is secured and kept, and that it is capable to accurate identification, and

(f) that the land is utilised to the best advantage.

As regards (a), the initial responsibility for ensuring that land is not acquired without a clear necessity therefore rest on the heads of department concerned in respect of land required for their departments. They will be held accountable for the accuracy to the facts on which the justification for acquition is accepted by the head of the administration. In cases of acquisition schemes for Railways own and worked by companies, who are entitled to receive land from Government free of cost, Government inspectors will be responsible for advising the Railway Board on the actual necessity of the land for the purposes of the Railway.

As regards (d), the ultimate responsibility raised on the agent and the Engineering Department of the Railway, but so far as the actual valuation of the land is concerned, their chief responsibility lies in obtaining from the local revenue authorities as accurate an estimate as possible of the value before initiating proposals for acquisition.

As regards (e), the Engineering Department will be responsible (i) for the preparation of the necessary plans and estimates, (ii) for taking possession of the land when required from the Revenue Authorities, and (iii) verifying and demarcating its boundaries and plotting them on the plans As regards (f) the Engineering Department, or the department which has custody of

the land, is responsible for seeing that it is made use of to the best advantage. In particular, if a portion of the land is not immediately required for the use of the Railway : it should be considered whether it can be leased or licensed at a proper rental to outsiders with adequate safeguards for resuming possession as and when required.

SECTION I

General Instructions

2. Land to be invariably acquired under the Act : Whenever the land which does not already vest in Government is required for Railway purposes, it should be taken up under the Land Acquisition Act, Act of I of 1894, as acquisition under the Act confers an indefeasible title. Land which is already public property and in which no interest of private persons exist, should not form the subject of proceedings under the Land Acquisition Act.

3. (i) Private negotiations with owners of land to acquire for a public purpose : Private negotiation either direct with the owner or through an agent, deputy or broker, may be entered into, prior to the initiation of proceedings under the Act, as to the price to be paid, if thereby it is considered that appreciable economy would be effected.

In such cases, however, an approximate valuation for purposes of comparison, must be obtained from the local

authority before any settlement is arrived at. The terms of the settlement should be communicated to the local revenue authority or either officer specially appointed to acquire the land who, though not bound to do so, will not doubt ordinarily accept in his award the price thus agreed upon. The actual acquisition will in all cases be effected under the Land Acquisition Act.

(ii) In adopting the above procedure the desirability of which should always though considered in the case of land in the neighbourhood of large cities of other congested areas, it is essential that it should be made clear whether the price agreed upon does, or does not include the additional 15 percent for compensation due under section 23 (2) of the Act.

The terms of settlement should therefore be in the form of an agreement that the owner is willing to sell for a specified amount plus 15 percent for com pensation the sum of the two being in actual price agreed upon.

(iii) If an agent of broker is employed, the payment of any fee to him will require the sanction of the Railway board. Such fee should not ordinarily be a percentage of the price eventually agreed upon, if sanctioned and paid, should be treated as part of the cost of acquiring the land.

4. Arrangement for acquisition will be made by the provincial Government : All arrangement for the acquisition of

land required by a Railway will be made by the Provincial Government or Administration, as the case may be, by the Province in which the land required is situated. The local procedure to be followed and the information to be furnished for the purposes of acquisition should therefore be in confirmity with the instructions prescribed by each Provincial Government or Administration.

5. All land should be taken up as for permanent acquisition : All land for Railway purposes, whether acquired temporarily or permanently, will ordinarily be taken up in the first instance as for permanent occupation and value accordingly. In special circunstances, however, where land is needed for temporary purposes and whether there is likelyhood of the land on the expiration of the term of temporary occupation being rendered unfit to be used for the purpose for which it had been utilised immediately before such occupation, temporary acquisition may be undertaken under section 35 of the Land Acquisition Act (Act I of 1894) provided that such procedure will result in economy. Waste or arable land can be occupied temporarily only for a period not exceeding 3 years from the commencement of occupation, vide section35 (i) of the Land Acquisition Act (No. I of 1894).

6. Classification of Railway land : With a view, however, to determining what the disposition of the land will probably be **on** the completion the of work for which it had been acquired, the following clasification will be adopted :

(a) Railways constructed by Government or by companies not entitled to receive free of cost under their contracts.

On those Railways land is divided into two classes, viz :

(1) Permanent land

(2) Temporary land

(1) Permanent land : Land which will be required permanently after the railway is open for traffic and the work of construction 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 berns connected therewith catch-water drains and borrow-pits or such parts or them as it is necessary to retain, the entrences to tunnels and shafts belonging to them, the sites of bridges, and protection or training works, station yeards, landing places for railway ferries, ground to be occupied by works belongings to the Railway such as gass works, arrangements for water supply, septic tanks, collecting pits, filter beds and pumping installations etc. ground for the storage, manufacture or acquisition of materials laid for stationary zones, cemeteries, churches, plantations, gardens, and recreation grounds, sites for stations, offices, workshops, dwelling houses, and other buildings are required for the purposes of the Railway, or the acquisition of the staff with the grounds, yeards, roads, etc. appertaining thereto.

Under this head will also be classed lands out side the permanent railway boundary, which will be required for the

permanent diversion of roads or rivers, or for other works incidental to the construction of the railway which are made for public purposes and will not on completion of the works be maintained by the Railway authorities.

(2) Temporary land : All land which is acquired for temporary purposes only in which is relinquished after the work of construction is complete.

(b) Railways constructed by companies who received land free of cost.

On railways constructed by companies who are entitled to received land free of cost, land is divided into four classes, viz. :

I - Class "A" land.
II - Class "B" land.
III - Class "C" land
IV - Class "D" land

I. 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 works of the Railway which are permanent and will be necessary for the line when opened, such as land for the formation of the permanent line with sides, berms, catch-water, drains etc. 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.

II. 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 or the Railway but not required after the completion of the line in part or whole, such as 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.

III. 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 work 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 given the company a claim to the provision of land free of charge.

IV. Class "D" land : Land which, though required in consequence of the works of a Railway does not come directly into the occupation of the Railway company; such land will be provided by Government free of cost. Under this head is classed land required outside the Railway 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.

7. Modification of classification to suit condition : The classification above generally applies to Railway companies who receive land free of cost. In some cases, however, where the conditions under which Railway companies receive land free of cost

vary according to the terms of their respective contracts (or other arrangements), it will be necessary to modify the classsification to suit such conditions. For instance, where a Railway is entitled to receive land referred to in class C above, free of cost from government such land should be shown under class A or B according as the land is required permanently or temporarily.

When the transfer of land from one class to another is contemplated, the approval of the Railway Board should be applied for to such transfer only when it involves a charge against State funds.

8. Railways under the administrative control of a Provincial Government of administration : In the case of lines which, for administrative purposes are under the control of a Provincial Government or administration, the Railway administration concerned should invariably, unless imperial funds are involved, address such Provincial Government or administration direct of matters pertaining to the acquisation of land. Should any technical advice be required by a Provincial Government or administration in connection with the acquisition of land for such lines, the assistance of the Government Inspector of Railways of the circle concerned may be taken.

SECTION II
PROCEDURE FOR ACQUISITION PRELIMINARY TO PUTTING THE LAND ACQUISITION ACT INTO FORCE

9. Particulars to be specified in the application for land : Whenever land is required for Railway purposes, an application should first be made direct to the Revenue Officer in charge of the district in which the land is situated for a statement of the value of the land and a draft declaration for acquiring it. The application shall setforth clearly the purpose for which the land is required, and shall be accompanied by the following documents specifying the extent of the land and such other particulars necessary for its identification.

(a) A complete set of land plans prepared in accordance with the instruction given hereafter.

(b) A complete set of schedules prepared in the form given in Appendix B or in such other forms as may be prescribed by each Provincial Government or administration to suit local conditions.

N. B. : Every endeavour should be made to avoid interference with religious edifices, burial grounds or other places or objects which may be considered as sacred, and if the land applied for contains religious edifices, etc., the fact must be specially noted in the application.

10. When the work of acquisition extends to more than one districts but lies within one division, application should be made to the Commissioner, and when in more than one division to the Chief Revenue Authority of the Province.

11. For the better identification of land in cases where the areas to be taken up are extensive, the following further information should also be furnished by a Railway Administration to the Provincial Government or administration in applying for the acquisition of land:-

(a) The name of the Railway.

(b) The copy of the order of Government when necessary, sanctioning the con struction 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 Railways should passed.

(d) A list of the civil districts in which the land will be required for the purpose of the Railway with the approximate area in acres of the land required in each.

(e) For each civil districts, the name or description of the place or places at which the land plans for the district will be available for the inspection by the public.

With the statement specified above should also be sent for the information of the Provincial Government or administration a general Index plan to a scale of one mile to one inch showing the route to be followed by the Railway.

12. Should any land be required for temporary occupation only under section 35 of Act I of 1894, it should form the subject of a separate application in which the fact that permanent acquisation is not required should be clearly stated.

13. Estimate preliminery to putting Land Acquisition Act into force : On receipt from the Railway administration of the application for land drawn up in accordance with the procedure prescribed above, the responsible revenue official will forward to the Railway administration a statement showing the nearest approximate cost of the land which can be obtained without a detailed valuation of the property and also a draft declaration under section 6 of the Land Acquisition Act on which it should be recorded that there is no objection to the acquisition of the land on any general or specific grounds. In the case of large projects, in lieu of the statement prescribed above, the Revenue authorities will furnish to the Railway administration data in the following specimen form showing the estimate average value per acre as near as may be for the different classes of the land in the localities affected by the projects :

Milea	Rupees per acre			Remarks
	Cultivated		Uncultivated	
	Irrigated	Unirrigated		
3 - 15	80	30	10	Town Lands of Rampur.
15 - 17	300	120	30	
17 - 27	50	25	5	

In no circumstances should the local Revenue Authorities be called upon to furnish data,even rough approximation, unless they are supplied with a sketch (or detailed plans if such have already been prepared) containing the particulars required by paragraph 3 of the Government of india, PublicWorks Department, circular no. XI (Railway), 21st September 1895, vide Appendix K, as a departure from the strict observance of this requirement throws upon the Revenue Authorties undue responsibility for the adequacy of the preliminary estimate.

14. When the estimated value of the land exceeds Rs. 25,000 in any one district, or one lakh in any division it is necessary that the data should be counter-signed by the Commissioner of the Division in which the land is situated or the Chief Revenue Authority of the Province respectively.

15. The statement or data will be taken as representing the value of the land, inclusive of tenants rights but exclusive of the value of houses, trees, standing crops, etc., on the land, the approximate cost of which should be separately furnished by the Revenue Authorities. In addition to the data prescribed above, the Revenue Authorities should also give a rough estimate of the amount of such further items (if any) as are likely to be included in an award based on section 23 (1) of the Land Acquisition Act, including when necessary, an estimate of the capitalized value of the abatement of land revenue or of payments to be made direct to the proprietors of the area acquired in liue of abatement of land revenue, and charges for establishment and contingencies. Special care should be taken by the Reve ue

Authorities in furnishing as accurate data as possible so as to prevent inaccurate estimating. With this information in hand, the Railway administration should proceed to frame an estimate of the total cost of acquisition in detail, including (in cases where voluntary surrender is not probable) the additional 15 percent, laid down in section 23 (2) of the Land Acquisition Act, on the market value of the land under section 23 (1), clause first of that Act.

In doing so, it will be found generally convenient to adopt the following form :

Value of land	Waste	
		arable
		homestead
		bazar
Value of :	(a) Masonry houses.	
	(b) Thatehed houses.	
	(c) Trees	
	(d) Standing crops.	
Add	Additional compensation at 15 percent under section 23(2) of the Act on the market value of the land including houses, trees and crops	
Add	Market-value of Govt. Land taken up.	
Add	Damage under claues secondly to sixthly of section 23(1) of the Act.	
Add	Capitalised value of the Government Revenue when necessary.	
Add	Cost of establishment (when necessary)	
Add	Contingencies	

16. Should the estimate so framed be within the powers of

the Railway Administration to sanction and there be no objection to the acquisition of the land on the part of the Revenue Authorities, the Agent or Officer duly emowered to sanction the estimate will then accord senction and allot the necessary funds and forward the estimate duly countersigned by the Chief Auditor of Accounts or the Government Examiner of Accounts as the case may be, together with the draft declaration and duly signed plans and schedules, to the Provincial Government or administration who will take the necessary steps for the acquisition of the land.

If the sanction of the Railway Board is necessary to the estimated cost of the land, the Railway Administration should apply for and obtain that sanction before applying to the ProvincialGovernment or administration for the acquisition of the land.

When it is decided to make a deduction in the extent of the land of which the Provincial Government has already been asked to arrange to acquire, prompt warning should be given to them to take steps to modify the declaration already issued, or to make necessary withdrawal from acquisition.

17. The cost of land forms an integral part of the cost of a work; accordingly in determining the powers of a Railway administration to sanction a work, the cost of such work should be taken as a whole inclusive of that of the land irrespective of the source from which the cost of the land is met.

18. As a general rule land may not be acquired except in connection with a duly sanctioned work, but this rule does not debar the acquisition of land for railway purposes, such as

sanitary zones, which are unconnected with any particular work where any third partiy's right-of-way in the form of a path or road has been permanently obstructed by the Railway, either by the land having been acquired or otherwise, unlimited powers are delegated to the Agent for the acquisition of land to restore the right-of-way on another site.

19. In cases of urgency, Railway Administration are empowered to depart from the ordinary rule stated in the previous paragraphs and sanction the acquition of land prior to the preparation and sanction of estimates either for the work or the land, provided the total probable cost of the work is within the power of the Railway administration to sanction. Where it is anticipated that the estimated cost of the land or the work will exceed the power of sanction of the Railway administration, the reasons for urgency of acquisition and brief particulars of the work for which it is required together with information of the probable cost of the land and of the work should be reported to the Railway Board whose sanction to the acquisition of the lands should be applied for.

20. Procedure in the case of land required by Railway companies who are entitled to land free of cost under the terms of their contract and who construct and work their own lines : In the case of Railway companies who are entitled to receive land free of cost from Government and who construct and work their own lines, land plans and schedules in duplicate of the land required, drawn up in accordance with the instruction given hereafter, should be submitted in future by the

Agent of the Railway to the Government Inspector of the circle for countersignature before application is made to the Provincial Government or administration concerned, for its acquisition. The Government Inspector of Railways on approving of the proposal will countersign and return the land plans and schedules to the Railway administration, such countersignature to signify not that the Government Inspector of Railways accepts the correctness of the land plans of schedules (for which the Agents themselves are responsible) but that he is satisfied that the land applied for is actually required for Railway purposes. The estimates of the cost of such land should be submitted in full detail and countersigned by the Chief Auditor or Government examiner of Accounts as the case may be, to the Government Inspector of Railways for sanction simultaneously with the land plans and schedules in cases where the cost of the work for which the land is required is within the powers of the Railway Administration to sanction or is within the limit of the provision made for land in the sanctioned Project Estimate. In all other cases, the detailed estimate of cost should be submitted for the sanction of the Railway Board together with the estimate of the cost of the work accompanied by one set of land plans and schedules duly countersigned by the Government Inspector of Railways of the circle.

21. Procedure in the case of Branch lines to be constructed and worked by main line administration : In the case land required for branch lines or District Board Railways to be constructed and worked by mainline administration on behalf

of the companies or District Boards owning the Branch lines, there will be no need to submit plans and schedules to the Government Inspector of Railways of the circle, it will suffice if land plans and schedules are countersigned by the Agent of the main line prior to the Revenue Authorities being addressed. It will also rest with the Agent of the main line to accord sanction to detailed estimates of the cost of land in such cases within the provision made for land in the sanctioned Project Estimate, under the head "40 - subsidised companies - land" and in the case of land required for open line works on such branch lines or District Board Railways, besides countersigning the plans and schedules, the Agent of the main line will also sanction land estimates debitable to "40 - Subsidised Companies - land", provided the total estimates for the work (including cost of land) is within his powers of sanction, or refer to the Railway Board if the total is beyond his powers.

22. Where land is granted free of cost, Government undertake to secure to the railway only empty possession : Where land is acquired by Government and made over free of cost to a Railway Company for the construction of a Railway, the Railway Company, in the absence of any express stipulation to the contrary, are entitled to dispose of, or use for the purpose of the Railway any material, trees, buildings, or other property that may be on the land when it is handed over to them, but Government are entitled before handing over the land to dispose of or stipulate for the disposal of any such material, trees, buildings etc., which they may have been oblized to

acquire with the land and to apply the sale-proceeds in reduction of the cost of acquisition. Further, it is the business of the Railway Company to clear the land of all obstacles or obstructions and prepare it for the construction of the Railway, Government undertaking to secure to them empty possession only free of encumbrances.

SECTION III
PROCEDURE AFTER THE ACT IS PUT INTO FORCE

23. Procedure after publication of declaration : After the publication of the declaration under section 6 of the Land Acquisition Act, the Provincial Government or Administration will direct the Collector, or other officer specially appointed for the purpose to proceed to acquire the land in the manner indicated in the Land Acquisition Act, and all subsequent proceedings will be taken by the Provincial Government or Administration. When the awards have been announced, the Railway administration may enter into possession of the land but before doing so, the authority of the Land Acquisition Officer to its occupation should be obtained. When possession is taken, the acquisition is completed and the land then vests absolutely in Government. Upto the moment of taking possession under the Act, Government is at liberty to withdraw from the acquisition but not afterwards. It should be noted that withdrawal from acquisition entails liability for payment of compensation for any damage suffered by the owner in consequence of the notice or

any proceedings thereunder (section 48 (2) of the Land Acquisition Act I of 1894).

24. Valuation for purposes for awards : A Land Acquisition Officer in an enquiry and awards under section 11 of the Land ACquisition Act, shall give notice to the Railway Administration of their chief local representative of the day on which the enquiry to be held and shall take into consideration any representative which the Railway Administration or their chief local representative may make whether orally or by letter. Also before finally making the awards the Land Acquisition Officer will allow the Railway Authorities an opportunity of appearing in person or by Agent and of producing evidence as to the value of the land. Railway Administrations are desired to take advantage of these opportunities for representing their views and protecting their interests. Further, in order to protect the interest of Government in cases where land is granted free of cost to a railway, it is incumbent on the Collector of the district, or should be himself not be making the award, the Land Acquisition Officer so authorised, to refer to the Government Inspector of Railways of the circle or the Agent of Railway Administration or his representative (vide paragraphs 20 and 21 above) through the Collector of the district, all cases in which the awards are likely to exceed the original estimates by more than 10 percent or by more than Rs. 10,000. The Government Inspector or the Agent of the Railway will then decide whether it is advisable to be present and if so, he will inform the Collector or the Land Acquisition Officer (through the Collector) to that

effect within one month of the date of the receipt of the reference. If no such intimation is received by that date, it should be assumed by the Collector that the Government Inspector or the Agent does not want to be present and there is no objection to the awards been then made. It is very important that the procedure hereinabove laid down is taken advantage of in order that the interest of the person may be adequately represented.

If the award is finally settled after objections have been heard in that course of proceedings exceeds by more than 20 percent, the original estimate of the cost of acquisition or if the evidence as to the value is conflicting and such as to indicate a resonable probability that the Civil Court will award a sum exceeding that estimate, the Land Acquisition Officer should differ the award and inform the Railway Administration concerned of the facts. Further action will then be suspended until the Railway Administration has decided whether acquisition should be proceeded with or not. Before communicating such decision, the Railway Administration should, when the excess is likely to exceed their powers of sanction submit a report of the matter for the orders of the Railway Board, explaining at the same time whether the acquisition of the land is necessary or whether some plot of land other than that originally contemplated may not be taken up instead. It is incumbent on Railway Administration to endeavour to avoid the location of a 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 attended by a slight alteration of the alignment or in some other manner.

Possession of the land will be made over by the local Revenue authority or his representative, and will be taken over by a representative not lower in status than an Assistant Engineer of the Engineering Department of the Railway.

The area on the ground will be carefully checked with that on the plan and if found correct, the permanent boundary marks will be affixed as soon as possible thereafter.

A certificate at least in duplicate, to the effect that the land has been on the day correctly made and taken over, will then be signed by both parties and recorded by the Revenue and Railway authorities respectively.

25. Revised estimates : If during the proceedings under section of the Land Acquisition Act it becomes apparent to the Land Acquisition Officer that the cost of the land will exceed the amount of the sanctioned estimate, he should report the exceeds to the Railway administration concerned and at the same time furnish fresh data for the revision of the estimate. The Railway Administration will then frame a revised estimate of cost in full detail and if the excess is within the powers delegated to the Railway Administration, sanction the estimate and allot the further funds necessary. Should the revised estimate, however, required the sanction of the Railway Board, such sanction should be applied for, and in doing so, an explanation of the cause of the excess should be furnished where it exceeds the initial estimate by more than 10 percent. It should be noted that the countersignature of the responsible revenue authorities should be obtained to the revised estimate as in the case of the original estimate.

26. Completion reports : When acquisition has been finally completed and awards made, a completion report showing the actual expenditure incurred on the acquisition should, in the case of lines under construction, and of open line works costing Rs. 18 Lakhs and over, be submitted to the Railway Board for sanction in accordance with Railway Board's Circular No. 432-C.-4374, dated 27th November 1914, along with the completion report of the works for which the land has been acquired. These completion reports should be drawn in detail by the Railway Administration on the awards actually made.

27. As regards land taken up for open line works costing less than Rs. 18 Lakhs no completion report need be submitted to the Railway Board unless it is found that expenditure has been incurred over the original or revised estimate, in excess of the powers of the Railway Aadministration.

SECTION IV
CUSTODY OF LANDS

28. Title of Land. It is the duty of every Railway Administration to preserve unimpaired the title to all land in its occupation and to keep it free from ancroachment. Where, however, the management of any land has been accepted by a provincial Goverment (see section V), this duty will devolve on that authority during the period of such managment.

29. Procedure in litigation. Should Litigation be involved in respect of any land held by Company managed line, and

should the Administration of that Railway be advised that it is necessary for the Secretary of state to be cited as a co-plaintiff, sanction to do so must be obtained from the Railway Board. In such cases, where the interests of the Secretary of State and the Railway Company are the same, there is no objection to both being represented by the same Legal Adviser or Advisers. Where these letter are those of the Railway Administration a special order by the Government of india appointing an officer of the Railway to act on behalf of the Secretary of State and to sign the written statement and verify its contains, etc., will be necessary. Where the Provincial Government is asked to intervene, the cost incurred by them will be borne by the Railway Company.

Officers of State-managed Railways are competent to act on behalf of the Secretary of State agreeably to the rules in force for the institution of suits by or against the Secretary of State.

Litigation should, however, seldom be necessary if accurate land plans are maintained and boundaries adequately demarcated and verified therewith at regular intervals.

30. Record of title : Agents will be responsible for drawing up supplimentary rules to ensure that, in respect of land other than that managed by a Provincial Government, (a) records of title are safely preserved and kept up-to-date, (b) that boundaries are periodically inspected; and (c)that any encroachment found are promptly reported and dealt with.

As regards (b) and (c) these duties should ordinarily devolve on the authority entrusted with the management of the land; though

it may be desirable to reserve the actual institution of all ejectment suits to one authority (Preferably the Engineering department).

No legal proceedings in this connection may be entered upon without the sanction of the Agent.

SECTION V
MANAGEMENT OF LAND

31. Management of land : All Railway land should be managed on commercial lines, and each Railway Administration should endeavour to develop the resources of, and put to profitable use, any areas in each occupation which, though not eligible for relinquisment (sec section VI), are lying idle and are suitable for the purpose.

Such land is referred to hereinafter as "avilable".

Term of management .

32.The management of land entails:

(i) The custody thereof (see section IV).

(ii) The utilization to the best advantage of such portions of its as are available; and responsibility for all arrangements in connection with their leasing or licensing (e.g., selection of tenant, placing him in possession, fixation of rental, maintenance of the necessary registers and plans, enforcement of the terms of agreement, etc.)

(iii) Justifying, if called upon to do so, its continued retention by the Railway; or alternatively, instituting proposals for its relinquishment.

33. Responsibility of management: The Engineering, or any other Department of the Railway decided on by the Agent at his discretion, will be responsible to him for the management on these terms of all land in the occupation of the Railway. The management of available land may be entrusted also to (a) a provincial Goverment, or,(b) Station Commitees.

As regards (a), a provincial Goverment may be offered the managements of such areas of avilable land as it may agree to accept and, if necessary, may be permitted to retain a percentage (to be agreed upon between the Railway Administration and the provincial Government) of the gross receipts accruing from the lease, of the land.

In such cases the following conditions will apply:

(i)That such transfer conveys no power to sell, exchange or give away the land without the saction of the Railway administration (i.e.the land will still remain in the "occupation" of the Goverment of India) and that the latter may impose such restrictions as it may consider necessary on the use or occupation of the land so entrusted.

(ii) That the Railway Administration reserves the right to withdraw such land, without compensation in the case of resonable notice being given and on payment of a fair price if resumption is made at such short notice as to preclude the gathering of any crop, indigenous to the locality, sown thereon.

(iii) Receipts, less any percentage that may be agreed upon, will be credited to the Railway. Taxes, which would be leviable on the land where it retain under the management of the Railway Administration, will continue to be a charge of the Railway (see also rule 9, Note 2, Appendix L).

(iv) That of the resumption of the land by the Railway Administration or if under relinquishment, on its sale, it shall be handed over with a clear title, any steps necessary to preserve such title being taken by the provincial Goverment on behalf of the Secretary of State.

As regards (b), Station Committees may, at the discretion of the Agent and on terms to be prescribed by him, be given the management of all or any or any portion of the land under their jurisdiction.

Land made over for management under (a) or (b) above should be properly demarcated, and accompanied by the necessary plans.

34. Method of management : To enable management to be conducted on commercial lines, Railway Administrations are permitted to grant to outsiders or other departments, under a lease of license, rights and facilities in respect of available land for such purposes, whether or not connected with railway working, as they may deemed suitable.

The leasing or licensing of available land agreeably to these rules, for purposes connected with the working of the Railway (e.g., Bulk Oil Installation : ware-houses, wharfs or other premises for storing goods on receipt from the Railway after arrival or before being made over to the Railway for despatch;

shops for Station Vandors etc., etc.) does not require a reference to a Provincial Government or other authority : but, in the case of land leased or licensed for other purposes, the Provincial Government or other authority concerned should be consulted whenever the contingent circumstances such as to render it relevant or advisable, particularly if the alicanation is of a quasi-permanent nature.

The leasing or licensing of Railway land for religious or educational purposes will require the sanction of the Railway Board.

In addition to the lease or license of land itself, rights partaining there to, such as grass cutting, grazing, fruit, fishing, mooring, etc., may be let out.

35. The method by which land is managed by a Provincial Government will be decided by that authority, subject only to the conditions on which such management is undertaken.

36. Lease or license agreements : A lease presents certain difficulties, in that there is a danger of accrual of occupancy rights, and its execution on behalf of the Secretary of State can be carried out only by the authority competant to do so. Nevertheless, if the added security of tenure given thereby is likely to result in an appreciably enhanced rental, its employment shoul be seriously considered. In the case of a company-managementline, all agreements will require to be executed by the Secretary, Railway Board.

A license, on the other hand, merely confers on the licensee the right, subject to certain restrictions, to use the alloted land

for the purpose of the operations specified, and create no tenancy therein. Further, it may be executed by any Railway Administration, whether of a State or a Company-managed line.

It is not possible to detail all the terms to be embodied in the various forms of agreement; but, broadly speaking, they should be such as to ensure :

(i). That the interests of the Government of India and of the Railway Administration are adequately safeguarded.

(ii). that the rental obtained will provide a margin of profit. (In the case of Railway staff, however, the cultivation of small plots of land, or enjoyment of usufruct may be permitted free of charge.)

Plots of vacant Railway land may also be licensed to Railway employees or to such non-railway organisation as provide facilities to Railway employees for the purpose for playing games, and at a nominal rent, where necessary provided that is made clear in the agreement in each case that the land can be resumed at short notice, exceeding amount, without compensation of any buildings created or improvements effected thereon.

(iii) That except as provided in cluase (ii) of the conditions of which the management of land may be entrusted to a Provincial Government, no compensation shall be payable on resumption; and that, except in the case of A. F. I. Armouries and S.S.I.'s quarters or under the general or specific orders of the Railway Board, the

Railway Administration shall not be committed (though they may retain an option) to the purchase, on resumption of the land, of buildings or structures erected thereon.

A sample license form, for Bulk Oil Depots, is given in Appendix D, but other forms may be adopted to suit requirements provided that, whether for a Lease or a License, they are drafted under competent legal advice.

In the case of land rented to another Railway Administration or a depertment of the Government of India or Provincial Government, and unstamped agreement embodying the trems and signed by authorised representatives of both parties, is all that is required.

The net receipts from the management of railway land should be adjusted in accounts in the following manner :

(i) Head "XII-Subsidised Companies" when the cost of land is not debited to the capital account of the Railway but is made by Government.

(ii) "Railway Revenue" of the undertaking in the case of Railways whose capital account is charged with the cost of the land.

In the case of the Tirhoot Railway whose capital account though bearing the cost of land, does not include the capitalized value of land revenue abated, the net receipts realised by Revenue Authorities should be credited to "Land Revenue" in the Civil Department.

SECTION VI
RELINQUISHMENT OF LAND

37. Relinquishment of land : The instructions in this section are subsidiary to the Secretary of State for India's Land Transfer Rule as promulgated with the Government of India, Finance Department resolution no. D.3428-A., dated 10th December 1925. (Appendix L).

The general position in regard to all crown lands in India is that the Government of India has the right to remain in undisturbed possession of all land in its occupation that is required for the effective discharge of the duties of any one of each department (e.g., Army Department, Commerce Department, Post and Telegraps, Railway Department, etc., etc.,)

Any land no longer so required is to be offered to the Provincial Government of the province in which it is situatet. If the latter is unwilling to purchase it on the terms prescribed in the Secretary of State's Rules the land may be disposed of by the Government of India in such manner as it may deem suitable.

So far as Railway land is concerned, the policy of the Railway Board is to limit holdings to actual requirements, present and prospective. Every Railway Administration, must, therefore, be in a position to justify the retention of land occupied by them, and where unable to do so, should classify it as "eligible for relinquishment" and arrange for its disposal agreeabily to the following rules.

While land is not to be retained unreasonably, it is equally not to be disposed of at prices incomensurate with its value nor surrendered free of cost.

38. What land may not be relinquished : In deciding whether or not a certain area is elligible for relinquishment, Railway Administration should be guided by the consideration that land may be said (without prejudice to the absolute right of a Provincial Government to represent to the contrary) to be required for the effective discharge of the duties of the Government of India (Railway Department) if it falls within one or the other of the folowing categories :-

(a) Land in the active occupation of a Railway, i.e., land actually occupied by the permanent works of the Railway, or required for their construction maintanence or repair.

(b) Land not so occupied; but to the permanent alien control of which specific objection exists, i.e., land in the midst of or adjoining that in active occupation and to separate which from such area would be detrimental to Railway interests.

(c) Land required in the interests of the health or the welfare of the staff, or for the safety of Railway property (e.g., sanitary or fire ones etc.)

(d) Land required for such future development as may properly be contemplated.

39. Procedure when land no longer required by Railway : When it has been decided that a certain area of land

is no longer required by any department of the Railway and is eligible for relinquishment, the procedure will be as follows :

(1) In the land adjoins or is in near vicinity of land belonging to any other Railway or Department of India, it shall first be offered thereto.

If one of these desires to acquire it, the land shall, on the terms being agreed upon, be made over by responsible authority to an officer of that department or Railway deputed for the purpose. A formal record of the transfer will be made and the Provincial Government advised; or, if willing, the latter may be entrusted with the work of transfer.

(2) If the land is not adjacent to or in the close vicinity of that held by other Railways or Departments of the Government of India, or , though so situate, is not required by such Railways or departments, it shall be offered to the Provincial Government. If the Provincial Government are willing to purchase it, it shall, on the terms being agreed upon, be made over to the officer appointed for the purpose, in the same manner mutatis mutandis as that in which land is taken over in acquisition (vide paragraph 24 of these Rules).

(3) If the Provincial Government is unwilling to excercise its options, the land should be disposed of to the best advantage as follows :

(a) The Provincial Government may be asked to undertake the whole process of disposal, the Railway Administration merely concurring in the terms.

(b) If the Provincial Government is unwilling to undertake negotiations for sale, these should be carried out by the Railway Administration, and the Provincial Government may be requested to carry out the final transactions on the terms arranged.

(c) If the Provincial Government is unwilling to effect even the actual transfer on behalf of the Secretary of State, a formal deed of conveyance must be drawn up by the Railway Administration (ordinarily at the expense of the purchaser), submitted to the authority competent to execute it for signature, and register, the land being hereafter made over, by responsible authority, to the purchasers.

In any case of the Provincial Government must be consulted as to the manner of disposal the conditions (if any) that should be laid down for the use of the land after sale, and the extent to which (if at all the principles of the Resolutions of the Government of India in the Department of Revenue and Agriculture, no. 13/44-13, dated 30th October, 1896 (see Appendix N) should be applied.

(4) If neither another Railway nor a department of the Government of India nor the Provincial Government desire to acquire the land, and if no reasonable offer is forthcoming from other parties, the land should be retained by the Railway

Administration and managed in accordance with the procedure laid down in section V until such time as one or the other of above contingencies eventuate.

A Railway Administration may, at their discretion effect an equitable exchange of land in their occupation of other land equally suited to their requirements, with or without a monetary adjustment; the method of transfer following with the necessary changes that prescribed for relinquishment.

In regard to transfer of land to or from the Military Authorities the procedure laid down in Appendix C should be followed.

40. Should representations be made by a Provincial Government, either direct or through the Government of India to the effect that a certain area of Railway land, is not being used for the purposes originally intended and is, in adition, no longer required for the effective discharge of the duties of the Government of India, the Railway Administration will, if in a position to contest the claim, advised the Provincial Government, or the Government of India, as the case may be, of the reasons for which it is considered that the land is still required by them or the effect that it is wanted by another Railway or Department of the Government of India; otherwise the land will be considered to be eligible for relinquishment and dealt with in accordance with the rules relating thereto.

41. Terms of relinquishment : The terms on which Railway land may be surrendered will be :

(a) In the case a Provincial Government, those set

forth in the Secretary of State's Land Transfer Rule (see Appendix L)

(b) In the case of another Railway or the Department of Government of India, the market value of the land and buildings thereon.

(c) In all other cases, in highest offer which is considered reasonable:

Provided that in all cases conditions or restrictions of use agreed upon by both parties may be embodied; and provided also that, where the estimated value of the land exceeds Rs. 1 lakh, a prior reference shall be made to the Railway Board.

The proceed of all Railway lands relinquished, less any charge as properly incurred in their disposal, will be credited as follows :

(a) When the land was provided free of cost by the Government of India to head "XXI-Subsidised Companies".

(b) In all other cases, to the capital account of the Railway.

(**Note** : As in the case of acquisition, a Provincial Government may be reimbursed the cost of special establishment employed in connection with relinquishment proceedings).

42. Rights vest in Government till relinquishment is complete : As in acquisition, the process of relinquishment is not completed until possession of the land is made over (and in no circumstances should these be done until the terms of relinquishment have been settled); and until relinquishment is complete all rights in the land continue to vest in the Government of India in the Railway Department.

After relinquishment is complete, the Railway boundary marks, land plans, etc., should be adjusted accordingly.

SECTION VII

(Revised 1926)

AMOUNT OF LAND TO BE ACQUIRED

43. How amount of land required is to be estimated : In estimating for the amount of land to be taken up for Railway, care should be taken to make provision not only for the land which will be required permanently for the purposes for the open lines (such as those indicated on page 229 under "Permanent Land") but also for such land as will be required during constructions only for spoil-banks, side cuttings, quarries, staking and preparation of materials, temporary offices, workshops and quarters, and for temporary purposes generally, to be relinquished after the works is complete.

44. Amount of land to be taken up :

(a) For lines over which traffic is likely to develop beyond after opening, the widths of land to be taken up should be those for a double line.

(b) For lines which traffic cannot reasonably be expected to grow beyond the carrying capacity of a single line within 15 yards of opening, the widths of land to be acquired should be those for a single line.

For the purposes above, the minimum widths of land to be taken up should be under ordinary circumstances, those shown in the Sections and Tables, Appendix A. The amount of permanent land will depend upon how many, if any, of the borrow-pits are to be retained after construction is completed.

The orders of the Railway Board should be obtained before reckoning widths on basis (a).

45. (Cancelled).

46. At station yards the cutting or filling for the formation of the main line and sidings may sometimes be arranged for in the generel levelling and improvment 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. Special care should be taken to ensure that sufficient land is taken up at Stations. This land should provide for any reasonable extention of the yard which may be expected in the future.

47. (Cancelled)

48. In making provision for land for side-cutting , the widths will under ordinery circunstances 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 equaliaze the quantities for cutting and filling, and take the material for banks from the adjacent cuttings.

After a line has been opened, land is required from which earth can be dug for repairs to bank and this should always be acquired permanently.

It would not be economical to reserve land for all repairs between the bank and the original borrow-pits, because doing so could increase the lead and consequently the cost of all earth dug for construction of banks but it is desirable to have a certain width of land for which earth can be dug for emergent repaires during or immediately after the monsoon when the borrow-pits may be full of water. Pits dig for such urgent repairs, inside the line of orriginal borrow-pits, should not be more then 3 feet in depth and the width of land for such pits may be taken as equal to the height of bank.

The width of berm to be originally set out will therefore be 10 feet plus width required for urgent repairs (= height of bank). Provision has been made on this basis on this Tables, Appendix A.

For 2′ - 6″ gauge lines in mountainous country special arrangements for acquisition of land for borrow-pitch to provide earth for construction and maintenance must be made.

SECTION VIII

(Revised 1926)

GENERAL ARRANGEMENT FOR SIDE-WIDTH, ETC.

49. Broad gauge single and double :Metre single and double : 2′ - 6″ single : For the line between stations, the general arrangements for land shown in the sections, Appendix A are to be followed.

The width of temporary land to be acquired for borrow-pits

or spoil-banks can not be laid down, as these depend on : (1) nature of soil (2) depth of sub-soil water (3) price of land (4) other local considerations. But for the ordinary open country, where land is not unduly expensive and excavation to a depth of 6 feet is not undesirable owing to hard soil or sub-soil water met with, the width shown in the tables in Appendix A will be found suitable for banks of 2 to 1 slope.

50. 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. See tables in Appendix A.

51. In setting out land for side-cuttings, arrangements should be made for berms at suitable intervals to allow of convenient access to the line during construction and to prevent the side-cuttings ultimately developing into water forces alongside the embankment. A width of 20 feet in a length of 200 feet is generally suitable for this purpose, that is to say, its excavation would be 180 feet long and separated from the next excavation by an interval of 20 feet of undisturbed earth. The Tables, Appendix A are calculated on the above dimensions.

52. In setting out land for spoil-banks, care should be taken to leave sufficient space for arrangement for drainage and for catch-water drains, where required, to prevent surface water from the adjacent land running down the slopes of the cutting. Land required for catch-water drains outside the lines of spoil-banks will be additinal to that shown in the table in Appendix A.

53. The sides of spoil-banks and side-cuttings next the line are to be sloped off (as shown in the sections, Appendix A)

before the earth work is finished and in setting out side-width the distance allowed to their nearest part of the excavation or spoil-bank must be such as to preserve the specified width of strip of clear unbroken ground after this sloping has been carried out.

54. The slopes of sites of borrow-pits nearest the line should be the same as the slope adopted for embankments and this will generally be 2 to 1.

55. The slopes of spoil-bank should usually be 2 to 1.

56. A convenient height for spoil-bank is 5 feet and this has been adopted for the tables in Appendix A.

57. In taking up land for embankments a strip 3 feet wide has been allowed for outside the outer edge of borrow-pits to enable the fence to be erected outside the borrow-pits if required.

Where the line is in cutting, the fence can be erected if required, at the outer toe of spoil-banks and no such strip is required.

58. In arranging the side widths, the line for the fenc'ng and for inner edge of side-cutting or spoil-banks should be continued straight for 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 lenght and not be zig-zag to suit the local variation at each chain peg. Where the variation in side-widths would be comperatively unimportant, it will often be advisable to neglect such local variations entirely, and take up the land in a parallel strip for some distance.

SECTION IX
LAND PLANS AND SCHEDULES

59. Land Plans : To enable the Revenue 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.

60. Scale : 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 shown with clearness, the scale should be 100 feet to 1 inch. A scale of 50 feet to an inch may, however, be used in special cases for congested areas in large towns.

Note : **(a)** This rule may waived when the land to be acquired forms an addition to that already previously acquired. In such cases the plan showing additions may be drawn to the same scale as the original plans.

(b) In cases where the existing revenue maps are not on a smaller scale than 400 feet to an inch they may , with consent of the Provincial Government, be used for the preparation of land plans.

61. Data for Land Plans : The data for the preparation of the land plans should generally 0btained 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 reilway are

to be held to apply also to plans required for the acquisition of the land necessary for the construction of the railway.

62. Additional information to be supplied on land plans:

The following additional information is to be supplid on the land plans:-

(a) In the case of a railway to be constructed by the 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 Revenue 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) showing the boundaries of the land required for permannt 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 coloures 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 in rule 6 (b) on page, 230, or under other conditions of a like nature, the plans made out for the first acquisition of the land for use of the Revenue Authorities will show the outer boundary line and will be distinguished in the land plans by being coloured by pink and all land irrespective of the purpose for which required, will be taken up as for permanent occupation. The plans retained by the Railway Authorities, however 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), showing the disposition of the land as determined after the work of construction is completed.

Class "A"	Land	-	Pink
Class "B"	Land	-	Yellow

Class "C" Land - Purple

Class "D" Land - Green

(c) Detached portions of lands should be referred to some fixed point on one of the main sheets which 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 dimension 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 writtten 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 Railway land, the position and corresponding number of every detatched marks must be inserted in the land plans; and on each

land plan the number of each detatch mark shown thereon is to be tabulated, with the magnetic bearing and distance in feet to the next mark.

The plans should in short be full and complete and should show all existing roads and buildings, and when the latter are known to be used for public purpose or by special departments, their purposes and ownership should be stated.

63. Land plans to be made up in sets for continuous portions : Tha 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 sufficient portion of the continuation sheet of the next sheet 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 revenue district (or native State) to which the set belongs, is to be marked conspicuously on each sheet.

64. Schedules of land : The schedules showing details of the land required may be drawn up in the forms numbered 1 to 3 printed in Appendix B; this however are not prescribed as standard forms for adoption on all railways, as it is recognised that land tenures vary in different parts of India and that each Provincial Government or Administration may desire land schedules to be prepared in a form and with particulars to suit local conditions and local land revenue procedure. Railway Administration should

therefore prepare the land schedules in the form that may be required by each Provincial Government of administration.

65. The minimum number of sets of land plans and schedules required is two - one for the Revenue Authorities and one for the Railway.

66. Each set of land plans and schedules is to be signed by the officer immediately responsible for its preparation, and by the Chief Engineer or Engineer-in-Chief of the Railway. In the case of land required for a line already opened, the Agent will also countersign the plans and schedules before sending them on.

67. Land plans to be kept up-to-date : 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 should show a clear and accurate record of the land occupied by the Railway on that date.

68. A complete series of land plans for the whole line is to be kept in the office of the Chief Engineer of the Railway.

SECTION X
ADJUSTMENT OF CHARGES, ESTABLISHMENT AND CAPITALIZED ABATEMENT OF LAND REVENUE

69. Incidence of cost of land taken up at the cost of a Railway : Unless otherwise provided for under the terms of each contract, the cost of all land taken up permanently for a Railway which is not entitled to receive land free of cost, is debitable to the capital account of the line irrespective of the amount involved or whether required for capital of revenue works. In the case of Railway work by the State, land required for the manufacture of materials, as also for the acquisition of materials by quarrying, mining, boring of other operations and payments for royalty, mining rights, etc., connected with the same should not be included in land estimates, but may be dealt with as laid down in paragraph 147 of the State Railway Construction Code, or if more convenient charged off finally to the work concerned. In the case of other railways such charges are included or excluded according to the terms of the contracts.

Incidence of cost of land temporarily acquired at the cost of a Railway : The compensation payable however for land acquired temporarily under section 35 of the Land Acquisition Act-I of 1894, will be chargeable to the work or purpose concerned.

70. Incidence of cost of land taken up for Railways entitled to receive land free of cost : In the case of a Railway constructed by a Company or other body, under the terms of whose contract (or other arrangement with Government)

land is granted, free of cost by Government, the cost of all land will be borne by Government and charged to the head '11.- Subsidised Companies Land' and in the case of such Native State lines traversing British Territory as are entitled to receive land free, the cost will be debited to the head '12 - Miscellinous Railway Expenditure'. Where land is taken up under Classes A, B, C and D as defined in paragraph 6 (b) of these rules, or under other conditions of like nature, Class C land will be acquired by Government at the cost of the Railway concerned.

71.
72.
73. } Cancelled
74.

75. Land for Railway works undertaken for femine relief : Where land is taken up for an unsanctioned Railway which is undertaken for the purpose of affording employment to people as femine relief, all expenditure incurred in connection with the setting out, demarcation and acquisition of the land shall form a charge against the head "12-.-Miscellineous Railway Expenditure" until such time as construction of the Railway project has been actually commenced when it should be brought on to the capital account of a project or to the head of accounts "11 - Subsidised Companies land" as the case may be.

76.
77.
78. } Cancelled

79. **Cancelled**

80. Establishment and contingencies : The entire cost of any special establishment which may be entertained under the orders of Government for the purposes of acquisition is included in the cost of the land when the Special Land Acquisition Officer acts as a Public Works disburser. The "entire cost" includes not only the salary and allowance of the staff so employed, but also, when contributions for their persons and leave allowances are payable under the rules for the time being in force, such contributions which will then form part of the "charges of, and incidental to, the acquisition" under section 50 (1) of the Land Acquisition Act I of 1894.

81. Contingent charges incurred in connection with the acquisition of land for the Railway are adjusted in the same way as establishment charges. It should be noted, however, that no portion of the cost of any establishment employed by Railway in connection with the indication of the areas required for acquisition, the drawing up of land plans, schedules etc., should be included in that of the land, but should be charged of separately to the work concerned.

SECTION - XI
ACQUISITION OF LAND FOR BRITISH RAILWAYS TRAVERSING INDIAN STATES AND OF LAND IN BRITISH TERRITORY FOR INDIAN STATES RAILWAY

82. Procedure for acquisition of land in Indian States: When land is required in Indian State territory for the purposes of State Railways proper or Railway work by companies, application should be made to the Political Officer concerned. The procedure

to be adopted in making such applications will be the same mutatis mutandis as that laid down with regard to land to be taken up in British Territory. In no case should land in an Indian State be entered upon or damage done to trees or property in advance of formal sanction, without securing through the local Political Officer the written consent of the Darbar concerned.

83. Procedure for acquisition of land in British Territory for Indian State Railways : In the case of Railway constructed at the cost of Indian State's requiring land in British Territory, application should be made direct to the Provincial Government or administration in whose territory the land is required, provided that the work for which the land is required has been duly sanctioned by the Government of India where such sanction is necessary. The Revenue Authority will take the same steps for the acquisition of the land as are laid down with respect to land for Government State Railways or Companie's lines in British India.

84. Principles and procedure to be observed in payment of compensation : When land in British territory is required for the perposes of a railway constructed or to be constructed by or at the expense of an Indian state, such land as is in private ownership will be acquired by the British Revenue Authorities as for a public purpose, under the provisions of the land Acquisition Act. The State will be required to pay, as compensation for the land made over to it, the actual amount of the awards paid in the case of private lands, and, in the case of Government land, the full market value plus such incidental items

of expenditure as the cost of establishment, demarcation, stationery. The state will also be required to pay compensation for the value of extinguished land revenue, the amount to be settled by negotiation in individual cases, due regard being had to the indirect advantages accruing to the British Government from the Railway. Where differences of opinion occur between the State concerned and the local Revenue Authorities as to the compensation payable a Board of Arbitration will be appointed consisting of one member appointed by the State, another by the Goverment of India (or by the Provincial Goverment in the case of a state which is in direct relations with a Provincial Government), and a third member appointed by mutual consent and their decision shall be final.

(i) Before making an award in the case of private land in British territory to be acquired for a state, or fixing the amount of compensation in the case of Government land, the responcible officer will be required to send all necessary details, together with the estimates of the amounts payable to the state and to give every facility for checking them to the officer or the officers concerned for the purpose, and to take into consideration any representation which such officer or any other duly accredited representative of the Darbar may make, whether orally or by letter. Such officers or representative should be afforded an apportunity of appearing in person or by agent and of producing evidence as to

the value of the land before any awards relating to it is made or the amount of compensation is fixed.

(ii) When land is required in state territory for the purposes of British Railways proper, the generel principle to be observed shall be that the same degree of compensation should be paid to the state concerned as is payable by the States under the provisions of the proceeding clauses. Where the terms of an existing contract with a Railway Company provide that the Secretary of State will use his good officers to secure the provision of land in state territory free of cost, the question whether compensation will be paid or not will be left for negotiation between the political authorities and the state concerned. Condition of this nature will be avoided in future contracts.

(iii) In the case of land originally granted free by a state to a Railway being relinquished to that state for the own railway pruposes, the railway will have no claim to compensation in respect of the value of such land.

(iv) In order to give effect to these general principles, the following procedure to be observed :

In cases in which it is proposed to acquire private rights in land in a State for railway purposes, the proceedings, where the State concerned has enacted a Land Acquisition Act, will be under that law, and the provisions of paragraph 84 (i) will apply

mutatis mutandis. Where there is no Land Acquisition Act or where the State itself owns or has right in the land, which it is proposed to acquire, the estimates of the amount payable will be framed by the State authorities and forwarded to the Railway Administration concerned, who will be afforded the facilities specified in paragraph 84 (i) for checking the estimate. If such estimate are accepted by the Railway Administration, they will be treated as a settlement. Where, however, the differences of opinion occur between the State Authorities and the Railway Administration concerned, as to the compensation payable, arbitration will take place. If both parties signify in writting their consent to such a course, the Politacal Officer concerned will be appointed as arbiter and his decision shall be final. In other cases the compensation payable shall be assessed by a Board of Arbitration consisting of one member appointed by the State, another by the Government of India or the Provincial Government in the case of a State which is in direct relation with a Provincial Government , and a third member appointed by muiual consent, and their decision shall be final. In these latter cases the Board or Arbitration will decide the incidence of the cost or arbitration.

(v) In determining the amount of compensation payable,Political Officers and other, arbiters will be guided by the general principle that the amount shall be equivalent to what would have been payable by the State had acquisition taken place in British Territory and had compensation been assessed in the manner laid down in paragraph 84 supra.

(vi) When a Railway is constructed by a State or States in British Territory, the State or States concerned will have precisely the same rights as any other Railway administration in British Territory in the matter of quarrying stone or excavating material required for the purposes of or in connection with, the Railways.

Note : Works for the purposes of, or in connection with a Railway are detailed generally in sections 7, 8, 9, 11, 12, 13, 14 and 51 of the Indian Railways Act, 1890 (IX of 1890).

(vii) When a Government Railway or a Railway worked by a Company or by a State or States, is constructed in state territory, the general principle to be observed will be that such a Railway shall enjoy the same rights as regards quarrying stones or excavating material as a Railway would be entitled to in British Territory, the rates of royalty payable being determined in accordance with the rules in force in the State. In cases where there are no such Rules or where the Railway authorities consider that the rates under State rules are unduly high, resort will be had to arbitration in the manner provided in paragraph 84 (IV) above. See note to paragraph 84 (IV).

(viii) Where land outside the regular land width as prescribed in the section VII and VIII and

Appendix A in the rules for the acquisition of land for Railways (enclosures to Railway Board's Circular No. 889-P-16, dated 30th August 1918.), is required for temporary occupation the procedure in British India will be under part VI of the Land Acquisition Act, and in States in which a law on the same lines is in force under that Law. In cases where there is no such law, the terms of occupation and use will be settle by mutual agreement, and in case of dispute as to the terms, by arbitration in the manner prescribed in paragraph 84 (IV).

85. Transfer, relinquishment or leasing of railway lands in Indian States : With regards to the transfer, relinquishment or leasing of Railway lands in Indian States the same principles and rules laid down as regards railway lands in British Territory should be observed except that in these cases the Political Officer should be moved to take the necessary action. In cases of transfer where the land involved was originally made over for the use of a particular railway, the consent of the Darbar should be obtained to the transfer of such land to another railway Where lands, however, have been surrendered by as Indian State to the Secretary of State for Railway purposes in general, the consent of the Indian State concerned to the transfer of such land from one Railway Administration to another or to any other body is not necessary, so long as the land is being utilised for bonafied railway purposes.

Note : The practice in British Territory in regard to quarrying stone or excavating material required for railway purposes is as follows :

(a) On the sandard strip of land ordinarily acquired by a Railway Administration for permanent occupation, i.e., for the emplacement of the actual Railway, and its appurtenances such as station buildings, plateforms, yards, workshops, etc., the question of quarrying rights of payments of royalty does not arise in as much as quarrying as such is impracticable on such land while material set free in the course of construction is utilised by the Railway for its own purposes, free of royalty. For lands widths ordinarily acquired for the railway proper (other than at stations and terminals, see section VII and VIII and Appendix A of the rules for acquisition of land for railways (enclosure to Railway Board's Circular No. 889.P.--16, dated the 30th August 1918).

(b) With the exception of the above title to the free use of materials set free in the course of construction thestandre strip of land acquired for the placement of the Railway, the acquisition of land in general carries with it only the surface rights unless the mineral rights are brought out at the same time under the Land Acquisition (Mines) Act, 1885 (XVIII of 1885). Where surface rights

only are acquired a Railway Administration may not quarry stone outside the above standard strip except with previous consent of the owner, and on payment of royalty where such is ordinarily levied.

(c) Mining rights other than those in respect of material met with in course of construction remain with the original owner. Where Government is the original owner, the mining rights are not exercised within a width of 50 yards on either side of a railway measured from the outer toe of the bank or outer edge of cutting; where the mining rights are in private ownership, the owner can not extend any mining operations under his control at or to any point within 50 yards of a railway, except with the previous sanction of the Central Government or some officer authorised by them in that behalf or otherwise than in accordance with such instructions, restrictions and conditions, either general or special, which may be attached to such sanction [vide in this connection section 20 of the Indian Mines Act, 1901 (VIII of 1901)].

(d) When land is acquired definitely for quarrying purposes, it is open to a Railway Administration to arrange with the owner for securing the whole of the underlying minerals by payment of extra compensation thereof under the provisions of the Land Acquisition (Mines) Act, 1885 (XVIII of 1885).

86. The leasing of railway lands in Indian State territory requires the consent of the Darbar only where the lease is for a purpose not connected with the railway. The rents acquiring from the lease of railway lands in Indian State territory will be credited to the Railway except in cases where the land, having been granted free of cost by an Indian State, is leased for a purpose unconnected with that of Railway. It should be noted that railway lands used for tanks for receiving and storing oil pending its removal by the consignee is held to be land used for a bonafide railway purpose. No sales of bulk oil should, however, be allowed on railway premises without the consent of the Political Officer and the Darbar concerned.

SECTION XII
MISCELLANEOUS

87. Demarcation of land : The following rules for the demarcation of land have been laid down by the Central Government under section 13 (a) of the Indian Railways Act IX of 1890 :

(a) All land permanently occupied for the purpose 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 the railway land.

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

(e) Detached marks are in no case to be at a greater distance apart (centre to centre) then 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 from 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 shown on the land plan.

(g) Where a fence will or ditch 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 railway land shall be properly marked and definied in accordance with this rules.

88. In the case of a railway constructed by a Company receiving land free of cost, to whom the classification defined in paragraph 6 (b), section I above applies, 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 should be shifted to mark the new limit.

89. Each Railway Administration is responsible for the demarcation and periodical verification of the boundaries, and the maintenance of proper records in connetion therewith of all land in the possession of the Railway.

90. Land for assisted sidings : The land required for an assisted siding outside the railway boundaries will be acquired under the Land Acquisition Act by the Railwaay Administration which undertakes the construction of the siding at the cost of application for the siding. An estimate of the cost of the land which will be prepared by the Railway Administration will be sent to the applicants who must deposit the amount before any steps are taken for the acquisition of the land. The applicant must also agree to pay on demand such excess cost if any, as may be incurred in the acquisition of the land. Land so acquired will vest absolutely in the Secretary of State and the applicants for the siding will have no right or claims thereto.

91. Land for Railway cemeteries : A State railway or a Company requiring land in connection with the construction of a railway cemetery, should apply to the Provincial Government or

Administration who will make the necessary arrangement to place the land required, at the disposal of the Railway Administration. It is open to a Provincial Government or Administration to grant such land free of cost or to claim payment of the market value thereof from the Railway concerned. In no case should an application be made to a Provincial Government or Administration for land, until the cemetery for which the land is required has been approved and sanctioned by the Railway Board and it is left to the discretion of a Provincial Government to determine the exact area of land that should be granted.

92. Construction of armouries and quarters for Sergent Instructors of Volunteer Corps on railway land : Where it is not possible to build armouries within the precincts of a workshop, there is no objection to both armouries and quarters for Sergent Instructors or the Railway Volunteer Corps being built on railway land in one block, a separate entrance being provided for each. Where armouries happen to be built separately or situated in existing blocks, i.e., in Engine sheds or workshops, stores, etc., quarters for Sergent Instructors may be constructed on railway land close to the armouries. It must be understood, however, that quarters for Sergent Instructors when builts on railway land, shall be subject to the same conditions as at present applied to armouries, that is, the land occupied by the quarters shall remain the property of the Railway Administration and no rent shall be charged for it, but with the additional proviso that all buildigs so built must be taken over by the Railway Administration concerned at a fair valuation in the event of the Sergent Instructor being withdrawn or their Head quarter being changed.

93. Legal proceedings : When a point of law is at issue in connection with any land acquisition proceedings, the Provincial Government or Administration should be consulted before legal proceedings are entered upon.

APPENDIX C
ACQUISITION OF STATE LAND IN CHARGE OF THE MILITARY AUTHORITIES

Railway Board's Circular No. 2650 R. G., dated 2nd. September 1913

The accompanying summary of rules on the subject of the transfer or acquisition of land in Cantonments or other lands in charge of the Military Authorities and of the constructions of the buildings and other works in the vicinity of forts and Cantonments which has been brought up to date , is forwarded, for information and guidance in supersession of the rules communicated with Railway Board's Circular letter No. R. C. - 194-B. - 10, dated the 8th October, 1906.

(A) Rules relating to the acquisition of land.

I. No land within Cantonment limits to be entered upon without sanction of Government of India : No land, whether within Cantonment limits forming part of an encamping ground, or otherwise held for military purposes , shall be entered upon or occupied for any 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 Army Department to the occupation of use of the land has first been obtained, and communicated to the General Officer Commanding the Division or in dependent Brigade. In all such cases the sanction of the Government of India will be obtained by the General Officers Commanding the divisions or independent Brigades through the Quarter Master General in India.

Proviso. : These order do not affect the powers exercised under section 263 of the Cantonment Code, 1912, by the General Officer Commanding the division or independent Brigade, to sanction the grant of ordinary building sites and Cantonment. For rules regarding land within Defence Zones, see rules VII, VIII and IX.

II. How application for Cantonment land is to be made : Applications for such land when within Cantonment limits should be made by the Officer incharge of the works, to the Cantonment Authority but in the case of a Military encamping ground or other State land in military occupation application should be made to the General Officer Commanding the division or independent Brigade. The Military Authorities will then take the necessary steps to obtain (i) the sanction of His Excellency the Commander-in-Chief to enter into negotiations for the proposed transfer land; when this is sanctioned, (ii) the opinion of the Provincial Government which should invariably be recorded upon all applications, and (iii) the sanction of the Government of India to the occupation of the required land. In

all cases where the sanction of the Railway Board to the acquisition of such land by a Railway Administration is necessary, the application for such sanction should be made only after the sanction of the Government of india in the Army Department has been obtained.

III. The application referred to above should be accompanied by the usual land plans and schedules required by the rules relating to the acquisition of land for railways. The plans should be full and complete and should show all existing roads and buildings, and also rifle ranges if interfered with in any away, if any buildings are known to be used for public purpose, or by special departments their purpose and ownership should be stated.

IV. When land applied for can be transferred : On receipt by the local Military Authorities of the sanction referred to in II above they will at once transfer the land. In all cases, however, where the land is being transferred without the retention of right over such land the transfer should be effected through the Revenue Authorities, who will also, when necessery, assess the value of such land, and the value according to such assessment should be debited and credited to the proper Railway and Civil Accounts head respectively. No notification in the local Gazette is necessery.

Proviso : The above rule does not apply to the adjustment of boundaries by mutual consent, which may be affected without the intervention of the civil Authorities, but covers the exchange of separate plot of land.

V. In the case of privately- owned land in Cantonments the provision of the land Acquisition Act should be applied, but it will be necessary in the first place for the officer applying to obtain the santion of the Government of India in the army Department to the pccupation of the land as prescribed in II above.

VI. The procedure laid down in Chapter XXI of the Cantonment Code, 1912 for application for permission to occupy, for the purposes of a building site, land beloning to the Government in a Cantonment, applies to private Railways, companies and individuals only, and not to state Railways, including railways worked by Companies, who hold lands the ownership which vest in Government, or to Departments, of the state.

(B) Rules relating to restrictions of the use of land.

VII. Control on construction of buildings : The following orders control the construction of buildings, etc.,on land in the charge of the Military Authorities or of Civil Departments, lying within the authorised zones of works of defence :

(I) Clearance zones shall be prescribed and clearly demarcated in the vicinity of all the works of defence which are enumerated in paragraph 336 of army Regulations, India, Volume II, and such other fortifications or places as the Government of India may decide.

(II) In such zones all land will be dealt with in accordance with the Indian Works of Defence Act.

(III) When a clearance zone has been notified, except in so far as the notification may authorise modifications, no

infringement of the restrictions imposed under the Act shall be permitted by any official or private person without the previous sanction of the officer Commanding or General Officer Commanding within their powers of exemtion as specified in the act, or by the Government of India.

(IV) Without the previous sanction of the Government of India, no state land within the prescribed clearance zone shall be transferred to, sold to, exchanged with for permanently occupied by, any private person or municipality or corporation, not immediately subject to the executive orders of the Government of India.

VIII - When a zone has been prescribed, and contain land in occupation by a railway the officer commanding shall inform the Railway Authorities in whose charge the land may be, of the area of the land thus affected and of the restrictions which will be applied. Any modification of original restriction will be similarly communicated.

Proviso-rule VII and VIII do not apply to the defences of Fort William, Calcutta, and Fort St. Jorge, Madras, nor to the Fortress of Aden, concerning which special regulation exists.

IX - In the case of private lands notified under section 3 of the Indian Works of Defence Act VII of 1903, that is land which is to be kept clear of buildings and other obstructions, the procedure in regard to the construction works, etc., thereon is that laid down in section 7 of the Act (see annexure).

(C) Summary of preceding rules.

X-Summary of procedure : The procedure laid down in the proceeding paragraph summarised briefly is as follows :

(a) In all cases of land in Cantonment, camping grounds, in the vicinity of Forts, or otherwise held for military purposes, rhe consent of the Military Authorities is necessary before it can be entered upon or occupied or before any work can be commenced thereon (rules I, II, III, VII to IX).

Acquisition should first be sanctioned by the Government of India in the Army Department, then if necessary by the Railway Board.

(b) When land in the occupation of the Military Authorities is being acquired outright acquisition should be effected through the Revenue Authorities who will assess the value to be debited and credited to the proper Railway and civil account head respectively.

(c) When the land is in the occupation of a Civil Department or belongs to a private owner, it must, after the consent of the Military Authorities has been obtained, be acquired in the usual manner through the Revenue Authority (rule V).

(d) All plans submitted with an application should be full and complete, clearly showing sites of existing roads, buildings, and Rifle ranges (rule III).

Annexure to Appendix C
Extracts from the Indian Works of Defence Act VII of 1903, as amended by Act V of 1909

3. (1) Whenever it appears to the local Government that it is necessary to impose restrictions upon the use and enjoyment of land in the vicinity of any work of defence or any side intended to be used or to be acquired for any such work, in order that such land maybe kept free from buildings and other obstructions a declaration shall be made to that effect under the signature of a Secretary to such Government or some officer duly authorised to certify its orders.

(2) The said declaration shall be published in the local official gazette and shall state the district or other territorial division in which the land is situate and the place where sketch plan of the land, which shall be prepared on a scale not smaller than 6 inches to the mile and shall distinguish the boundaries referred to in section 7, may be expected; and Collector shall cause public notice of the substance of the said declaration to be given at convenient places in the locality.

(3) The said declaration shall conclusive proof that it is necessary to keep the land free from buildings and other obstructions.

7. From and after the publication of the notice mentioned in section 3, sub- section (2), such of the following restrictions as the local Government may, in its discretion declare therein shall attach with reference to such land, namely :

(a) Within and outer boundary which, except so far as is

otherwise is provided in section 39, sub-section (4) may extend to existence of two-thousand yards from the crest of the out parapet of the work :

(i) no variations shall be made in the ground level, and no buildings, wall, bank or other construction above the ground shall be maintained, erected, added to or altered otherwise than with the written approval of the General Officer Commanding the Division, and on such conditions as he may prescribe.

(ii) no wood, earth, stone, brick, gravels, sand or other materials shall be stacked, stored,or otherwise accumulated. Provided that, with the written approval of the General Officer Commanding the Division, district or brigade and on such conditions as he may prescribe, road ballast, manure and agriculture procedure may be exempted from the prohibition :

Provided, also, that any person having control of the land as owner, lessee, or occupires shall be bound forthwith to remove such road ballast, manure or agriculture produced, without compensation, on the requisition of the Commanding Officer :

(iii) no surveying operation shall be conducted otherwise than by or under the personal supervision of a public servant duly authorised in this behalf, in the case of land under the control of the Milirary Authority by the Commanding Officer and in other cases by a Collector with the concurrence of the Commanding Officer; and

(iv) where any building, wall, bank,or other construction above the ground has been permitted under clause (i) of this

sub-section to be maintained, erected, added to or altered, repairs shall not, without the written approval of the General Officer Commanding the Division be made with materials different in kind from those employed in the original building, wall, bank, or other construction.

(b) Within a second boundary which may extend to a distance of one thousand yards from the crest of the other parapet of the work, the restrictions enumerated in clause (a) shall apply with the following additional limitations, namely :

(i) no building , wall bank or other construction or permanent materials above the ground shall be or remove such huts, fences or other constructions, without compensation upon an order in writing signed by the General Officer Commanding the Division, District or Brigade ; and

(ii) live hedges, rows or clumps of trees or orchards shall not be maintained, planted, added to or altered otherwise than with the written approval of the General Officer Commanding the Division and on such conditions as he may prescribe.

(c) Within a third boundary which may extend to a distance of five hundred yards from the crest of the outer parapet of the work, the restrictions enumerated in clauses (a) and (b) shall apply with the following additional limitation, namely :

No building or other construction on the surface, and no excavation, building or other construction below the surface, shall be maintained or erected :

Provided that, with the written approval of the Commanding

Officer and on such conditions as he may prescribe, open railings and dry brush wood fences may be exempted from this prohibition.

Note : Whenever the words "Local Government" appear in the above extract they are to be regarded as referring to the "Provincial Government" according to the Adaptation of Indian Laws Order 1937.

APPENDIX D
LICENSE FORM FOR USE OF RAILWAY LAND

An agreement made this ..... day of 20..... between the ..... hereinafter called "the Administration" of the one part and hereinafter called "the Licensee(s) of the other part

Whereby it is agreed as follows :

1. The licensee(s) shall have the use of the piece of land described in the Scheduled hereto for the purpose of constructing and maintaining thereon tanks, buildings and other conveniences for the reception and storage of and receiving and storing therein kerosin oil in bulk, subject to such rules regulations and bye-laws as may from time to time be made by or on behalf of the Administration or by or on behalf of any local authority in relation to the transport, discharge and storage of kerosine oil and subject to the conditions hereinafter contained.

2. No oil shall be stored or placed on the said land except in some tank or receptacle approved by the Manager for the time being of the ..... hereinafter referred to as the said Manager.

3. The Licensee(s) shall, before proceeding to construct any tank or other receptacle for oil or any building or other erection on the said land, give notice in writing thereof to the said Manager specifying the proposed site of the convenience intended to be construct and furnished to him a detailed land, elevation and specification of such convenience and the Licensee(s) shall not constructed such convenience save on such site and in accordance with such plan, elevation and specification thereof as shall be first approved by the said Manager.

4. The Licensee(s) shall allow the said Manager free access at all times to the said land to all tanks, buildings, works and conveniences of the Licensee(s) thereon whether completed or in course of construction and the Licensee(s) shall whenever so requested by the said Manager forthwith pull down, rebuild, replace or repair any part or parts of such tanks, buildings, works or convenience which the said Manager shall consider to be improperly situated or of defective design, construction or material or in want of repair.

5. The Licensee(s)shall from the day of .... 20..... pay to the administration a rent of Rs..... per annum which shall be paid on the last day of the month for which the same shall become due and shall also duly pay all cases rates and taxes payable as from the said date in respect of the said land and the tanks, buildings, works and convenience of the Licensee(s) thereon for the time being and the proportion of all the cesses, rates and taxes of the station premises

applicable to the said land, tanks, buildings, work and convenience if the same be not separately assessed in respect thereof.

6. The Licensee(s) shall not transfer or sublet the previleges in clause 1 hereof mentioned without the consent in writing of the said Manager.

7. No sale of oil shall take place at any depot without the prior consent in each case of the local Civil Authorities which must be obtained by and at the cost of the Licensee(s).

8. The said previleges in clause 1 hereof mentioned are granted on the express understanding that either party may be at liberty to determine and put an end to this License by giving to the other of them at any time three callender months, notice in writting, and such previleges may be so determined by the administration without any claim for compensation whatever on the part of the Licensee(s)and on the expiration whatever on the part of the Licensee(s) shall discontinue to use and shall yield upto the Administration the said land.

The petrolium installation buildings and other works erected by the Licensee(s) except such portions of the installation, buildings and other works as may be taken over by the administration on terms to be mutually agreed upon between the Administration and the Licensee(s), shall be pulled down and removed from the said land by the Licensee(s) at the Licensee(s)' own expense within two callender months after the determination of this License, and the Licensee(s) shall within the period last aforesaid at the Licensee(s)' own expense restore to its former condition the land forming the site thereof, and if

default shall be made herein, the Administration may after the expiry of the said period carry out so much of such pulling down, removal and restorations the Licensee(s) shall fail to complete and may sell any material and things so removed and all expenses incurred therein shall be paid by the Licensee(s) to the Administration on demand.

9. Nothing herein contained shall be construed to create a tenancy in favour of the Licensee(s) of the said premises and the administration may for their mere motion upon the determination of these License re-enter upon and re-take and absolutely retaining possession of the said land.

10. The Licensee(s) shall at all times keep the administration indemnified against and shall reimburse to the administration all claims, demands, suits, losses, damages, costs, charges and expenses what-so-ever, which the admistration may sustained or incur by reason or in consequence of any injury to any person or to any property resulting directly or indirectly from the explosion, combustion or leakage of any oil kept or placed by Licensee(s) upon the said land or by reason or in consequence of the non-observance or non-compliance on the part of the Licensee(s) with any rule, regulation or bye-law referred to in clause 1 thereof.

11. The Licensee(s) shall pay all the cost of the stamping of the execution of the agreement.

As witness the signatures of the parties hereto the day and year first above written. Witness to the signature of the Manager of the

for and on behalf of the .....

Witness to the signature of .....

APPENDIXES E AND F - Deleted.

APPENDIX G

REVISION OF THE RULES IN THE VARIOUS PROVINCES UNDER ACT IN ORDER TO SUBJECT THE COLLECTOR IN AWARDING COMPENSATION TO THE ORDERS OF HIS DEPARTMENTAL SUPERIORS

Government of India, Revenue and Agriculture Department, Circular No. 9 - 292 - I, dated the 28th June 1906

The Central Government has recently had under consideration the questions of the procedure for the award of compensation for land acquired under the Land Acquisition Act (Act I of 1894). He has ascertained that some doubt exists as to the legal position of the officer exercising the power of a Collector under the Act, and that in some Provinces in is apperantly understood that in making his award the Collector is acting in a judicial or se-judicial capacity and is therefore bound by the rules which guide the procedure of an officer acting judicially, and must not be interfered with by his executive superior in conducting his enquiry or in arriving at the amount of his award. Where this view is acted on, it follows that the Collector is reluctant to receive any evidence not brought before him judicially; and as the Collector's award is binding against Government it can not be contested in the Civil Court in the interests of Government, even though the Collector's superior officer may be of opinion that he has made too liberal an award.

2. This doubt has now been removed by an authoritative decision of the Judicial Committee of the privy Council and I am directed to invite attention to their judgement in the suit Ezra vs. The Secretary of State for India, which will be found in the Indian Law Reports XXXII, Calcutta series, page 605, and in particular to those parts of the judgement of the Calcutta High Court in the case which deal with the position of the Collector (or other acquiring officer duly empowered) under the Act. It will be seen that the Judges have held that "he is, in no sense of term, a Judicial Officer, nor is the proceeding before him a judicial proceeding". It is explained that the Collector acts as the Agent of the Government and or of the Company for which Government take up the land, and that they are accordingly bound by the award of their agent; while if a judicial decision as to the value is desired by the owners, he can obtain it by requiring the matter to be referred by the Collector to the Court. The learned Judges, therefore, held that the enquiry and valuation made by the Collector are departmental in their character, for the purpose of enabling the Government to make a tender through him to the persons interested, and that it is opened to him, in making his award as to the compensation to be offered, to consider all available information on the question.

3. It follows from this decision that as the Collector in making an enquiry and award under the Act is merely the Departmental Agent of the Government it is opened to the Provincial Government to issue instructions as to the information he is to take into account in making his valuation, and as to the

course to be taken by him when he finds as the results of his enquiry, that the amount of the compensation, which in his opinion should be allowed for the property, largely exceeds the estimate on which the acquisition was sanctioned.

4. I am directed to suggest that, where necessary, the rules in force under the Act should be revised in accordance with this decision, provision being made that in all cases in which land is acquired for Government or for a local body or company :

(1) The Collector of the district in which the property to be acquired is situated should be consulted in framing the original estimates, and the opinion as to the rates to be adopted should be given full consideration.

(2) The officer making the award should give sufficient notice to the departmental or other officer concerned, and should take into consideration any representation which such officer may make, whether it is made orally or by letter. More especially he should, before making the award, allow such officer an opportunity of appearing in person or be agent and of producing evidence as to the value of the land;

(3) If the officer making the award is not the Collector of the district, he might be required, before making the award to refer to the Collector any case in which he proposes to award more than 10 percent in excess of the originel estimate, or more than Rs.

10,000 or some similar limit. The Collector should have the power of requiring all cases to be refered to him before the award is given, and the acquiring officer should make his final award according to the instructions received from the Collector;

(4) When a case has been referred to the Court, the Collector should arrange for the defence of his award as if it were a suit against Government.

APPENDIX H
PRIVATE NEGOTIATIONS WITH OWNERS OF LAND TO BE ACQUIRED FOR A PUBLIC PURPOSE

Government of India, Public Works Department letter No. 1780 - R. C., dated the 12th November 1904.

I am directed to state, with reference to the rules relating to the acquisition of land for Railways issued with Public Works Department Circular No. IV - Ry., dated the 4th September 1897, that the Government of India have had under consideration the question of permitting departmental and local officer's to negotiate either directly or by deputy in certain cases, with the owners of land about to be taken up or acquired for a public purpose, with the object of coming to an amicable agreement with them as to the price to be paid previous to the initiation of

proceedings under the Land ACquisition Act, and with a view of guarding against subsequent exorbitant demand or awards.

2. The Government of India are of opinion that there is no objection to the adoption of the procedure indicated above, in cases in which it may be considered that its application would result in economy, and to the statement of the settlement thus arrived at being communicated to the Land Aquisition Officer, who though not strictly bound to accept in his award the price agreed on before hand will no doubt do so in ordinary cases.

3. I am to point out that, as it is considered necessary that there shall always be a perfectly clear understanding as to whether the price agreed upon does or does not include the additional 15 percent due under section 23 (2) of the Act, the statement of the settlement arrived at through the deputy, agent or broker, should take the form of an agreement that the owner is willing to sell for a certain specified sum plus 15 percent for compensation, the sum of the two being the actual price agreed on . In all cases it is necessary that the final acquisition shall be effected in accordance with the procedure of the Act as indefeasible title is thereby secured.

4. With this remarks I am to request that when it is proposed to take up land in the neighbourhood of large cities, or other congested areas, the desirability of adopting the preliminary measures indicated above, may be fully considered.

5. If a broker or agent is employed, any fee that it may be proposed to pay to him will require the sanction of the Government of India. Such fee would not ordinarily be made

dependent on the price eventually paid. When a fee is sanctioned and paid, it would be treated as part of the cost of acquiring the land and would be accounted for accordingly.

APPENDIXES I AND J - Deleted

APPENDIX K

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

Government of India, Public Works Department Circular No. XI - Ry., dated the 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 percent the cost shown in the detailed estimates, and while in some cases this difference appears to have been due to the inadequate 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 a 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 8, 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 the public purpose. This rule has not always been observed in recent instances. Its observance is most impotrant, 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 can not 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 track. A separate sketch map should, therefore, be furnished for each district traversed by the Railway, channel, or other works, 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 whenever they have been surveyed. The distance 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.

3 A. In addition to the data prescribed in paragraph 3, the civil authorities should give a rough estimate of the amount of such further items (if any) as are likely to be included in an award based on section 23 (1) of the Land Acquisition Act, including, when necessary, an estimate of the capitalized value of abated land revenue and charges for establishment and contingencies. It will rest with the authorities to whom the data prescribed by this paragraph and paragraph 3 above are supplied, to work out the total estimated cost of the acquisition including (in case where voluntary surrender is not probable) the additional 15 percent laid down by section 23 (2) of the Act.

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 lie within a single division, to the Commissioner, when no 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

operation and it is most important that such control should be efficiently exercised in the interest of the general tax payer. The rules should lay down the date which should be collected in 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 operation 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 fefore being announced. And if in the course of his proceedings the special officer finds that his awards are likely to exceed the agreegate estimate for the district by say, 25 percent 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 Provincial 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 underestimated, 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 onto them.

8. Such are the general principles which the Government of India desire to see observe in the matter. The conditions of the several provinces vary so widely that details must be left to Provincial Governments. But all Provincial 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 individuals case.

APPENDIX L
SECRETARY OF STATE'S RULES

As promulgated in Finance Department Resolution No. D-3428 - A. of 10th December 1925 and notes thereto regulating the transfer of state's lands and buildings between the Government of India and the Provincial Government of any Governor's Province.

(i) Preamble : All the Rules in this Resolution are applicable to lands as well as to buildings and have effect from the 19th November 1925 the date of the Secretary of State's despatch on the subject.

(ii) Adjustments between Railway Administrations and Provincial Governments in the case of lands transferred prior to 19th November 1925, should be governed by the old rules then in force.

The new rules will, however, be applicable to the cases in which though the transfers were effected prior to 19th November 1925, a settlement of the pecuniary terms of the transfer had been deliberately kept in abeyance with a view to its determinations under this rules.

Rules :

1. Ownership of land vests in the crown : The ownership of lands now or hereafter in the occupation of a Government in India vests in the crown, the Government of India or the Provincial Government, as the case may be, has the right of user for the effective discharge of its duties under the Government of India Act, and section 30 of the Government of India Act has no application to transfer between Government and Government.

2. (a) Right to remain in undisturbed possession : The Government of India has the right to remain in undisturbed possession in any land in its occupation in any province on 1st April 1921, subject to the conditions then ruling, so long as such occupation is necessary for the effective discharge of its duties.

Note : The Government of India, and not the Provincial Government, should be regarded as having been in occupation on 1st April 1921, of any property used on that date for the discharge by a Provincial Government of its functions as agents of the Government of India administering a Central subject.

2.(b) A Provincial Government has no power without the consent of the Government of India to alienate or in any away to interfare in regard to land situated in the Provincial boundaries which is in the occupation of the Central Government.

Note : The delegation contained in the Government of india, Finance Department Despatch No. 52 of 13th February 1920 regarding sale ofCentral buildings upto Rs. 10,000 should be quoted as a general consent and as covering the sale of the land of which a building stands, or which is clearly attached to a building (e.g. the compound of a residence or office).

3. Procedure when opinion differs regarding use of land : If the Provincial Government is of opinion that land in the occupation of the Government of India is not being used for the purposes originally intended and is not required by that Government for the effective discharge of its duties, the Provincial Government shall be entitled to make a representation on the subject to the Government of India, and, in the event of a difference of opinion arising between the two Governments, to request that the matter be referred for the decision of the Secretary of State.

Note : The phrase "the effective discharge of its duties" is not to be interpreted in any narrow or restrictive sense. Whether a certain quantity of land is or is not required by Government of India for the effective discharge of its duties must be judged not merely

with reference to the actual circumstances of the moment, but also with reference to further possible development and the ideal administrative standard that the Government of India can properly contemplate.

4. Option to Provincial Government to assume possession of land : When the Government of India no longer require land which is in their possession, the Provincial Government of the Province which it is situate shall be given the option of assuming possession of the whole or any portion thereof, subject to the conditions laid down in the following clauses ; provided that (i) when the Provincial Government desire to assume possession of only a portion of the land surrendered it shall only be entitled to do so if the value of the land not taken over is not materially reduced by the division, (ii) a Provincial Government shall not be entitled to demand the surrender of isolated plot of land withih Cantonment or other areas on the ground that such plots are not actually required for the discharge of specific military duties.

5. Compensation for land surrendered by Government of India : In the case of land acquired by the Government in any Province before 1st April 1921 and surrendered after that date to the Provincial Government the amount of compensation, if any, payable to the Government of India by the Provincial Government to whom possession is surrendered in any given case shall be determined in accordance with the principles set out below :

I.(A) In the case of land other than that relinquished by a Railway Administration if the surrenderer of land involves

expenditure to the Government of India for the acquisition of an alternative site, or if, in the case of land surrendered by the Military authorities, the land was being used by them for the effective discharge of their duties, the amount of compensation payable by the Provincial Government shall be limited to the market value or the buildings, if any, plus

(a) the cost, if any, of acquisition and improvements of the land, or

(b) half the market value of the land, whichever is greater.

(B) In other cases the amount payable by the Provincial Government shall be limited to the market value of the buildings, if any, plus

(a) the cost, if any, of acquisition and improvements, or

(b) the market value of the land, whichever is less;

Provided that in the case of land surrendered by the Military authorities in Presidency towns, Rangoon, Karachi or any Cantonments in which the land has a specially high value, the terms on which the land shall be transferred shall be decided by mutual arrangement under rule 10 below.

II.[1] In the case of land relinquished by a Railway Administration, the Provincial Government shall be required to pay to the Government of India or the Railway Administration, as the case may be, the market value of the land and buildings surrendered.

Note : "Market value" means the market value on the date of transfer to the Provincial Government and includes

the capitalized value of land revenue if such capitalized was included in the value of the land at the time of its acquisition for the Central Government.

6. The Provincial Government will be at liberty to sell or lease to a third party land of which it assumes possession under Rule 5; but if such sale or lease takes place within five years from the date of such assumption and the purchase price or capitalized value of the full market rent (including land revenue or ground rent) is more than double the amount payable by the Provincial Government under Rule 5, the amount so payable shall be raised to half the purchase price or the capitalized value as the rental of the case may be, provided that :

(i) in exceptional cases (in such cases Rule 10 or 11 might be applied) where, special reasons exist the Government of India shall be entitled to claim a larger share, or even the whole of the purchase price or the capitalized value of the rental, and

(ii) if improvements have been effected by the Provincial Government during the period of its occupation of the land, the disposal value of such improvement shall be deducted from the purchase price before the division of sale proceeds.

7. In the case of land acquired by the Government of India in any Province after 1st April 1921, the amount payable by the Provincial Government on retransfer shall be the market value of the land and buildings.

8. If they do not desire to assume possession on this terms, the Government of India shall be free to dispose of the

land to a third party in such manner as it thinks fit after consultation with the Provincial Government regarding the manner of disposal and conditions, if any, which should be laid down for the use of the land after sale.

Note 1. : The principles laid down in the resolution of the Government of India in the Department of Revenue and Agriculture, No. 13 / 44 - 13, dated the 30th October 1896, may be observed in making recommendations to the Government of India for the disposal of land under this Rule.

Note 2. : Land sold by the Central Government to third parties becomes subject to the provision of the Provincial Land Revenue Enactments, except in certain cases where the capitalized value of land revenue has been paid to the Provincial Government. In the latter class of cases the Central Covernment is entitled to dispose of the land as a revenue free holding if the Provincial Government does not repay the capitalized value of land revenue.

9. A Provincial Government shall be bound to acquire and hand over to the Government of India for the effective discharge of its duties on payment,

(a) if the land is not in immediate occupation of the Provincial Government, of the cost of acquisition, or

(b) if the land is in its immediate occupation, the market value :

provided that the Government of India shall have the right to refer to a competent tribunal, or with the agreement of the Local Government to arbitration, the question of the reasonableness of the payment demanded.

Note 1 : The capitalized value of land revenue assessable on the land should be included in the payment to be made to the Local Government for land acquired under this Rule only in cases where the transfer of the land to the Government of India ceases actual loss of land revenue to the Provincial Government. Where land are at the disposal of a Provincial Government and the latter does not derive any land revenue therefrom, it can have no claim in equty to compensation for a loss which does not arise.

Note 2 : A Provincial Government cannot charge land revenue on land transferred to the Governmeent of India as land, which vests in the crown and is at the disposal of the Government on India can not constitutionally be treated as liable to land revenue, ultimate reason being that the Local Government would only effect recovery in the name of the Secretary of State in Council, while recovery could only be effected from the Government of India under the same way.

Note 3 : In cases where the rights in the land required by the Government of India vest in part in a Provincial Government and in part in a private party,

expression "cost of acquisition" means the market value of the land plus the outlay incurred by the Provincial Government in the land acquisition proceedings minus the market value of the rights extinguished by Land Acquisition Proceedings.

Note 4 : Although the acquisition of land by a Provincial Government on behalf of the Central Government is a function appertaining to the Provincial subject of "Land Acquisition" and can not be created as an agency function, a Provincial Government may be reimbursed the cost af any special establishment employed on work connected with such acquisition.

Note 5 : All waste lands not in the occupation of the Government of India in respect of which there are no rights adverse to the Crown may be regarded as being in the immediate occupation of a Provincial Government.

10. The foregoing rules shall not be held to preclude a settlement by mutual arrangement between the Government of India and the Provincial Government or Government concerned, even though the terms of the settlement may be inconsistent with them.

11. If any question arises between the Government of India and Provincial Government in regard to the application of these rules, the matter shall be referred to the Secretary of State in Council for decision, if the Provincial Government as desires.

12. It shall not be competent to a Provincial Government to sell to a third party or otherwise dispose of lands as situate within the limits of each Government which is in the occupation of the Governor-General in Council, save in accordance with the instructions contained in the foregoing rules.

Note by Assam Government : In the above rules the words "Local Government, "Governor-General in Council" whenever they occur will now have the meaning and intention of "Provincial Government", "Central Government" respectively.

APPENDIX M
CONDITIONS FOR GRANT OF IMMOVABLE PUBLIC PROPERTY TO LOCAL AUTHORITIES FOR PUBLIC BUILDINGS

Government of India memorandum No. 914 A., dated 19th February 1902.

Read :

Resolution in the Finance and Commerce Department No. 4374, date 23rd October 1891, directing that when any immovable public property is made over to a local authority for public purposes, the grants shall be made expressly on the condition, in addition to any others that may be settled, that, should the property be at any time resumed by the Government, a compensation payable therefore selling no case exceed the amount (if any), paid to Government for the grant, together with

the cost of their present value whichever shall be the less, of any buildings erected or other works executed on the land by the local authorrity.

RESOLUTION :

The Governor-General in Council * considers it desirable that the condition laid down in the resolution read above, in the case of grants of immovable public property to local authorities for public purposes, should be attached generally to all grants of such property whether for public, religious, educational, or any other purposes. His Excellency in Council * also considers that this grant should in all cases be made subject to the further condition that the property shall be liable to be resumed by Government is used for any purposes other than those for which the grants are made.

*Now centrel Govt.

2. In future, therefore, whenever a grant is made of any immovable property the property shall be granted expressly on the following conditions, in addition to any others that may be settled in particular cases, viz. :

(1) that the property shall be liable to be resumed by Government if used for any other than the specific purpose or purposes for which it is granted, and

(2) that, should the property be at any time resumed by Government the compensation payable therefore shall not exceed the amount (if any) paid to Government for the grant, together with the cost or their present value, whichever shall be the less, if any buildings erected or other works executed on the land by the grantee.

APPENDIX N

Government of India, Revenue and Agriculture Department, No. 13 - 44 - 13, dated Simla, the 30th October 1896.

Read :

Circular No. 2 - 44 - 1, dated 23rd January 1895, asking for the opinion of Local Governments and Administrations on certain proposals regarding the disposal of lands compulsorily acquired under the Land Acquisition Act (I of 1894) for some public purpose but no longer required for such purpose.

Read also the following replies to the above circular :

c From the Chief Commissioner of Burma, No. 574 - 1. A - 10, dated the 27th February 1895.

c From the Chief Commissioner of Coorg, No. 363 - 18 - 95, dated the 7th March 1895.

c From the Government of Madras, No. 1426, dated the 5th April 1895.

c From the Chief Commisioner of Ajmer-Merwara, No. 475, dated the 30th April 1895.

c From the Government of the North-Western Province and Oudh, No. 1088, dated the 3rd May 1895.

c From the Chief Commissioner of Assam, No. 204 - Rev - 1612 - R, dated 14th May 1895.

c From the Resident at Hyderabad, No. 154, dated the 4th June 1895.

c From the Commissioner of Central Provinces, No. 3475, dated 8th August 1895.

c From the Government of Bombay, No. 7012, dated 11th September 1895.

c From the Government of the Punjab, No. 667, dated 31st October 1895.

c From the Government of Bengal, No. 861 - T. R., dated 2nd November 1895.

OBSERVATIONS : In the Circular cited in the preamble the Government of India stated the principles which they suggested should govern the disposal of lands which, having been compulsorily acquired for public purposes, are no longer required for those purposes, and asked for the views of the Local Governments and Administrations on the subject. They pointed out that when agricultural pastoral land was thus acquired, and injury was in most cases inflicted upon the persons who owned and cultivated the land, that public necessity justified the infliction of the injury but that so soon as that necessity ceased to exist, considerations of equity and good policy demanded that so far as might be possible, the injured persons should be replaced in the position which they formerly occupied. They therefore proposed that whenever land that had been compulsorily acquired for public purposes was released from occupation, the right either of property or of occupancy which had been extinguished by the acquisition should first be offered to the persons from whom they had been acquired, or to their representatives; and that they should be so offered at the

price at which they had been originally purchased, modified only on account of any change in the fitness of the land for agricultural or pastoral purposes that might have taken place during the term of Government occupation.

The replies received show that the views of the Government of India meet with general approval. Objections have however been raised on points of detail, and additions have been suggested, the more important of which will be briefly noticed.

2. It has been suggested that the same considerations should be extended to the case of land acquired by Government by private purchase. When the sale has been really voluntary, as when an estate has been purchased in open market, there seems no reason why Government should be fettered in the disposal of its property if no longer required. But when land is acquired for a public purpose, so that the compulsory provisions of the law can be enforced if necessary this fact must always form an element in the transaction, even if the purchase is concluded by consent ; and the Government of India agree that in these cases also the principles supported by them should apply.

3. Some misapprehension seems to have arisen as to what was meant by the "representatives" of the original right-holders to whom the Government of India proposed that the first offer should be made. It is clear that if A owns 50 acres of land, of which Government acquires 20, and A then sells the remaining 30 acres to B, B does not thereby become A's representative in respect of the 20 acres which he never possessed. The representatives of A to whom 20 acres should be offered when no longer needed are his heirs and successors.

4. There is, however, one case of frequent occurence which forms an exception to this rule. It is thus stated by the Punjab Government :

In a considerable proportion of the cases in which Government no longer requires land which it has expropriated, the land would be of so small an area or of such a shape that it would be practically of no value to any one but the owners of the adjoining land, e.g., the side of a small abandoned police post on the side of a road or a stretch of abandoned road extending for a mile or so in length, but of extremely narrow width. If the persons from whom the land was acquired or their representatives are still in a possession of the adjoining land they should of course be given the right of pre-emption, but if they have sold the adjoining land to strangers, it is to those strangers the offer should be made, and in their case there would be no reason for offering them the land at less than the then market value.

These remarks have the entire approval of the Government of India.

5. Objection has been taken to the restoration of occupancy rights on the ground of the difficulties, both legal and practical, which are anticipated in working the rule, and because the parmanent acquisition of land must be considered to have extinguished those rights. The latter argument applies with equal force to proprietary rights. As for practical difficulties no doubt the heirs of the occupancy tenant will more often be undiscoverable than the hairs of the owner. But if they cannot be found, the rule will not be applied. When the land is compulsorily acquired, it is often the actual cultivator who

suffers the greatest loss; and in most cases the restoration of the occupancy right is quite as important as that of the proprietary right. The Central Govt. Grants Act (XV of 1895) gives Government power to subject its grant of the latter to the revival of the former and this power should be exercised whatever possible.

6. It has been suggested that the concession should be limited to some prescribed number of years. The native feeling of the persistence of rights in land is very strong, and commonly recognised no limitation in the matter; while a limitation to the second or third generation, as has been proposed in one province, might lead to difficult in the case of joint ownership. The Government of India are therefore averse to fixing a limit of time, but they think that when the only representatives of the late owners are remote descendants or relations the market value of the land may fairly be demanded. So, again, it has been pointed out that cases occasionally occour, such as one noted in the Punjab, where an encamping ground originally acquired for a small sum is now worth Rs. 50,000 in which it would be clearly inadvisible to offer the land at the price originally paid for it. On the other hand the cases are much more frequent in which the land that it is proposed to restore has seriously deteriorated. When land has been acquired for the spoil-banks and brick feilds of Railways its agricultural value is almost always impaired very greatly, and it would be unreasonable to ask the price at which it is originally purchased.

7. There is general consensus of opinion that, in fixing the price at which the land is to be returned to the original right-

holders, the 15 percent which was paid in addition to the market value should be excluded from the consideration. This money represents the price paid for disturbance which no subsequent return of the land can undo.

8. The Government of India agree with many of the Local Governments consulted that there is no good reason for excluding from the operation of the general principles land acquired under section 49 (2) of the Act. The owner's action under this section is only occasionally contumacious ; and the geatest hardship is often inflicted by the separation of a person from the body of a holding.

RESOLUTION : The Government of India desire therefore that whenever agricultural or pastoral land has been acquired for public purposes, whether by private purchase or by compulsory acquisition, and is no longer required for such purposes, the disposal of it may be guided by following general considerations.

In the first place all proprietary rights and all rights of occupancy which were extinguished by the acquisition should be first offer to the persons from whom they were acquired or to their heirs if discoverable; the former (where both kinds of rights co-existed) being made subject to the latter under the provision of the Crown Grants Act (XV of 1895).

In the second place the price at which these rights are offered should be the amount of compensation originally paid for them, less the 15 percent in excess of the value which will have been paid if the acquisition was compulsory. This price

may be reduced, if necessary, on account of any deterioration that may have taken place in the fitness of the land for agricultural or pastoral purposes while it was in the occupation of Government, but it should not be increased except in the case stated above, on account of any rise in its market value during that period.

In the case of plots which by reason of their size or shape are practically of no value to any one but the owner of the adjoining land if those owners are not entitled to the first offer as above, they ought nevertheless to receive the first offer, but in that case there is no objection to asking the market value, though the reasonable offer of a neighbouring holders should always have the preference over that of an outsider.

The superior Revenue Authority will, of course, always retain and exercise discretion in the application of the general rule about the charge of cost price. Special cases will occur, and exception will be justificable, as for example when the persons first entitled are remote descendants or relations of the original holders, or when the rise in the market value of the land has been so exceptionally great as to take the cost out of the general rule. The Government of India lay down no hard and fast rule, but only a principle for general guidance.

It will be observed that the above principles apply to agricultural and pastoral land only, and not to building sites or town lands.

2. It will be for Local Governments and Administrations to issue instructions adopted to local circumstances in general conformity with the above consideration. Those instructions will

be mere executive instructions; and the greatest care should be taken to avoid anything which might have the semblance of conferring a right, or affording a basis for any claim either as against Government or as between private parties, and to make it clear that the concessions in question are made as an act of grace, and are wholly within the pleasure of Government to grant or to refuse in any particular case.

Note : The words "Local Government" in the above Appendix now have the same meaning as "Provincial Government".

APPENDIX - O

GOVERNMENT OF INDIA, DEPARTMENT OF REVENUE AND AGRICULTURE, CIRCULAR NO. 11, DATED CALCUTTA, 22ND DECEMBER 1908, TO ALL LOCAL GOVERNMENTS AND ADMINISTRATION (EXCEPT THE UNITED PROVINCES)

In continuation of this department's Circular No. 9-292-1, dated 28th June 1906, I am directed to forward for the information of the Governor in Council the Lieutenant Governor a copy of the marginally noted correspondence regarding the high post of acquiring of a plot of land in Lucknow for use as a brickfield in connection with the Military Works Service.

2. It will be observed that in this case the Collector's award for the land amounted to Rs. 3,631-11-7, and that on appeal this was enhanced to Rs. 14,665. The enhanced award is considerably in excess of the sum which the Military Works Department was prepared to pay for the lands but it was impossible to withdraw from the acquisition as possession had been delivered soon after the Collector had made his award. Steps have been taken to draw the attention of officers of the Military Works Department to the necessity of caution in taking possession of land acquired in cases where it is possible that the Collector's award may be greatly enhanced on appeal, and paragraph 801 of the Public Works Departments code (9th edition) has also been amended recently with the same object. It has further been suggested to the Government of India that it would be an additional safeguard against the recurrence of such cases as that which has given rise to this correspondence if the co-operation of Revenue Officers employed in land acquisition works were also secured in protecting the interest of Government.

3. The Government of the United Provinces has already taken action in this direction and an amendment has recently been made in the rules for procedure under the Land Acquisition Act in the United Provinces to the effect that if the Collector's awards, as finally settled after objection petitions have been heard, exceeds by more than 20 percent the preliminary estimate of the cost of acquisition prepared before the issue of a notification under section 6 of the Act, or if the evidence is conflicting and such as to indicate the possibility that a Civil

consultation with the standing committee of the Chamber of Princes and the Chamber and a draft of the revised principles was referred to Local Governments, Political Officers and Darbars for their view. After considering this views and after further reference to the standing committee the draft was slightly amended. The Government of India are, accordingly, pleased, in supersession of their previous orders on the subject to announce that the following principles shall be observed in the assessment of compensation for the acquisition of land in State Territory for irrigation, navigation, embankment and drainage works and work connected with or subsidiary to them, undertaken by a Local Government in British India and vice versa, provided all parties concerned have previously agreed to the construction of the works :

I. When land in British Territory is required by or at the expense of an Indian State, such land as is in private ownership will be acquired by British Revenue Authorities as for a public purpose, under the provisions of the Land Acquisition Act. The State will be required to pay, as compensation for the land handed over to it, the actual amount of the awards paid in the case of private land, and, in the case of Government land, the full market value plus such incidental items of expenditure as the cost of establishment,demarcation, stationary. The State will also be required to pay compensation for the value of extinguished land revenue, the amount to be settled by negotiation in individual cases, due

regard being had to the indirect advantage accruing to the British Government from the works, etc. In cases which involved the submergence of considerable areas, compensation for the loss of miscellaneous revenue derived from such areas may be payable in addition. Where differences of opinion occur between the State concerned and the Local Revenue Authorities as to the compensation payable, a Board of Arbitration will be appointed consisting of one member appointed by the State, another by the Government of India (or by the Local Government in the case of a State which is in direct relations with a Local Government) in and a third member appointed by mutual consent and their decision shall be final.

II. Before making an award in the case of private land in British Territory to be acquired for a State, or fixing the amount of compensation in the case of Government land, the responsible officer will be required to send all necessary details together with the estimates of the amount payable, to the State and to give every facility for checking them to the officer or the officers concerned for the purpose, and to take into consideration any representation which such officer or any other duly accredited representative of the Darbar may make, whether orally or by letter. Such officers or representatives

should be afforded an opportunity of appearing in person or by agent and of producing evidence as to the value of the land before any award relating to it is made or the amount of compensation is fixed.

III. When land is required in State territory the general principle to be observed shall be that the same degree of compensation shall be paid to the State concerned as is payable by States under the provisions of the preceding clauses. In the case of those States and estimates who under the terms of their Treaties, Sanads and any other existing contracts are bound to provide any facilities or land in their territories free of cost, the question whether compensation will be paid or not will be left for negotiation between the Political authorities and the State concerned.

IV. In order to give effect to this general principles, the following procedure shall be observed:

In cases in which it is proposed to acquire private rights in land in a State, concerned has enacted a Land Acquisition Act, will be under that law, in the provision of clause II will apply mutatis mutandis. Where there is no Land Acquisition Act or where the State itself owns or has rights in the land, which it is proposed to acquire, the estimates of the amount payable will be framed by the State authorities and forwarded to the Local Government concerned, who will be afforded the facilities specified in clause II for checking the estimates. If such

estimates are accepted by the Local Government, they will be treated as a settlement. Where, however, differences of opinion occur between the State authorities and the Local Government concerned, as to the compensation payable, arbitration will take place. The compensation payable shall be assesed by a Board of Arbitration consisting of one member appointed by the State, another by the Government of India or the Local Government in the case of a State which is in direct relations with a Local Government and a third member appointed by mutual consent, and their decision shall be final. The Board of Arbitration will decide the incidence of the cost of arbitration.

V. In determining the amount of compensation payable, the arbitrers will be guided by the general principle that the amount shall be equivalent to what would have been payable by the State had acquisition taken place in British Territory and had compensation been assessed in the manner laid down in clause I supra.

VI. When a work is constructed by a state or state in British teritory the state or states concern will have precisely the same rights as authorities in charge of Government works in British territory in the matter of quarrying stone or excavating material required for the purposes of, or in connection with, the work. In cases where rates of royalty for quarrying stone and excavating material are levied. resort will be had to arbitration in the manner provided in clause IV above in the event of agreeement as to the rates payable not being reached.

VII. When a work is constructed in the state territory, the general principle to be observed will be that the authorities in

charge of the work shall enjoy the same rights as regards quarrying stone or excavating material as they would be entitled to in British territory, the rates of royalty, if any, payable being determined in accordance with the rules in force in the state. In cases where there are no such rules, or where the authorities in charge of the work consider that the rates under State rules are unduly high, resort will be had to arbitration in the manner provided in clause IV above.

VIII. When land is required for temporary occupation, the procedure in British India will be under part VI of the Land Acquisition Act, and in States in which a law on the same lines in force, under that law. In cases, where there is no such law, the terms of occupation and use will be settled by mutual agreement; and in case of dispute as to the terms, by arbitration in the manner prescribed in clause IV.

Note by Assam Government : In the above Appendix the words "Local Government" wherever they occur will now have the meaning and intention of "Provincial Government".

APPENDIX - V
LAND TRANSFER RULES

Acquisition of land for Federal purposes : Section 127 of the Government of India Act, 1935, provides that when land belonging to a private party is required to be acquired on behalf of the Federation, the acquisition shall be at the expense of the Federation. In case where the land required to be transferred is

in the occupation of the Provincial Government the amount payable by the Central Government will ordinarily be the market value of the land and buildings, if any, thereon ; the capitalized value of the land revenue assessable thereon will be included in cases where the transfer of the land causes actual loss of land revenue to the Provincial Government.

2. First refusal to Provincial Government of land surplus to the requirements of the Central Government : When the Central Government no longer require land in their possession, the Provincial Government of the Province in which it is situate will be given the option of assuming possession of the whole or any portion thereof, subject to the following conditions :

(a) The Central Government themselves will be the judges of whether they require to retain any particular land or not;

(b) if the Provincial Government desire to assume possession of the land, the option to do so should be exercised within 6 months of the date on which the Central Government signify their intention of surrendering the land;

(c) the amount payable for the land will in all cases be its market value at the date of transfer; and

(d) When the Provincial Government desire to assume possession of only a portion of the land surrendered, they shall be entitled to do so only if the value of the land is not materially reduced by the division.

On the establishment of the Federation it will be for the Federal Government to decide whether this option should be continued or not.

APPENDIX VI

PARTS 1, II AND IV OF THE RULES, COMPLEMENTARY TO THE GOVERNMENTARY TO THE CANTONMENT LAND ADMINISTRATION RULES, 1925, FOR THE AQUISITION, CUSTODY, RELINQUISHMENT, ETC., OF MILITARY LANDS IN INDIA,JULY 1926.

PART I

General control of Military lands

1. In future the Secretary to the Government of India in the Army Department will be directly responsible for the General Administration of all military land both inside and outside Car tonments. The detailed arrangements necessary to give effect to this decision and to give effect also, so far as military land is concerned, to the rules made by His Majesty's Secretary of State for India in Council to regulate the transfer of lands and buildings between the Central and Provincial Governments, vide Finance Department Resolution No. D - 3428 - A, dated the 10th December, 1925 (reproducted as Appendix L), are prescribed in the following instructions which are issued for the information and guidance of all concerned.

2. Military land means all land held by the Government of India in the Army and Marine Department as the representative of His Majesty's Secretary of State for India, and includes all land which has been, or may be, acquired on behalf of any

department of the army. For the purposes of this instructions, a 'Department' includes a 'Service' or 'Branch' and the 'Head of a Department' means one or other of the authorities mentioned in sub-paragraphs (ii) to (v) below. Military land and the departments responsible for its immediate control are further classified as follows :

(i) LAND UNDER THE IMMEDIATE CONTROL OF THE ARMY AND MARINE DEPARTMENT

(a) Land in Cantonments, which is placed in class A (2) under the Cantonment Land Administration Rules, 1925.

(b) Land in Cantonments which is placed in class B under the Cantonment Land Administration Rules 1925, and which is controlled either by the Army Department direct or through a Cantonment Authority

Note : Land and buildings occupied by the Royal Indian Marine (or the future Royal Indian Navy) will be dealt with under orders issued from time to time by the Secretary to the Government of India in the Marine Department.

(ii) LAND UNDER THE IMMEDIATE CONTROL OF THE QUARTER MASTER GENERAL IN INDIA

(a) Either land inside cantonments, which is placed in class A under the Cantonment Land Administration Rules, 1925, or land outside cantonments, used by the army for military purposes of a general nature,

such as barracks, fortifications, parade grounds, recreation grounds, rifle-ranges, educational establishments, ordance stores, medical stores, supply depots, etc.

(b) Camping grounds.

(c) Land held by the Remount Department.

(d) Imperial Military Roads.

(e) Land containing the pipelines of a water-supply.

(iii) LAND UNDER THE IMMEDIATE CONTROL OF THE MASTER GENERAL OF SUPPLY

(a) Land appertaining to Ordance factories, etc.

(b) Land appertaining to Grass and Dairy Firms.

(iv) LAND UNDER THE IMMEDIATE CONTROL OF THE ENGINEER-IN-CHIEF

All quarries, including foreshores from which sand, gravel, etc., is obtained, all brick fields and catchment areas of water-supplies.

(v) LAND UNDER THE IMMEDIATE CONTROL OF THE AIR OFFICER COMMANDING.

All land occupied by the Royal Air Force including landing grounds.

3. Land which is under the immediate control of one or other of the Heads of Departments, specified in rules 2 precedings, is intended to be applied to the purposes of that

particular department. In some cases the management of the land for certain specific purposes is entrusted to the Military Estates Officer, under the orders contained in army instructions (India) No. 945 of 1925. Army instruction (India) No. 945 of 1925 applies primarily to land situated within Cantonments, but the management of land situated outside cantonments may similarly be entrusted for similar purposes to the Military Estates Officer.

PART II

Acquisition of Military lands

4. The acquisition of lands for any of the above departments will be carried out by the Army Department at the request of, and in consultation with, the Head of Department concerned, and in consultation also with the Finance Department and any other department of the Government of India that may be concerned.

5. The authorities who will ordinarily be concerned in acquisitions of land and a brief description of their respective sanctions in regard to this matter are as follows :

(i) The Army Department and their local representatives, who will ordinarily be the Deputy Inspecting Officers of Military Lands and Cantonments and the Military Estates Officers.

The Army Department will be the authority empowered to give administrative sanction in each case and will be responsible

for ensuring that a complete record is kept of all military lands acquired and of the title thereto.

The Deputy Inspecting Officers and Military Estate Officers will be :

(a) responsible for supplying the Army Department or the local military authorities with local details of the technical nature connected with land, such as its value, etc.,

(b) the medium through which the civil authorities should be approached with regard to the acquisition of land, and

(c) the agency for securiting and keeping a proper title to he land acquired.

(ii) The local Governments and their subordinate officer, of whom the most important, for the purposes of these instructions, will be the Chief Revenue Officer of the districts i.e., the Deputy Commissioner or Collector. In the case of land in Indian states, the 'Local Government' will be the Foreign and Political Department of the Government of India, and the 'Chief Revenue Officer of the discrict' will be the local Political Officer or any other officer who may be appointed by the local Government.

The Local Government is the authority who, under the Secretary of State's rules mentioned in rule 1 above, will acquire privately owned land for the Government of India. The Local Government in some cases will itself be the party from whom the land is acquired.

The Chief Revenue Officer of the District, or some other Officer appointed by him for the purpose, is the authority who will arrange the detailed processes of land acquisition.

The Local Government and their subordinate officers will be regarded generally as experts in the administration of land in India and as advisers on any political or other question affecting the inhabitants of the area which may arise in the course of land acquisition.

(iii) The Heads of Departments as defined in the rule 2 above, and their agents who will be the local military authorities.

For the purposes of these instructions, 'the local military authority' will be the local head of the Department or service concerned, e.g., in the case of lands included in class (ii) of rule 2, the Generel Officer Commanding a District or the Superintendent of a Remount Depot; in the case of lands included in class (iii), the Superintendent of a factory, or the Assistant Controller of a Farms Circle; in the case of lands in class (iv), the Commanding Royal Enginear; and in the case of lands in class (v), the Air Officer Commanding, Royal Air Force, or any other Officer who may be appointed by him.

The functions of the local military authority will be-

(a) to initiate preliminary proposals for the acquisition of land required for a military purpose and submit them to the head of his Department or Service;

(b) to have detailed schemes for the acquisition prepared, and

(c) to take possession of the land when acquired from the local revenue authorities.

The functions of the Head of the Department or Service will be :

(a) to decide whether sanction may be given for the preparation of detailed schemes for acquisition, and

(b) to advise the Government of India in the Army Department as to the necessity, for the acquisition from the military point of view.

(iv) The local officers of the Military Engineer Services.

In addition to any functions that may be allocated to these officers as the local Military Authority under (iii), when land is being acquired for their own department, they will be responsible for preparing maps and descriptions of boundaries and for erectiong boundary pillars on all land acquired for a military purpose.

6. The procedure of acquisition has four main stages :

i) The preliminary proposal.

ii) The detailed scheme.

iii)The acquisition proper.

iv) The record of the transaction.

I. THE PRELIMINARY PROPOSAL

7. The preliminary proposal will generally emanate from the local Military Authority as defined in rule 5 (iii) above. It will be the duty of the local Military Authority to ascertain from the Military Estates Officer of the area concerned, who will in term consult the Chief Revenue Officer of the district, the approximate cost of the acquisition and whether there are likely

to be any difficulties, political or otherwise, in acquiring the land. He will then submit the scheme through the usual channel to the Head of the Department concerned, together with a statement of reasons for the acquisition and an approximate estimate of the cost. At this stage, if it appears that no political or financial objection to the proposal is likely to arise, the head of the Department may accept the proposal and return it to the local Military Authority for the submission of a detailed scheme. If, however, he is not satisfied on the above points he will refer the proposal to Army Department before accepting it.

II. THE DETAILED SCHEME

8. On receipt of the preliminary proposal duly accepted, the local Military Authority will proceed to the preparation of the detailed scheme. He will call upon the local officer of the Military Engineer Services to prepare a plan of the land to be acquired and upon the Military Estates Officer to obtain a schedule under the Land Acquisition Act, in the form in use in the Province, from the Chief Revenue Officer of the district. He will then submit the scheme with the plan and schedule to the Local Government through the usual local channels for their concurrence or remarks; and will thereafter forward the scheme through the usual channel to the head of the Department. The head of the Department will forward the case to the Army Department through the Financial Adviser, Military Finance, with such remarks as he may wish to offer. The Army Department will thereupon consider the scheme finally and, if it is approved, with the concurrrence of the Financ Department, will take steps

to allot the necessary funds and communicate the sanctioned scheme to the Military Estates Officer.

III THE ACQUISITION PROPER

9. On receipt of sanction and as soon as funds are allotted, the Military Estates Officer will request the Chief Revenue Officer of the district to proceed with the acquisition of the land. An estimate approved by the Government of India in the Army Department for a work, inclusive of the cost of land, may be taken as sufficient sanction for the acquisition of the land, provided that funds have been allotted .

The acquisition may be carried out by private negotiation or under the provisions of the Land Acquisition Act, but in either case the transaction will be entrusted to the Chief Revenue Officer of the district.

Possession of the land will not be assumed unless the final award of the Acquisition Officer has been made, or unless a sufficient guarantee has been given by the Chief Revenue Officer of the district that no serious enhancement of the award is likely to be made. If the cost exceeds or appears likely to exceed, the estimate originally sanctioned by more than 10 percent fresh sanction of the Army Department must be obtained before possession is assumed.

IV. THE RECORD OF THE TRANSACTION

10. As soon as possession of the land has been assumed, the Military Estates Officer will call upon the local officer of the Military Engineer Services -

(i) to erect boundary pillars consecutively numbered and with the number clearly cut or painted on each pillar, enclosing the land in such a manner that from each pillar on either side is easily visible;

(ii) to prepare a plan on a suitable scale, showing the north point and indicating the position of the pillars, their numbers and any natural features or roads crossed by the boundary lines between pillars;

(iii) to draw up a description of the boundaries specifying the position of each pillar, the magnetic bearing and distance in yards to the next pillar, accompanied by a brief note regarding any natural features, roads, etc., crossed by the boundary lines between pillars.

On completion of the above procedure the plan and description of the boundaries will be verified by a committee convened by the local Military Authority at the request of the Military Estates Officer and consisting of the local Military Authority the Chief Revenue Officeer of the district, or their representaives, the local officer of the Military Engineer Services and the Military Estates Officer. The proceedings of committee will be prepared in triplicate ; one copy with the original plan and description will be retained by the Military Estates Officer ; one copy with a copy of the plan and description will be forward by the Military Estates Officer through the Revenue Officer to the local Government ; and the third copy with a copy of the plan and description will be submitted by the

Military Estates Officer to the Army Department for incorporation in a general register of military lands.

11. The cost of acquiring the land together with all charges connected therewith, including the cost of preparing plans and descriptions and of the creation of pillars by the Military Engineer Services, will be debited to the budget of the department on whose behalf the land is acquired.

12. When land is acquired simultaneously and in transaction for more than one department, the authority responsible for carrying out the functions assigned to the local Military Authority in the above rules will be the General Officer Commanding the District, who will control the transaction ; and the cost of the acquisition and all charges connected therewith will ordinarily be debited to the department having the major interest.

13. The above, rules do not apply to the transfer of military land between various Army Services and Departments. Such transfers will be sanctioned by the Government of India in the Army Department, transfer of land inside cantonment being arranged in accordance with the provisions of the Cantonment Land Administration Rules, 1925. Proposals for such transfers other than for transfers of land from class B (4) and (5) to class B (3) under the Cantonment Land Administration Rules, 1925, will be considered by the Standing Barrack Committee, convened under the orders of the General Officer Commanding the District and the proceedings of the committee will be forwarded through the usual channel to the Army Department, who after consulting the Heads of the department concerned will

issue the necessary orders. The areas in question will be specified in the proceedings of the committee, to which a plan will be attached ; and the demarcation of the areas, as altered, by pillars will be necessary.

PART IV - RELINQUISHMENT OF MILITARY LANDS

15. The terms on which military land may be relinquished, when no longer required by the Government of India are contained in the Secretary of State's rules referred to in Rule 1 above. The policy of the Government of India will be to limit their holding of land to their actual requirements, present and prospective. Before land under the immediate control of the Army Department or in the possession of one Branch or Department of the Army or of the Royal Air Force is relinquished. it shall be ascertained by the Army Department whether the land is required, firstly, by any other Branch or Department of the army or by the Royal Air Force, and, secondly, by any other Department of the Government of India. The proceeds of all land relinquished , less any charges, incurred in their disposal, shall be credited to the Military Estimates.

16. The procedure for the relinquishment of military land will, in its main outlines, conform to the procedure laid down for its acquisition in rules 4 to 10 above. That is to say, the authorities concerned and the functions that each will have to performed will be generally as follows :

(i) The Government of India will be the ultimate sanctioning authority, except in the event of a dispute arising between the Government of India and the Provincial Government, in which case the final decision will rest with the Secretary of State.

The Military Estates Officers, the Deputy Inspecting Officers, and the Inspecting Officer, Military Lands and Cantonment will constitute the executive machinery which will ordinarily be employed by the Army Department for the purpose of preliminary investigation and other detailed work connected with proposal to relinquish military land.

(ii) The Provincial Governments, under the Secretary of State's rules, will be the authority to whom the Government of India are required to offer the first option of taking over, for their own purposes on the appropriate terms, the land to be relinquished. If it does not desire to exercise this option, the Provincial Government will nevertheless, if willing, be the agency generally employed by the Government of India to dispose of the land to the public.

The Chief Revenue Officer of the district will, similarly, be the officer who, as a general rule, carries out the details of the transaction if the land is sold to the public. In special cases, special arrangements may be mae, under the orders of the Government of India.

(iii) The Head of the Department or the local Military Authority will, in the absence of a representation from a Provincial Government, be the authority responsible for initiating proposals for the relinquishment of surplus military land.

The Head of the Department or, in the case of land referred to in rule 2 (i) (a) and (b), the General Officer Commanding-in-Chief, the command, will also be required to advise the Army

Department in the first instance whether the land is really surplus to requirements from the military point of view and whether the representation of a Provincial Government should be accepted or contested (see also rule 15 above).

The local military authority, before submitting a proposal for the relinquishment of any land to the head of the Department concerned, will consult all other local military authorities as to whether the particular plot of land to be relinquished is required by them for some other military purpose. The highest local military authority will then forward the case with his remarks to the Head of the Department concerned.

(iv) The local Officer of the Military Engineer Services in addition to any functions imposed upon him under (iii) above when land belonging to his own department is being relinquished, will be responsible for preparing revised maps and descriptions of boundaries and for erecting new boundary pillars when part of a holding is relinquished and the boundaries therefore need revision.

17. The actual procedure for relinquishment will ordinarily be as follows :

I. THE PRELIMINARY PROPOSAL

The Government of India will receive a proposal, either from the Head of a Department, or from the General Officer Commanding-in-Chief, the Command, in the case of land referred to in rules 2 (i) (a) and (b), or from a Provincial Government to the effect that a certain piece of military land

should be relinquished. In the last case they will first obtain the views of the Head of the Department concerned, and if they do not agree from the military point of view that the claim of the Provincial Government should be accepted, they will take such steps as may be necessary to contest it. If, however, the proposal is provisionally accepted, the Army Department will call for a report from the Military Estates Officer of the area concerned or will depute the Inspecting Officer, or a Deputy Inspecting Officer, Military Lands and Cantonments or will appoint an ad hoc committee containing representatives of all the interests concerned, to submit a report as to the terms on which the relinquishment may be effected.

II. THE DETAILED SCHEME

The officer or committee appointed under I above will investigate the circumstances of the case and will submit a report as to the terms on which the relinquishment may be effected, either in accordance with specific provisions in the rules of the Secretary of State or by mutual agreement under the provision for such agreement in the rules.

III THE RELINQUISHMENT PROPER.

The Government of India in the Army Department will pass orders on the report after consulting the Finance Department. If the relinquishment is sanctioned, the Government of India will offer the Provincial Government the option of taking over the land on the appropriate terms, and if the option is not excercised, they will issue such orders for the disposal of the

land as they may think fit. In accordance with the orders passed, the Military Estates Officer will either surrender possession of the land to the representative of the Provincial Government Deputed for the purpose, or to the officer deputed to sell the lqand to the public.

IV THE RECORD OF THE TRANSACTION.

Before the land is finally handed over, the Military Estates Officer will request the local officer of the Military Engineer Service to carry out, on the lines laid down in rule 10, such revision of the maps and boundary pillars as may be required in consequence of the relinquishment. On completion of the above procedure the plan and description of the boundaries will be verified by a committee convened by the Military Estates Officer and consisting of himself, the local Military authority, the local officer of the Military Engineer Service and the representative of the Provincial Government or the officer to whom the land is to be handed over. Copies of the proceedings of the Committee will be prepared in the same way as that laid down in rule 10, and the land will be formally handed over by the Military Estates Officer together with one copy of the proceedings to the officer deputed to take delivery of it. A second copy of the proceedings will be forwarded to the Army Department in order to enable them to carry out the necessary correction in their Register, and the third copy will be retained by the Military Estates Officer who will make the necessery correction in his own Register.

SCHEDULE I

MILITARY LAND REGISTER

Serial No.	Situation of holding	Purpose for which used at present	Area	Date and other particulars of acquisition, including cost, if know.	Remarks including present value per acre, if known, etc.,
1	2	3	4	5	6

INSTRUCTIONS

The Register should be written up in section on the following orders :

I LAND INSIDE CANTONMENTS.

(a) Class A (1) land.
(b) Class A (2) land.
(c) Class B land.

} Merely the total acreage of each class need to given. The General Land Register of the contonment will give all details. For the purpose of this Register Class C land need not be included.

II LAND OUTSIDE CANTONMENTS

(a) Land under the immediate control of the Quartermaster General [with sub- Sections as in para. 2 (ii) of the Complementary Rules].

(b Land under the immediate control of the Master General of Supply [with sub- Sections as in para. 2 (iii) of the Complementary Rules].

(c) Land under the immediate control of the Engineer-in-Chief [with sub-Sections as in para. 2(iv) of the Complementary Rules].

(d) Land under the immediate control of the Air Officer Commanding.

** ** **

FORM 1.

(See paragraph 11)

Assam Schedule XVI (Part 1), Form No. 36 (New), 35 (Old)

Marginal Notes

MEMORANDUM of Agreement made this _____ day of _____ 19, between the (1) _____ Company, a Company (2) (registered under the Indian Companies Act, 1892) and having its registered office at _____ in _____ _____ (hereinafter called the Company) of the one part and the SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter called the Secretary of State) of the other part.

(1) Here insert 'name'

(2) Insert description appropriate to the Company; vide definition, Section 3 (e) of the Act.

Whereas for the purpose of the construction of (3) _____ the Company has applied to the Government of Assam for the acquisition under the provisions of the Land Acquisition Act, 1894 "hereinafter referred to as the said Act" of the piece or parcel of land containing _____ or thereabouts situate in the village of _____ in the district of _____ and more particularly described in the schedule hereto and delineated in the plan hereunto annexed.

(3) Insert description of work.

And whereas the said Government of Assam being satisfied after considering the report, if any, from the Collector under section 5A, sub-section (2) or by an enquiry held under section 40 of the said Act that the proposed acquisition is needed for the aforesaid purpose and that the said work is likely to prove useful to the public, has consented to acquire on behalf of the Company the piece or parcel of land hereinbefore described.

And whereas the said Government of Assam has required the Company under the provision of section 41 of the above-mentioned Act to enter into the agreement with the Secretary of State hereinafter contained. Now this Indenture witnesseth that it is hereby agreed and declared as follows :

1. On demand the Company shall and will pay to the said Government of Assam all and every compensation in respect of the said land tendered, paid or awarded or to be tendered paid or awarded, by the Collector under the said Act, 1894, or by the Court to which a reference under Part III of the said Act may be made, or by the Court or Courts to which an appeal from the award of the said Court may be preferred, and all costs, charges and expenses of the proceedings in the afforsaid Courts, or otherwise incidental to the proposed acuisition or payable in respect thereof under the provisions of the said Act.

2. On demand made by the said Collector the obligations of the Company under the last preceding clause not being thereby ommited, the Company shall and will deposit with the said Collector such sum or sums of money as in his discretion the said Collector may in anticipation estimate to be necessary for the purposes mentioned in the last preceding clause.

Or "before such payment"

3. On payment by the Company of all demands under the pregoing first clause, or, in the discretion of the said Government of Assam or before such payments (on deposit by the Company of all estimated amounts as provided in the 2nd clause), but not before possession shall have been taken under the provisions of the above mentioned Act, the Secretary of State shall make over possession of the said land to the Company and shall execute and do all such acts and deeds as may be necessary and proper for effectually vesting the same in the Company.

4. The said land when so transferred to and vested in the Company shall be held by the Company as their property to be used in furtherance of the above said object, subject nevertheless to payments of such local rates or other assessments as may be imposed on the said land under any enactment for the time being in force.

(4) Insert these words if appropriate to the particular work.

5. The said land shall be held by the Company for the purpose of such a _____ as is hereinbefore mentioned and without the sanction in witing of the said Government of Assam first had and obtained for no other purpose whatsoever.

6. The said _____ shall be completed (4) (and fully equipped in all respects ready for use) within _____ year(s) from the date on which possession of the said land shall have been given to the Company.

7. Should the said _____ not be completed (4) (and fully equipped in all respects ready for use) within the period stated in the last preceding

clause within such further period as in its discretion may be prescribed or allowed by the said Government of Assam, or should the said land at any time thereafter cease for a period of _____ consequtive months, to be held and used, or cease to be required for the purpose or purposes provided for in the forgoing fourth clause, then and in any such case, the said Government may summarily re-enter upon and take possession of the said land and thereupon the interest of the Company in the said land shall absolutely cease and determine.

8. On taking such possession the said Government may sell or otherwise deal with the said land as it may think proper, should the said Government sell the said land, the said Government after deducting the expenses incurred in connection with the said taking of possession and with such sale shall pay the proceeds to the Company. Should the said Government, on taking possession decide not to sell the land, it shall repay to the Company all sums received from the Company in respect of all and every compensation as provided in the forgoing first clause (less the statutory allowance of 15 per cent), but will not repay any sums paid and received on account of costs, charges and expenses.

9. The public shall be entitled to use the _____ on the following terms _____.

10. Should any dispute or difference arise touching or concerning the subject-matter of this Agreement or any convenant clause of thing herein contained the same shall be

referred to the said Government of Assam, and the opinion and decision of the said Government upon such dispute or differences shall be final and conclusive and binding on the parties hereto.

In witness whereof (the* _____ Company has caused its common seal to be affixed and the Secretary of State for India in Council hath hereunto set his hand and seal) the day and year first above-written.

* (Or, as the case may be) so and so the duly constituted attorney of the Company and the Secretary of State for India have hereunto set their respective hands and seals.

** The common seal of the above named _____ Company was hereto affixed in the presence of

Seal

_____

(Witness)

** (Or, as the case may be) signed, sealed and delivered by

(Sign)

Attorney for the Company in the presence of

(Witness)

Managing Agents

Signed, sealed and delivered by _____, Secretary to the Government of Assam in the Department for His Excellency, the Governor of Assam acting in the premises for and on behalf of the Secretary of State for India in the presence of _____

_____

(Witness)

(Signature)

FORM 2.

PROGRESS REGISTER OF LAND ACQUISITION CASES.

See paragraphs 11 and 60)

	1	Name of project. Date of receipt of requisition for draft notification under section 4 (1).
	2	Date of submission of draft notification under section (4) 1.
	3	Number and date of notification under section 4 (1).
	4	Date of issue of notices.
	5	Date of submission of report to Government under section 5A.
	6	Date of receipt of Government order on objections.
	7	Date of submission of preliminary estimate and draft declaration.
	8	Number and date of declaration and date of Government order under section 7.
	9	Number of case and number of mile, if any.
	10	Date of institution of the case.
	11	Date of award.
	12	Area acquired.
	13	Date on and section of the Act under which possession was taken. If under section 17 number and date of Government order.
	14	Number of payment under the award.
	15	Date of completion of payment.
	16	Date and amount of recovery of cost of acquisition from bodies other than Government.
	17	Date of making over possession and of delivery of certified land plan to the requiring authority.
	18	Date of submission of the final report.
	19	Number and date of Commissioner's or Government's letter confirming the proceedings.
	20	Record-keeper's receipt for consignment of completed records.
	21	Number of objections referred to Court and date of reference.
	22	Number of references decided, with date of decision.
	23	Date of payment of excess award and costs, if any, allowed on reference.
	24	Number of appeals under section 54.
	25	Number of appeals decided, with date of decisions.
	26	Date of payment of excess award and costs, if any, allowed on appeal.
	27	Remarks.

[Assam Schedule XVI (Part I), Form No. 3 (New)]

FORM 3

(See paragraph 13)

Government of Assam)

Orders by the Governor in Council,

Notification

Dated the 19 ..... .

No. R. - It is hereby notified that land within the boundaries described below, measuring more or less ..... bighas ..... kathas..... lessas or chitaks, in village ..... mauza or pargana .... subdivision ..... in the district of ..... is likely to be needed $\frac{\text{for a public purpose,}}{\text{for a Company,}}$ viz, for the

North :
South :
East :
West :

This notification is made under the provisions of section 4 of Act I of 1894, as amended by Act XXXVIII of 1923, to all whom it may concern. Objections to the acquisition, if any, filed under section 5A by any person interested within the meaning of that section on or before the ..... before the $\frac{\text{Collector}}{\text{Deputy Commissioner}}$ of ..... will be considered.

Government are pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon any survey and do all other acts required or permitted by sub-section (2) of section 4 of the Act.

* In exercise of the powers conferred by section 17 (4) of the Act, Government have decided that in view of the urgency of the project, provisions of section 5A of the Act shall not apply.

Secretary to the Government of Assam in the
Revenue Department

Memo No. Dispur, the 20.

Copy forwarded to the $\frac{\text{Deputy Commissioner}}{\text{Commissioner,}}$ for information with reference with his Memo. No. ..... dated the 20

2. A copy in manuscript has been forwarded direct to the Collector.

By order, etc.
Assistant Secretary

* To be substitute for the paragraph relating to the filling of objections under section 5A in urgent cases in which an order under section 17 (4) has been passed

FORM 4

From the notification under section 4
(See paragraph 13)

Whereas it appears to the Government of Assam that land is likely to be needed in the district(s) or sub-division(s) or thana(s) of ..... at the public expense for a public purpose, viz / at the expense of the ..... Company for the construction of an embankment or road / a line of railway from ..... to ..... it is hereby notified that for the above purpose a strip of land, more or less ..... in width, is likely to be needed in the afforsaid districts, sub-divisions or thanas.

This notification is made, under the provision of section 4 of Act I of 1894, as amended by Act XXXVIII of 1923, to all whom it may concern.

The Government of Assam are pleased to authorise the officers / so and so for the time being engaged in the preliminary investigations relating to this project to enter upon and survey land and do all other acts required for the proper execution of their work as provided for or specified in sub-section (2) of section 4 of the said Act. The general route to be taken for the survey will be from ..... to .....

* An index plan of the land may be inspected in the office of the .....

Objections to the acquisition, if any, filed under section 5A by any person interested within the meaning of that section on or before ..... before the Collector of ..... will be considered.

+ In exercise of the powers conferred by section 17 (4) of the said Act the Local Government have decided that, in view of the urgency of the project provisions of section 5A of the Act shall not apply.

*** To be inserted if such plan has already been prepared.**

+ To be substituted for the next above paragraph in the urgent cases in which an order under section 17 (4) has been passed.

FORM 5

Estimate of the probable cost of acquiring land under Act I of 1894
(See paragraph 24)

Name of department / local body of / company requiring the land .....
in village ..... thana ..... pargana / mouza
..... district .....

Part I--(A) Value of Landlord's interest--

Description of land	Area in acres	Annual rent
1	2	3
Arable		
Homestead		
Bazar		
Waste		
Other kinds		
(i) Total		
(ii) Deduct--		
(a) Collection charge at 10 per cent		
(b) Government revenue ascertained under rule 3 or rule 4 of Statutory Rules.		
(c) Other deduction, if any		
Total ...		
(iii) Net annual profit ...		

Total value of landlord's interest at ..... year's .....
purchase of (iii) above .....

FORM 5 -- contd.

(B) Value of raiyats interest :

Description of land	Area in acres	Rate per acre	Amount
1	2	3	4
Arable			
Homstead			
Bazar			
Waste			
Other kinds			
Total			
(C) Add value of :			
(a) Houses			
(b) Trees			
(c) Wells or tanks ...			
(d) Standing crops [grown before notification under section 4 (1)]			
Total			

(1) Market value of land under section 23 (1) clause (1). [Total of (A), (B) and (C) above]

(2) Additional compensation under section 23 (2) at 15 per cent on (1) above.

(3) Damages under clause (2) to (6) of section 23 (1) if any.

Total compensation [total of (1), (2) and (3) above]

FORM 5 - concld.

Part - II

Add capitalised value of Government revenue
(Vide paragraph 90)

Part - III

Add cost of establishment } _____
Add cost of contingencies

(Vide paragrapha 184 and 186)

Grand total of parts I, II and III _____
(In words) Rupees
Prepared by .....
Checked by .....

Certified that the estimate is fair and that the rates have been arrived at after local enquiry, inspection of the ground and with reference to the settlement report, village notes and papers and the records of the Registration Department.

Land Acquisition Officer.

Deputy Commissioner

Countersigned,

Countersigned.

Secretary to the Government of Assam
(Revenue Department)

Commissioner.

Sanctioned

Secretary to the Government of Assam,
..... Department

Note : For areas outside the zamindaries the form shall be sortened as explained in paragraph 74

FORM 6

Sale statement

(See paragraph 25)

Name of land acquisition project .....

Statement showing results of examination of cases of sales of land in village ..... mouza Pargana

District .....

Serial number	Book number	Volume number	Page number	Date of execution of the deed	Name of vendor with occupation	Name of vendee with occupation	Description of land		Area	Nature of interest sold	Sale price	Rate per acre	Amount of salami Ital paid, if any to landlord whether in addition to, or out of, the sale price in column 12	Rent to which the tenancy sold is subject	Remarks (Note if any special circum-stances affected the sale price)
							Class of land	Survey plot no.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

Assam Schedule XVI (Part I), Form 2 (New), 2 (Old)
[Approved in letter No. 3844G., d. 15-6-16]

FORM 7

(See paragraph 26)

FORM OF DECLARATION UNDER SECTION 6, ACT I OF 1894.

Declaration

No. --WHEREAS it appears to the Government of Assam that land is required to be taken by Government at the public expense for a public purpose, viz, for

in the village of ....., pargana or mouza ..... zilla ..... , it is hereby declared that for the above purpose land measuring , more or less, ... bighas ..... kathas..... chittaks or lessas of standard measurement, bounded on the

North by the
South by the
East by the
West by the

is required within the afforsaid village of .....

This declaration is made, under the provision of section 6 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the Office of the .....

Nothing in the declaration in the considered to apply to land which is resumable for the said purpose under the terms of the lease and which Government elect to resume instead of acquiring under the Act.

Secretary to the Government of Assam
in the Revenue Department

Note 1 : All names of places in draft notification and declarations should be entered in capital letters.

Note 2 : When land is required to be taken by the Government at the expense of a Company, a Municipality, or a Local Board for a work of public utility, the words "at the expense of the (name of the Company, the Municipal or the Local Board)" should be substituted for the words "at the public expense" and instead of the words "a public purpose" the work should be concisely described.

Assam Schedule XVI (Part I) Form No. 4 (New), 3 (Old)
[Approved in letter No. 7539, d 14-9-18]

FORM 8

(See paragraph 26)

FORM OF DECLARATION OF THE SECTION 6, ACT I OF 1894 AND SECTION 3 CLAUSE (1), ACT XVIII OF 1885

WHEREAS it appears to the Government of Assam that land is required to be taken by Government at the $\frac{\text{public expense}}{\text{expense of}}$ for a public purpose, viz for ..... in the village of ....., pargana or mouza ..... zilla ....., it is hereby declared that for the above purpose a piece of land measuring more or less ..... $\frac{\text{bighas}}{\text{acres}}$ ..... kathas ..... chattaks or lessas of standard measurement, bounded on the ..... is required within the afforsaid village of .....

Mines of coal, iron-stone, sale or other minerals lying under the land, or any particular portion of the land, except only such parts of the mines and minerals as it may be necessary to dig, or carry away, or use, in the construction of the work for the purpose of which the land is being acquired are not needed.

This declaration is made, under the provisions of section 6, Act I of 1894, and section 3, clause (1), Act XVIII of 1885, to all whom it may concern.

A plan of the land may be inspected in the Office of the .....

Nothing in this declaration will be considered to apply to land which is resumable for the said purpose under the terms of the lease and which Government elect to resume instead of acquiring under the Act.

Dated

Secretary to the Government of Assam
in the RevenueDepartment

Note 1 : All names of places in draft notifications and declarations should be entered in capital letters.
Note 2 : When land is required to be taken by Government at the expense of a Company for a work of public utility the words "at the expense of the (name of the Company)" should be substituted for the words "at the public expense" and instead of the words "a public purpose" the works should be concisely described.

Assam Schehule XIV (Part I), Form No. 21 (New), 20 (Old).
[Approved in letter No. 7720Misc., d. 14-9-20.]

FORM 9.

[Sec paragraph 46 (a).]

SCHEDULE OF LANDS IN THE VILLAGE .....MAUZA OR PARGANA .....
.....MILE OF THE ..... FROM.....TO ..... (FOR RAILWAY AND SIMILAR PROJECTS) IN THE DIDTRICT OF

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Number of plot.	Name of Village.	Nature and number of estate on Deputy Commissioner's General Register and its name, if any.	Name of owner.	Name of intermediate tenant (if any) with description of his rights.	Name of lessee or rayat (if any) with description of his rights.	Names of cultivators and owners of houses, trees or crops.	Description and quantity of land in acres and decimals.	Measurement of each plot		Description of trees.				Description of particulars of housea, etc.				Description of standing crop.	Remarks.
								Square feet.	Area in acres and decimals.	Kind.	Number	Length.	Girth.	Description.	Length.	Breadth.	Height		

Note 1 : When the land is taken for a railway, a separate schedule of this form is to be prepared for each class of land--A, B, C or D.
Note 2 : If the number of trees of separate kinds is large, and the length and girth of all the trees cannot conviently be entered, the trees of each kind should be divided into different classes according to their size, and the class to which the trees belong should be entered in column 13, the mode of classification being shown in the column of remarks.

Dated

Collector

FORM

KHATIAN AND

[*See para*

Name of project .....

Village ..... Mouza / Pargana

Plot number				Parties interested			Details of								
							Where valuation of landlord's interest is based on capitalization of net income.								
Survey Khatian number.	Survey plot number.	L.A. plot number.	Classification.	Area in acres.	Serial number in the award.	Name of parties interested with parentage and residence.	Nature of interest.	Rate per acre or yearly gross income.	Account.	Rent payable to landlord.	Collection charges at ..... per cent.	Revenue payable to Government	Total charges (column 11 and 12).	Net annual income	..... year's purchase of net income in column 14.
1	2	3	4	5	6	7	8	9	-	10	11	12	13	14	15
								Rs.				Rs.			Rs.

10

VALUATION STATEMENT

graph 46 (b).]

Mile No. _____ in railway, etc., projects).
L. A. Case No. of 19.....
District

valuation											
Value awarded to parties in column 6.	Trees.	Houses (including huts).	Tenks and wells.	Total valuation (columns 16-19).	Additional compensation at 15 per cent.	Damage under section 17(3) of section 23(1)	Damages under other clauses of 23(1).	Total	Interest under section 34.	Grand total.	Remarks.
16	17	18	19	20	21	22	23	24	25	26	27
Rs.				Rs.					Rs.		

Assam Schedule XVI (Part I), Form No. 5 (New), 4 (Old).
[Approved in letter No. 9758, d. 23-12-18]

FORM 11

(See paragraph 57.)

FORM OF GENERAL NOTICE TO BE PUBLISHED UNDER CLAUSES 1 AND 2, SECTION 9, ACT I OF 1894, FOR LAND TO BE TAKEN UP.

Notice is hereby given that $\frac{\text{acres}}{\text{bighas}}$ kathas chittaks or lessas, more or less, of land situate in or near the village of ..... described below, and recently marked out and measured, are about to be taken by Government for a

under Act I of 1894, with accordance with a declaration, No. .....
dated ....., published in the $\frac{\textit{Government}}{\textit{Assam}}$ *Gazette* of the..... All persons interested in this land are hereby called upon to appear personally or by agent on the..... at the office of .....at ..... to state the nature of their interest in the land, and the amount and particulars of their claims to compensation for the same, and their objections, if any, to the measurements made under section 8 of the Act.

* Land comprised in cadastral survey plots numbers.

Boundaries.

North :
South :
East :
West :

Dated

Collector

---

* In areas cadastrally surveyed boundaries need not be given serial numbers of the settlement fields in which the land is comprised will suffice.

Assam Schedule XVI (Part I), Form No. 6 (New), 5 (Old)
[Approved in letter No. 9758, d. 23-12-18.]

FORM 12

(See paragraph 57)

SPECIAL NOTICE.

FORM OF SPECIAL NOTICE TO BE ISSUED UNDER CLAUSES 3 AND 4, SECTION 9, ACT I OF 1984, TO OCCUPIERS OF THE LAND TO BE TAKEN UP, AND OTHER PERSONS KNOWN OR BELIEVED TO BE INTERESTED IN IT, OR TO BE ENTITLED TO ACT FOR PERSONS SO INTERESTED.

NOTICE is hereby given that ..... ---------- (acres / bighas / kathas / chittaks or lessas) more or less, of land situate in or, near the village of ..... described below, and recently marked out and measured, are about to be taken by Government for a

under Act I of 1894, in accordance with a declaration, No. ....., dated ....., published in the ---------- (Government / Assam) *Gazette* of the ..... . If you have any interest in this land, or are entitled to act for persons so interested, you are hereby called upon to appear personally or by agent on the ..... at the office of ..... at ....., to state the nature of such interest in the land, and the amount and particulars of any claim you may wish to prefer for the same, and your objections, if any, to the measurements made under section 8 of the Act.

* Land comprised in cadastral survey plots Nos.

Boundaries.

North : East :

South : West :

Dated *Collector*

---

* In areas cadastrally surveyed boundaries need not be given serial numbers of the settlement fields in which the land is comprised, will suffice.

FORMS

Assam Schedule XVI (Part I), Form No. 7 (New), 6 (Old).
[Approved in letter No. 7539, d. 14-9-18.]

FORM 13

(See paragraph 57.)

FORM OF REQUISITION UNDER SECTION 10, ACT I OF 1894, TO BE ADDED WHEN NECESSARY, TO NOTICE IN FORM 12.

You are hereby required to make or deliver to the undersigned at .....on ..... a statement containing, so far as may be practicable, the name of every prson possessing any interest in the land, or any part thereof, referred to in the notice of ..... served on you, as co-owner, sub-owner, mortgagee, tenant, or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

Collector

Dated

FORM 14

REGISTER NO. 5 OF LANDS ACQUIRED UNDER ACT I OF 1894

(See paragraph 60.)

Land declared for acquiaition in Notification No. ..... dated ..... 19....., published in the Assam Gazette of the ..... 19....., for ..... and the acquisition authorised in the order of Government No. ..... dated the ..... 19..... .

	1	Number of case and number of mile if any.
	2	Name of village, mouza or (pargana) and district.
	3	Nature and number of estate in Deputy Commissioner's General Register.
	4	Amount of Government revenue demand payable in respect of the land, and date from which abatement, if any granted.
	5	Amount of capitalized value of Government revenue with date of payment to Government.
	6	Area (acres and decimals) acquired in each village.
	7	Compensation paid under section 17(3) or 48(2), if any.
	8	Value awarded for land including houses, trees, etc., with reference to section 11 and clause 1 of section 23(1).
	9	Additional compensation at 15 per cent under section 23(2)
	10	Damages and expenses under clause 2 to 6 of section 23(1).
	11	Amount of interest and period for which awarded by Collector under section 24.
	12	Total amount disbursed by Collector, i.e., total of columns 5 and 7 to 11.
Amount of excess award allowed by Court. 13	(a)	On reference under section 18.
	(b)	On appeal under section 54.
	14	Amount of interest decreed by Court under sections 28 and 54
	15	Amount of cost decreed to party under sections 27 and 54.
	16	Cost of establishment charges and contingencies including law charges.
	17	Reduction of award on appeal.
	18	Total cost of acquisition.
	19	Amount of cost decreed to Government under section 27 or 54.
	20	Proceeds of sale of trees, houses, crops etc., by Collector.
	21	Remarks

Assam Schedule XVI (Part I), Form No. 11 (New), 10 (Old).
[Approved in letter No. 7720 Misc., d. 14-9-20.]

FORM 15

(See paragraph 65.)

LAND ACQUISITION

Case No. ..... of 19

PROCEEDING UNDER SECTION 11, ACT I OF 1894.

Name of Project	
Number and date of preliminary Notification under section 4(1).	NotificationNo....,dated..... Published at page ..... Part ..... of the *Assam Gazette* of the .....19..... .
Number and date of the Declaration (section 6) under which the land is to be acquired.	Declaration No. ....., dated..... Published at page ..... part ..... of the *Assam Gazette* of the .....
Situation and extent of the land, in acres, the number of field plots on the survey map, the village in which situate with the number of mile plan, if any.	
Description of the land, i.e., wheather fallow, cultivated, homestead, etc. If cultivated, how cultvated.	

FORM 15 (contd.)

PROCEEDINGS UNDER SECTION 11, ACT I OF 1894.

Name of persons interested in the land and the nature of their respective interests.	
Amount allowed for the land itself without the trees, buildings, etc., if any.	
Amount allowed out of such sum as compensation for the tenants' interest in the land.	
Basis of calculation.	
Amount allowed for trees, houses or any other immovable things.	
Amounts allowed for crops or huts.	
Additional compensation on the market value under section 23(2)	
Damages under clauses 3, 4 and 6, and expenses incidental to change of residence under clause 5, section 33 (1), Act I of 1894.	Total Rs.
Interest under section 34, Act I of 1894.	
Award under section 11, Act I of 1894, with particulars of abatement of Government revenue, or of the capitalized value paid, the date from which the abatement takes effect and the number of the estate on Deputy Commissioner's General Register.	Total Rs. (in words)

FORM 15 (contd.)

Apportionment of the amount of compensation.	NAMES OF CLAIMANTS	Amount payable to each	REMARKS
		Rs.	
	Total		
Date on which possession was taken under section 16 or 17, Act I of 1894. If under section 17, the number and date of orders of Government giving authority to do so.			

Collector.

Assam Schedule XVI (Part I), Form No. 9 (New), 8 (Old).
[Approved in letter No. 7539, d. 14-9-12.]

FORM 16
(See paragraph 70.)

FORM OF NOTICE UNDER SECTION 12 (2) OF ACT I OF 1894.

Project

Number of case

To

NOTICE is hereby given that in the above case, in which you have been treated as a person interested, an award was made by me on the ..... 19..... under section 11 of Act I of 1894. The sum payable to you is Rs. ..... . If you are willing to accept paymentyou should appear before me personally or by a duly authorised agent on or before..... . Interest will not be payable in the case of failure to appear.

Dated .....

Collector

Assam Schedule XVI (Part I), Form No. 17 (New), 16 (Old).
[Approved in letter No. 7720 Misc., d. 14-9-20.]

FOEM 17
(See paragraph 90.)

STATEMENT SHOWING THE AMOUNT OF LAND REVENUE TO BE ABATED ON ACCOUNTS OF LAND IN THE DISTRICT ..... OF ..... TAKEN UP UNDER DECLARATION NO. ..... DATED..... THE ..... .

Number of mile.	Consecutive number of case.	Name of mauza or pargana.	Name of village.	Nature and number of Patta in Jamabandi or number of tauzi.	Area of present estate in acres and decimals.	Amount of Government revenue of parent estate.	Area acquired in acres and decimals.	Proportionate Government revenue to be abated.	Date from which the abatement takes effect.	REMARKS
1	2	3	4	5	6	7	8	9	10	11
						Rs.		Rs.		

Dated .....

Collector

FORM 18.

CERTIFICATE OF POSESSION OF LAND MADE OVER TO THE PARTIES ON WHOSE BEHALF IT HAS BEEN ACQUIRED.

(*Sec* paragraph 99.)

Certified that I have this day of the (here specify the date) $\frac{\text{received}}{\text{delivered}}$ possession $\frac{\text{at the hands of}}{\text{to}}$ (bere mention the name and designation of the officer) of ..... acre of the land situated in village $\frac{\text{mauza}}{\text{pargana}}$ ..... district ....., which has been acquired under Declaration No. ....., dated the ....., published at page ..... of the Assam Gazette of the ..... for the purpose of .....

Name.....

Designation.....

FPRM 19.

FROM OF NOTIFICATION OF WITHDRAWAL FROM ACQUISITION.

(Sec paragraph 100.)

NOTIFICATION.

The..... 19.....

No.....Under section 48 (1) of the Land Acquisition Act, I of 1894, the Government of Assam, withdraw from the acquisition of land required for .....in village ..... Mauza ..... in the district of....., covered by Notification No. .....R., dated the .....published at page..... of the Assam Gazette of the .....19....., *[and by Declaration No. .....R., dated..... published at page..... of the Assam Gazette of the..... 19.....]

Secretary to the Government of Assam,
Revenue Department.

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* To be struck out when withdrawal is before declaration.

Assam Schedule XVI (Part I), Form No. 12(New), 11 (Old).
[Approved in letter no. 8333B., d. 17-8-03
APPENDIX XIV (New) / X(Old).

FORM 20.

(Sec paragraph 108.)

LAND ACQUISITION.

CASE NO..... OF 19.....

REFERANCE TO THE COURT UNDER SECTION 18, ACT I OF 1894.

WHEREAS ..... son of..... has not acepted the award made by me under section 11 of Act I of 1894, a copy of which is hereto annexed, and has required by the accompanying application that the matter be referred to the Court, I hereby make the reference to the Court of the.....

Name of project.	
Number and date of the preliminary Notification under Section 4(1).	Notification No. ..... , dated ..... published at page ..... part..... of the Assam Gazette of the .....
Number and date of the Declaration (Section 6) under which the land has been acquired.	Declaration No. ..... , Dated ..... published at page.....part.....of the Assam Gazette of the .....
Situation and extent of the land, the number of field plots on the map, the name of the Village, and the number of mile plan, if any, Particulars or trees, building or standing crops, if any.	
Name and Addresses of the persons found to be interested in the land, and nature of each person's interest.	
Amount awarded for damages and paid or tendered under section 5 and 17.	For land. For trees For houses and huts. For crops.
Compensation awarded under Section 11	Total Rs. Total Rs. (in words)
Grounds on which the amount of compensation was determined in the case of objection to the amount of compensation	
Nature of the objection taken to the award.	

Dated .....

Collector

SCHEDULE : Particulars of the notices served upon, and of the statements in writing made or delivered by the parties interested.

Assam Schedule XVI (Part I), Form No. 13 (New), 12 (Old)

FORM 21

(See paragraph 108)

LAND ACQUISITION

Case No. .....of 19..... .

REFERENCE TO THE COURT UNDER SECTION 30, ACT I OF 1894

WHEREAS a dispute exists between the parties interested or between ....., as to the apportionment of the compensation (or of a portion of the compensation) settled by me in the award under section 11 of Act I of 1894, of which a copy is hereto annexed, I hereby refer such dispute for decision to the Court of ..... .

Name of project	
Number and date of declaration under which the land has been acquired.	Declaration No. ..... , dated .....
Situation and extent of the land, in acres and decimals, the number of field plots of the maps, the name of the village and the number of mile plan, if any.	Published at page ..... Part ..... of the Assam Gazette of the ..... .
Names and address of the persons interested in the land and the nature of their respective interests.	
Amount of compensation awarded under section 11.	
Particulars of the dispute.	

Dated ..... 19..... . Collector

FORM 22

FORM OF NOTICE OF DEPOSIT OF COMPENSATION UNDER RULE 9 OF THE STATUTORY RULES,

(See paragraph 116)

Project .....

Number of case ..... of 19..... .

To

Notice is hereby given that Rs. ..... due to you on account of compensation awarded under Act I of 1894 in the above case have been placed in Revenue Deposit in the .....Treasury.

Dated ..... 19..... . Collector

FORM 23

PARTICULARS OF ALIENATIONS OF LAND

(See paragraph 129)

Serial No.	District	Thana	Pargana or Mouza	Village	Number of Estate on General Register or number of touzi	Name of Estate	Class of tenure	Area acquired	Abate-ment allowed	Date from which abatement takes effect	Purpose for which land is required and for what body	Year and number of case in the Register of land acquired (Register 5)	Remarks and date of officer amending seneral Register
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Assam Schedule XVI (Part I) Form No. 14 (New), 13 (Old)

FORM

(See para

FINAL REPORT OF THE PROCEEDINGS TAKEN FOR THE ACQUISITION

Serial number of issue.	Area covered by each case.	Account of any prelimanary investigation under section 4 and of any award made by the Collector on reference under section 5 of the Act.	Number and date of the declaration, and page and date of the Gazette in which published and the area declared for.	Date of issue and service of general and special notices under section 9.	Date fixed for enquiry under section 11, and if any, postponements have been allowed, the date of final enquiry and award.	Date on and section of the Act under which possession of the land is taken. If under section 17 number and date of Government orders authorising under that section.
1	2	3	4	5	6	7
	B. K. Lessas Chittaks Acres and decimals		Declaration No.... dated the 19..... published at page..... of the Government Gazette of the..... B. K. lessas chittaks Acres and decimals	General notice issued served on Special notice issued on served on	Date fixed for enquiry Adjourned to Date of final enquiry and award.	Under section , Act I of 1894 on

INSTRUCTIONS-It should be stated what use has been

Dated .....

24
graph 133)
OF THE LAND REQUIRED FOR ..... IN THE DISTRICT OF .....

Date of reference under section 18 or section 30.	Date of decision of the Court under section 26 or section 30 and explanation of the difference, if any, between the Collector's award and the award of the Court.	Date of decision of any appeal under section 54 from the decision of the Court.	Apportionment of compensation.	Payment under part V of the Act.		Remarks[including account of any proceedings under part VI of the Act and also date of service of notice under section 12 (2)] of Act I of 1894, when necessary.
8	9	10	11	12		13
				Amount	Date of payment	
				Rs.		
			Total			

made of the settlement reports and village notes (where possible)

Collector

Assam Schedule XVI No. 15

FORM

(See para

STATEMENT SHOWING THE AREA AND THE EXPENDITURE INCURRED IN IN THE DISTRICT OF .....

Number of mile or plan	Number and date of Government order sanctioning acquisition of land.	Name of village	Area of land acquied			Amount of Government revenue abated, and date from which abatement takes effect.	Capitalized value of Government revenue paid to Government.	Compensation for land including trees, houses, etc.	Additional compensation under section 23 (2) of the Act on the amount shown in column 9.
			Free of cost.	On payment of compensation.	Total				
1	2	3	4	5	6	7	8	9	10
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.

Certified that the price awarded are not in excess of those for which similar lands are actually sold in the same same part of the district might be

Dated .....

INSTRUC

1. Columns 1 and 3 should be filled up only in

2. In the cases of all except railway projects the *total* areas acquired should be shown in columns 4 to 6 several headings of columns 8 to 16 in this columns. 1 of railway cases, the area acquired in each abated in each mile should be shown in column 7 and the total expenditure on each mile under the columns 6 and 16.

3 A separate statement should be submitted for

4. Form 26 should accompany this statement only

25
graph 133)
THE ACQUISATION OF THE LAND REQUIRED PERMANETLY

Amount of Damages and expenses of removel, if any allowed	Total of columns 8 to 11	Amount of interest, if any, paid	Costs decreed against Government	Other expenses I.E., establishment charges, ect,	Total expenditure incurred in taking up the land i.e., total of columns 12 to 1.	From whom funds were obtained, and if from the treasury the fund or particular item of the budget against which the expenditure has been charged.	Explanation of difference between the amount sanctioned and the total expenditure shown in columns 16 when it exceeds 20 percent.	Remarks
11	12	13	14	15	16	17	18	19
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.			

parts of the districts or certified that the prices are not greater than those which similar lands in the reasonably expected to command.

Collector.

TIONS
cases of land acquired for railways.
the total amount of Government revenue abated in column 7 and the total expenditure incurred under the *village* in its *mile* should be given in colemns 4 to 6 and the total of its mile streck; the amount of revenue several headings of columns 8 to 10 in those columns. The total for its project should be given in

each class of land acquired for a railway.
in railway cases, when necessery

FORM 26.

(See paragraph 133.)

STATEMENT OF LAND ACQUIRED FOR ..... BUT SUBSEQUENTLY TRANSFERRED OR DISPOSED OF PREVIOUS TO THE SUBMISSION OF THE FINAL REPORT.

Number of mile or plan.	Number and date of Government orders sanctioning transfer or disposal of the land.	Name of mouzas	Transferred from one class to another or to any other department				Date of transfer or disposal.	Disposal of land.					Remarks.
								By sale		By lease		By return to donors.	
			Area	From class	To class or department.	Compansation paid [column 12 of Form 25]		Area.	Proceeds.	Area.	Annual rent.	Area.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14

INSTRUCTION :- This statement should accompany Form 25 only in railway cases, when necessary,

Dated..... .....

Collector

FORM 27.

(See paragraph 144.)

FORM OF NOTICE TO BE ISSUED UNDER CLAUSE 2 OF SECTION 35, ACT I OF 1894, TO THE PERSONS INTERESTED IN THE LAND TO BE OCCUPIED AND USED TEMPORARILY.

Notice is hereby given that ..... acres, more or less, of land situated, in or near the village of ..... , district ..... bounded as below and recently marked out, are required for temporary occupation and use under clause 1 of section 35 of Act I of 1894, in accordance with Government order No....., dated ....., for a period of ..... for (here specify the purpose). If you have any interest in this land or are entitled to act for persons so interested you are hereby called upon to appear personally or by agent on the ..... (enter the date fixed) at the office of ....., at ..... , to state the nature of your interest in the land and the amount and particulars of any claim for compensation which you may wish to prefer. If you fail to put in an appearance as required above, compensation will be awarded *ex parte* and the land will be entered upon and occupied for the purpose specified above.

BOUNDARY

North ..... South .....

East ..... West .....

Dated the .....

Collector

FORM 28

(See paragraph 154.)

LOTBUNDI REGISTER FOR THE SALE OF CLASS ..... LANDS OF THE .....RAILWAY

IN THE DISTRICT OF .....

Number of lot.	Mauza (or pargana) and village.	Number of mile.	Situated on which side of the railway.	Area in acres and decimals.	Boundary of lot.	Date of sale.	Amount of highest bid.	Amount of revenue assessed, if any.	Name and adress of purchaser	Signature of purchaser	Amount paid at the time of sale.	Amount paid within 15 days after sale.	Total amount.	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
							Rs.	Rs.			Rs.	Rs.	Rs.	

Assam Schedule XVI (Part I), Form No. 29 (New), 28 (Old)
[Approved in letter No.9758, d. 23-12-18.]

FORM 29

ADVERTISEMENT OF SALE
(See paragraph 156.)

Notice is hereby given that the undermentioned plot of land, no longer required by Government, situated along the ..... Railway, in the district of ..... will be put up to sale at ..... O'clock on ....., the ..... 19 ..... , at ..... .

The purchasers of several plots of land will be subject to the following conditions :

1st. - The purchasers will have no powers to make any excavations on the land nearer than fifteen feet from the railway boundary, or to plough the land nearer than three feet from the same.

2nd. - If the amount of purchase money does not exceed Rs. 100, the whole amount must be paid down at once.

3rd. - If the amount of purchase money exceeds Rs. 100, one fourth of the amount must be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding office day, the sale shall be cancelled, the sum deposited being forfeited to Government, and the lot again put up for sale at the risk of the defaulting purchaser, after issue of advertisement, as in the case of original sale.

4th. - The plots of land will be sold *revenue-free (or subject to an annual assessment of Rs. ..... which will be subject to rivision at the next general settlement of the temporarily-settled estates of the district) to the highest bidders.

5th. - The sale will become final on receipt by the Collector of the orders of the Commissioner confirming it, and a regular conveyance will then be granted to the purchaser.

Consecutive lot number	Name of district	Mauza (or pargana) and village.	Number of mile on which land is situated.	Situated on which side of the railway.	Approximate area of lot in acres and decimals.	Land excluded from sale from each lot.		Commencement and termination of lot	Boundary of lot.
						Reasons for exclusion.	Acres and decimals		
1	2	3	4	5	6	7		8	9

* Strike out the portion unnecessary.

Dated the .....

Collector.

Assam Schedule XVI (Part I), Form No. 30 (New), 29 (Old).

FORM 30

(See paragraph 160.)

STATEMENT OF THE LOTS SOLD AND OF THE SALE PROCEEDS OF CLASS OF LANDS ON THE ..... RAILWAY, IN THE DISTRICT

1	2		3	4	5		6			7			
Number of mile.	Name of villagw.	Number of lots	Area of lot in acres and decimals.	On which side of the railway line the lot is situated.	Price according to average acreage rate at which acquired.	Date of sale	Price at which sold.			Amount of revenue assessed, if any.			Remarks
							Rs.			Rs.			

INSTRUCTION : When all the lands relinquished by a railway has been disposed of a note should be made by the District Officer in the columns of "Remarks" of the last statement that no more lands remain to be sold.

Dated the .....

District Officer

FORM 31

(See paragraph 162)

FORM OF DEED OF CONVEYANCE TO BE EXECUTED FOR SALE OF SURPLUS RAILWAY LANDS.

This indenture made this ..... day of ..... between the Secretary of State for India in Council, hereinafter called the vendor of the first part, and .... son of ..... and resident of ..... , hereinafter called the purchaser, of the second part, maketh known that the aforesaid vendor who was lawfully seized of the land described in the schedule below and *delineated in the annexed plan, or otherwisw will and truely entitled thereto, has this day sold revenue-free to the said purchaser the said land for the consideration of Rs. ..... paid to the said vendor by the said purchaser before the execution of these presents, so that from this day the purchaser aforesaid and his heirs, executors, administrators and assigns have acquired all the rights which the said vendor and his successors possessed in and to the said land, provided + always that the aforesaid purchaser, his heirs, executors, administrator and assigns shall have no power to make any excavations on the said land nearer than fifteen feet from the railway boundary, or to plough the land nearer than three feet from the same. In witness whereof the Deputy Commissioner of ..... has hereunto set his hand the day and year written above.

(Sd.)

Signed, sealed and delivered by the Deputy Commissioner of ..... in the presence of :

1. Witness.
2. Witness.

Schedule of land conveyed.

Name of district	Pargana or mouza	Lot number	Cadestral survey plot number or numbers	Approxi-mate area of lot in acres and decimals.	Mile and chainage.	On which side of the railway, road, or canal, or embank-ment situated.	Bounary of lot.
1	2	3	4	5	6	7	8

The ..... .

Deputy Commissioner

* The words, "and delineated in the annexed plan" may be omitted in the case of lands, other than railway lands, for which no plan exist.

+This proviso is to be inserted only in the case of sale of railway surplus lands.

Assam Schedule XIV (Part I), Form No. 24 (New), 23 (Old).

FROM 32.

(see paragraph 165.)

.....STATE RAILWAY.

Schedule of land taken up for the use of the .....State Railway in.....

District.....

Mauza or pargana.....

Village.....

Number of mile plan.	Purpose for which required.	"Permanent," coloured pink	"Temporary," coloured yellow
		Occupation, permanent	Occupation, temporary.
		Land for the regular works of the railway, including land for high roads, rivers,etc.	Land for excavations, spoil, for contingencies of construction, for dwelling-houses, etc., etc.
		Acres and decimals	Acres and decimals
	Total		

Manager

Assistant Secretary to the Government of Assam Revenue Department.

Under Secretary to the Government of Assam, P.W.D.

Assam Schedule XVI (Part I)

FORM

(See para

REGISTER OF LANDS IN THE OCCUPATION OF THE

1	2	3	4			5			6
			"Permanent" in permenent occupation of the Railway.			"Temporary" acquired permenently but in tmporary occupation of the railway.			"Temporary"
Number of mile.	Purpose	Number and date of Government sanction.	Area in acres and decimals.	Amount of compensation.	Abatement of revenue.	Area in acres and decimals.	Amount of compensation	Abatement of revenue.	Area released, in acres and decimals.
				Rs.	Rs.		Rs.	Rs.	

The ..... 19.....

Form No. 25 (New) 24 (Old).
33
graph 165.)
STATE RAILWAY IN THE DISTRICT OF

6										7
Released by the railway authorities.										
Released land how disposed of.										
By transfer to any other Department			Ry return donors	By sale		By lease.		Area remaining undisposed of inacres and decimals.	Remarks.	
Area in acres and decimals.	Amount of compensation.	Abatement of revenue.	Area in acres and decimals.	Area in acres and decimals.	Sale proceeds.	Area in acres and decimals.	Annual rent.			
	Rs.	Rs.			Rs.		Rs.			

Assistant Secretary to the Government
of Assam, Revenue Department

Assam Schedule XVI (Part I), Form No. 26 (New), 25 (Old).

[Approved in letter No. 8333B., dt. 17-8-03]

Appendix $\frac{\text{XXVIII (New)}}{\text{XXVII (Old)}}$

FORM 34.

(See paragraph 165)

..... Railway.

Schedule of land taken for the use of the ..... in district ....., mauza (or pargana) ..... village .....

Number of plan	Purpose for which required	Class A. Coloured Pink.	Class B. Coloured Yellow	Class D. Coloured Green	Class C. Coloured Purple.
		Occupation by Railway company, permanent	Occupation by Railway Company, temporary.	Occupation by Government, not coming into possession of Railway Company.	Occupation by Railway Company, either permanent or temporary.
		Provided at cost of Govern			Provided at cost of Railway Company.
		Acres and decimals	Acres and decimals	Acres and decimals	Acres and decimals

Total ...

Under-Secretary to the Government of Assam (Public Works Department).

Agent or Chief Engineer.

Assistant Secretary to the Government of Assam (Revenue Department).

Assam Schedule XVI (part 1), Form

FORM

(see paragraph

REGISTER OF LANDS IN THE OCCOUPATION OF THE

1	2	3	4					
						PAYABLE BY GOVERNMENT		
			CLASS A, IN PERMANENT OCCUPATION OF THE RAILWAY COMPANY.			CLASS B, IN TEMPORARY OCCUPATION OF THE RAILWAY COMPANY		
Number of mile plan	PURPOSE	Number and date of Government sanction	Area in acres and decimals	Amount of compensation	Abatement of revenue.	Area in acres and decimals	Amount of compensation	Abatement of revenue.
				Rs	Rs.		Rs.	Rs.

No. 27 (New), 26 (Old).

35

165.)

RAILWAY COMPANY, IN THE DISTRICT OF

			5				6			
			PAYABLY BY THE RAILWAY COMPANY							
CLASS D OCCUPIED BY GOVERNMENT, PERMANENT			CLASS C, IN THE OCCUPATION OF THE RAILWAY COMPANY, PERMANENT OR TEMPORARY							
								By transfer to any other department.		
Area in acres and decimals.	Amount of compensation.	Abatement of revenue.	Area in acres and decimals.	Amount of compensation.	Abatement of revenue.	Yearly rent payable by the Railway Company.	Area released in acres and decimals.	Area in acres and decimals.	Amount of Compensation.	Abatement of revenue.
	Rs.	Rs.		Rs.	Rs.	Rs.			Rs.	Rs.

FORM

REGISTER OF LANDS IN THE OCCUPATION OF THE

CLASS B, RELEASED BY THE RAILWAY COMPANY											
RELEASED LANDS HOW DISPOSED OF.											
By Return to donors.	By sale.		By lease.		Area remaining undisposed of, in acres and decimals.	Area released in acres and decimals.	By transfer to any other department.				
Area in acres and decimals.	Area in acres and decimals.	Sale proceeds	Area in acres and decimals.	Annual rent			Area in acres and decimals.	Amount of compensation.	Abatement of revenue.		
		Rs.			Rs.					Rs.		

35 - concld.

RAILWAY COMPANY IN THE DISTRICT OF

7						8
CLASS C, RELEASED BY THE RAILWAY COMPANY.						
RELEASED LANDS HOW DISPOSED OF.						
By return to donors.	By sale.		By lease.			REMARKS
Area in acres and decimals.	Area in acres and decimals.	Sale proceeds.	Area in acres and decimals.	Annual rent.		
		Rs.		Rs.		

Assistant Secretary to the Government of Assam
(Revenue Department)

Assam Schedule XVI (Part I), Form

[Approved in letter

FORM

(See paragraph

FORM OF LEDGER ACCOUNT

ACQUISITION OF THE LAND REQUIRED BY ..... FOR

vide, DECLARATION NO. ..... , DATED THE ..... 19....., PUBLISHED AT PAGE ..... AND GOVERNMENT ORDER NO. ....., DATED ..... RS. A. P.

Sanctioned Estimate . . . . . } Rs. a. p.
Allotment of funds by Government

or

Deposit in the Treasury by local authority or Company. }

DETAILS OF VOUCHERS ON WHICH WITHDRAWALS ARE MADE FROM TREASURY			Amount of voucher when received by Land Acquisition Officer as an advance.	PAYMENT MADE IN CASH BY LAND ACQUISITION OFFICER AGAINST ADVANCES SHOWN IN COLUMN 4.		
Year	Month and date.	Accountant's number and other particulars.		Number in cheque book form C, or in form CC.	Date	Amount
	2	3	4	5	6	7
			Rs.			Rs.

Foot note : The register should be balanced at intervals and be compared in the

No. 33 (New), 32 (Old).
No. 7539, dated 14-9-18.]

36.

173.)

OF EACH PROJECT.

, PART I OF THE "ASSAM GAZETTE" OF THE ..... 19..... ,

THE ..... 19..... .

, vide Government order No. ..... dated the ..... 19 ..... .

,, ,, No. ..... dated the ..... 19 ..... .

, vide letter No..... , dated the ..... 19 ..... .

,, ,, No..... , dated the ..... 19 ..... .

etc. etc.

SPAYMENT MADE ON ORDER IN FORM C ISSUED TO PERSONS INTERESTED OR TO CIVIL COURT OR TO TREASURY OFFICER FOR TRANSFER TO REVENUE DEPOSIT.			Establishment, contingencies, etc	Total of columns 7, 10, & 11.	Remarks.
No. in cheque book form C.	Date	Amount			
8	9	10	11	12	13

case of each project with the.....

Assam Schedule XVI

FORM

(See paragraph

RETURN

PROGRESS IN TAKING UP LANDS FOR PUBLIC PURPOSES

INSTRUCTIONS - Fractions of miles, acres and rupees should be omitted, any amount in number. In cases, however, in which the total area to be acquired is

Name (of work) and Serial number.	Date of requisition.	Date of notification under section 4.	Approximate area of the land to be acquired as notified.	Length of work in miles.	Date of report to Government under Section 5A (2).	Number and date of declaration under section 6.	General progress in the work. Progress in Measurement: Area measured this month quarter	Progress in Measurement: Total up to the end of this month quarter.	Estimated total of cost of acquisition, including the capitalized value of revenue to be paid.	Progress in actual acquisition, i.e., in making awards under Section 11: Area acquired this month quarter.	Progress in actual acquisition, i.e., in making awards under Section 11: Total area up to the end of the month quarter.	Progress in payment of compensation, including capitalized value of revenue paid: Amount paid under Section 31 (1) or deposited in the treasury or in the Court under Section 31 (2) during the month. quarter.	Progress in payment of compensation, including capitalized value of revenue paid: Total up to the end of the month quarter.
										Acres	Acres	Rs.	Rs.

Land Acquisition Officers should submit their monthly and quarterly returns to the Collector not later the Commissioner not later the 10th of the month. In submitting the return the Collector should invaria its completion within the time originally estimated.

If the final report in connection with the proceedings in any case has been submitted by Collector to the when the proceedings have been confirmed, the project should be struck out of the return.

The ..... 19.....

(Part 1), Form No. 18.
No. 37.
197).
XVIII

IN THE DISTRICT OF ..... DURING THE $\frac{\text{month of}}{\text{quarter ending}}$

excess of 880 yards, .5 acre and 8 annas, respectively, being shown as an additional whole less than an acre, the exact area should be shown in decimals of an acre.

Progress in the cases comprised in the work.										
Total number of cases to be enquired into so far as can be estimated.	Progresses by Land Acquisition Officer.		Progress in Civil Court.				Progress in the preparation of final report.			
	Number in which awards were made during the month / quarter	Total up to the end of the month / quarter.	Number of references during the month / quarter under section 18 & 30.	Total up to the end of the month / quarter.	Number disposed of during the month / quarter	Total disposed of up to the end of the month / quarter	Number of cases in which prepared during the month / quarter	Total up to the end of the month / quarter	Number of cases in which remaining to be prepared (column 15 minus column 23)	Remarks.
15	16	17	18	19	20	21	22	23	24	25
No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	Number of cases in which Form 25 has been prepared during the $\frac{\text{month.}}{\text{quarter}}$ Note : When little or no work is done, an explanation should inveriably be given.

than the 4th of the month succeeding the month or quarter to which they relate. The return should reach bly note in the column of remarks whether the work is progressing at such a rate as to offer a fare prospect of

Commissioner, a note to that effect should be made against the project concerned in the column in remarks.

Collector

(Reverse of form 37)

Note : The following details should be given only when a special establishment is employed.

DETAILS OF PAYMENT. Rs.

(1) Amount paid as compensation in any form or deposited in the Treasury or in the Court upto end of the month .....

(TOTAL OF COLUMN II OF THE RETURN)

(2) Amount spent on establishment up to the close of the previous month .....

TOTAL OF HEADINGS 2 AND 3 OF THE PREVIOUS RETURN.

(3) Expenditure incurred during the period embraced by the present report on account of .....

(a) Salary of Collector.....

(b) Salary of establishment .....

(c) Travelling allowance of Collector and his establishment .....

(d) Contingencies .....

Total expenditure during the month .....

Grand total up to the end of the month .....

Collector.

** ** ** **