

GOVERNMENT OF MADHYA PRADESH



THE  
LAND ACQUISITION MANUAL  
OF  
MADHYA PRADESH

[FIRST EDITION—(REPRINT, 1951)]

---

*Corrected up to 2nd November 1950*

---

NAGPUR  
GOVERNMENT PRINTING, MADHYA PRADESH  
1952  
[Price—Rupees Three]

GOVERNMENT OF MADHYA PRADESH



THE  
LAND ACQUISITION MANUAL  
OF  
MADHYA PRADESH

[FIRST EDITION—(REPRINT, 1951)]

---

*Corrected up to 2nd November 1950*

---

NAGPUR  
GOVERNMENT PRINTING, MADHYA PRADESH

1952

**Agents for the sale of Publications issued by the Government of  
Madhya Pradesh**

[NOTE.—Appointments of all official Agents in the United Kingdom and on the Continent for the sale of Government Publications have been terminated with effect from the 1st April 1925. All publications in future are obtainable either direct from the High Commissioner for India, India House, Aldwych, London, W. C. 2, or through any bookseller.]

[29-11-51]

**INDIA**

**AKOLA**

M. G. Bakshi, Law Books Agent.  
Manager, Vyankatesh Pustakalaya,  
Tajnapeth.

**ALLAHABAD**

M. K. Rahman, Manager, Kitabistan,  
Booksellers.  
Ram Narain Lal, Publisher, etc.  
1, Bank Road.  
The Supdt., Nazair Kanun Hind Press.  
Law Book Co., Post Box No. 4, Albert  
Road.

**AMRAVATI**

Shree Sameshwar Book Depot, Gandhi  
Chowk.  
Thakur & Co., Ltd., Booksellers.

**BANARAS**

The Director, Banaras Book Corporation.

**BARODA**

M. C. Kothari, Bookseller & Publisher,  
Raopura Road.

**BHANDARA**

S. S. Dharashivkar, Opposite Municipi-  
pal Water Reservoir.

**BILASPUR**

Jaiswal Book Depot.

**BOMBAY**

D. B. Taraporevala, Sons & Co., Treasure  
House of Books, Taj Building, 210,  
Hornby Road, Fort.  
Radhabai Atmaram Sagoon.  
Thacker & Co., Ltd.  
The Proprietors, New Book Co.

**BULDANA**

V. A. Gitte.

**CALCUTTA**

Newman & Co.  
R. Cambay & Co.  
S. K. Lahiri & Co.  
Thacker, Spink & Co.  
The Book Company, 4/4-A, College Street.  
The Indian School Supply Depot.

**GHINDWARA**

Mannilal Ganeshprasad Gupta, Bookseller.  
The Managing Proprietor, Verma Book  
Depot.

**COOCH BEHAR**

Babu S. C. Taluqjar, Proprietor, Students  
& Co.

**DELHI**

The Oxford Book & Stationery Co.

**HARDA**

Manager, Shyam Book Depot.

**HOSHANGABAD**

The Proprietor, Sangam Stores.

**HYDERABAD (DECCAN)**

Hyderabad Book Depot.

**JODHPUR (RAJPUTANA)**

B. S. Mathur & Co., Chaturvilas Paota,  
Civil Lines.

**JABALPUR**

Radhamohan, Proprietor, Shyam Stationery  
Mart, Anherdeo.  
The Manager, Bhargava Book Co., Pub-  
lishers, Booksellers & Stationers.  
The Manager, Educational Book Depot.  
The Proprietor, The Nerbudda Book Depot.  
B. L. Choube, Netaji Subhash Road.

**KHAMGAON**

Sakalsale Typewriting Institute.

**LUCKNOW**

The Proprietor, Newal Kishore Press  
The Upper India Publishing House, Ltd.,  
41, Aminabad Park.

**MADRAS**

Higginbotham & Co.  
S. Murthy & Co., Post Box No. 152.  
The Proprietor, The City Book Co., Post  
Box No. 283.

**NAGPUR**

Aidan Binzani, Proprietors, Karmavir  
Book Depot, Mahal.  
G. G. Khot & Sons, Sitabuldi.  
Shastri & Sons, Walker Road.  
D. M. Dhumal, Proprietor, Provincial  
Book Binding Works.  
The Manager, Denett & Co., Sitabuldi.  
The Manager, Educational Book Depot.  
The Manager, Central Law House,  
Tilak Road, Mahal.  
The Proprietor, The New Book Depot,  
Modi No. 3, Sitabuldi.

**PATNA**

Laxmi Trading Co., Padri-ki-Haveli, Patna  
City.  
The Patna Law Press Co.

**PIPARIYA**

The Manager, Maheshwari Corporation.  
Manmohan Stores, Booksellers.

**POONA**

The Manager, International Book Service,  
Deccan Gymkhana Colony.

**RAIGARH**

Raigarh Co-operative Society, Ltd.,

**RAIPUR**

The Manager, Rashtriya Vidyalaya  
Depot.  
The Proprietor, Bharati Bhandar.

**SAGAR**

The Manager, Students Book Depot, Katar

**VELLORE**

A. Venkatasubban, Law Bookseller

**WARDHA**

Shri A. G. Khot, c/o Sadashiv Printing,  
Press, Main Road.

**YEOTMAL**

V. N. Saraswat.

## PREFACE

The instructions contained in this Manual apply both to the Central Provinces and Berar, but where difference in land tenures requires different procedure in each part of the Province, this has been indicated. The forms have been numbered I to XVII for the Central Provinces and A to M for Berar, the Berar letter with the word Berar being added in brackets after the Central Provinces numeral in the text wherever a prescribed form has reference to both parts of the Province. Where only a single numeral or letter is mentioned in the text, no corresponding form for the other part of the Province is necessary. The account forms, nos. XVIII to XXVI, are identical for both the Central Provinces and Berar and apply equally to both. No separate corresponding letter is therefore given for these forms for Berar.

NAGPUR :  
*The 9th October 1921.*

E. GORDON,  
*Revenue Secretary to Government.*

## TABLE OF CONTENTS

	PAGES
PART I.—Act I of 1894, the Land Acquisition Act as amended by Act XXXVIII of 1923.	1—19
PART II.—Circular No. I—Instructions under the Land Acquisition Act, I of 1894.	21—65
PART III.—Circular No. II—Instructions for the acquisition of land in cantonments, etc.	67—76
APPENDICES—	
I.—Instructions regarding the preparation of estimates of cost of land required by railway or other large public projects.	79—81
II.—Procedure in connection with the acquisition of land for industrial concerns.	82—85
III.—Instructions on the valuation of buildings and their sites for the purpose of land acquisition proceedings.	86—98
FORMS .. .. .	99—150

---

---

**PART I**  
**THE LAND ACQUISITION ACT, I OF 1894**

---

---

**PART I**  
**THE LAND ACQUISITION ACT, I OF 1894**

**CONTENTS**

Sections.                    **Part I.—Preliminary**

1. Short title, extent and commencement.
2. Repeal.
3. Definitions.

**Part II.—Acquisition**

*Preliminary Investigation.*

4. Publication of preliminary notification, and powers of officers thereupon.
5. Payment for damage.
- 5-A. Hearing of objections.

*Declaration of intended Acquisition.*

6. Declaration that land is required for a public purpose.
7. After declaration Collector to take order for acquisition.
8. Land to be marked out, measured and planned.
9. Notice to persons interested.
10. Power to require and enforce the making of statements as to names and interests.

*Inquiry into Measurements, Value and Claims, and Award by the Collector.*

11. Inquiry and award by Collector.
12. Award of Collector when to be final.
13. Adjournment of inquiry.
14. Power to summon and enforce attendance of witnesses and production of documents.
15. Matter to be considered and neglected.

*Taking Possession.*

16. Power to take possession.
17. Special powers in cases of urgency.

Sections.

**Part III.—Reference to Court and  
Procedure thereon**

18. Reference to Court.
19. Collector's statement to the Court.
20. Service of notice.
21. Restriction on scope of proceedings.
22. Proceedings to be in open Court.
23. Matters to be considered in determining compensation.
24. Matters to be neglected in determining compensation.
25. Rules as to amount of compensation.
26. Form of awards.
27. Costs.
28. Collector may be directed to pay interest on excess compensation.

**Part IV.—Apportionment of Compensation**

29. Particulars of apportionment to be specified.
30. Dispute as to apportionment.

**Part V.—Payment**

31. Payment of compensation or deposit of same in Court.
32. Investment of money deposited in respect of land belonging to persons incompetent to alienate.
33. Investment of money deposited in other cases.
34. Payment of interest.

**Part VI.—Temporary Occupation of Land**

35. Temporary occupation of waste or arable land. Procedure when difference as to compensation exists.
36. Power to enter and take possession, and compensation on restoration.
37. Difference as to condition of land.



**Sections.****Part VII.—Acquisition of Land for Companies**

38. Company may be authorised to enter and survey.
39. Previous consent of Local Government and execution of agreement necessary.
40. Previous inquiry.
41. Agreement with Secretary of State in Council.
42. Publication of agreement.
43. Sections 39 to 42 not to apply where Government is bound by agreement to provide land for Companies.
44. How agreement between Railway Company and Secretary of State may be proved.

**Part VIII.—Miscellaneous**

45. Service of notices.
46. Penalty for obstructing acquisition of land.
47. Magistrate to enforce surrender.
48. Completion of acquisition not compulsory, but compensation to be awarded when not completed.
49. Acquisition of part or house of building.
50. Acquisition of land at cost of a local authority or company.
51. Exemption from stamp duty and fees.
52. Notice in case of suits for anything done in pursuance of Act.
53. Code of Civil Procedure to apply to proceedings before Court.
54. Appeals in proceedings before Court.
55. Power to make rules.

# THE LAND ACQUISITION ACT

No. I OF 1894

[As amended by Act No. XXXVIII of 1923.]

Passed by the Governor-General of India in Council.

(Received the assent of the Governor-General on the 2nd February 1904.)

*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 amounts of compensation to be made on account of such acquisition ; it is hereby enacted as follows :—

## PART 1.—PRELIMINARY

1. (1) This Act may be called the Land Acquisition Act, 1894; Short title,  
extent and  
commencement.
- (2) It extends to the whole of British India ; and
- (3) It shall come into force on the first day of March 1894.

2. (1)\*

(2) All proceedings commenced, officers appointed or authorized, agreements published and rules made under the †[Land Acquisition Act, 1870, shall,] as far as may be, be deemed to have been respectively commenced, appointed or authorized, published and made under this Act.

(3) Any enactment or document referring to the †[Land Acquisition Act, 1870,] or to any enactment thereby repealed shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

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

- (a) the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to any thing attached to the earth ;

---

\*This sub-section has been repealed by Act X of 1914.

†These words have been substituted by Act X of 1914.

- (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 interested 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 Local Government to perform the functions of a Collector under this Act;

NOTE.—The State Government have appointed all the Additional Deputy Commissioners in Madhya Pradesh to perform the functions of a collector under this Act, *vide* Revenue Department Notification No. 5103-4622-XII, dated the 22nd September 1950.

- (d) the expression "court" except in sub-section (3) of section 18 means a principal civil court of original jurisdiction unless the Local 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.

NOTE.—By Notifications No. 665, dated the 7th April 1909, and No. 1672, dated the 7th October 1913, the Judges of each district court have been appointed in the Central Provinces and Berar as such special Judicial Officer.

- (e) the expression "company" means a company registered VI of under the Indian Companies Act, 1882, or under the 1882. (English) Companies Act, 1862 to 1890, or incorporated by an Act of Parliament or of the Governor-General in Council, or by Royal Charter or Letters Patent \* [and includes a society registered under the Societies Registration Act, 1860, and a registered society XXI of within the meaning of the Co-operative Societies Act; 1860. 1912];

- (f) the expression "public purpose" includes the provision II of of village sites in districts in which the Local Government shall have declared by notification in the official Gazette that it is customary for the Government to make such provision; and

NOTE.—In Notification No. 3108-1293-XII, dated the 11th September 1928, it has been declared that it is customary for Government to make provision for village sites in all the districts of Berar.

- (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 the persons 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;

\* These words were added by Act XVII of 1919.

and the guardians 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 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 guardian for the case to act on his behalf in the conduct thereof ;
- (iii) the provisions of chapter XXXI of the Code of Civil Procedure shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or court by a next friend, or by a guardian for the case, in proceedings under this Act ; and
- (iv) no person “entitled to act” shall be competent 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 discharge for the purchase-money on a voluntary sale.

XIV  
1882.

## PART II.—ACQUISITION

### *Preliminary Investigation.*

4. (1) Whenever it appears to the Local Government that land in any locality is needed or is likely to be needed for any public purpose, a notification to that effect shall be published in the official Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality. Publication of preliminary notification and powers of officers thereupon.

(2) Thereupon it shall be lawful for any officer, either generally or specially authorized by such Government in this behalf, and for his servants and workmen,—

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

to dig or bore into the subsoil ;

to do all other acts necessary to ascertain whether the land is adapted for such purpose ;

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

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 and standing crop, fence, or 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.

Payment for  
damage.

5. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to 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 Officer of the district, and such decision shall be final.

#### *Objections.*

5-A. (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 after the issue 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 writing, and the Collectors shall give the objector and opportunity of being heard either in person or by pleader and shall after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, submit the case for the decision of the Local Government, together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the Local Government on the objections shall be final.

(3) For the purposes of this 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.

NOTE.—Rules for the guidance of officers in matters connected with section 5-A will be found under section 55.

#### *Declaration of intended Acquisition.*

Declaration that  
land is required  
for a public  
purpose.

6. (1) Subject to the provisions of part VII of this Act, when the Local Government is satisfied, after considering the report, if any, made under section 5-A, 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 Secretary to such Government or of some officer duly authorized to certify its orders:

Provided 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) The declaration shall be published in the official Gazette and 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 evidence that the land is needed for a public purpose, or for a company, as the case may be; and, after making such declaration, the Local Government may acquire the land in manner hereinafter appearing.

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

8. 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. Land to be marked out, measured and planned.

9. (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. Notice to persons interested.

(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 mentioned (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 statement 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 believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

(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 part III of the Indian Post Office Act, 1866.

XIV of  
1866.

10. (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 Power to require and enforce the making of statements as to names and interests.

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. **XLV of 1860.**

*Inquiry into Measurements, Value and Claims, and Award by the Collector.*

**Inquiry and award by Collector.**

11. On the day so fixed, or on any other day to which the inquiry 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, at the date of the publication of the notification under section 4, sub-section (1) and into the respective interests of the person claiming the compensation, and shall make an award under his hand 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.

**Award of Collector when to be final.**

12. (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 the 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 representatives when the award is made.

**Adjournment of inquiry.**

13. The Collector may, for any cause he thinks fit, from time to time adjourn the inquiry to a day to be fixed by him.

**Power to summon and enforce attendance of witnesses and production of documents.**

14. For the purpose of inquiries 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. **XIV of 1882.**

**Matters to be considered and neglected.**

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

*Taking Possession.*

16. 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. Power to take possession.

17. (1) In cases of urgency, whenever the Local 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 waste or arable land needed for public purposes or for a company. Such land shall thereupon vest absolutely in the Government free from all encumbrances. Special power in cases of urgency.

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for 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 whenever owing to a like emergency it becomes necessary for the Provincial Government to acquire the immediate possession of any land for the purpose of maintaining traffic over a public road, the Collector may, immediately after the publication of the notice mentioned in sub-section (1), and with the previous sanction of the Local 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 part of a building under this sub-section without giving to the occupier thereof at least forty-eight 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 of 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.

(4) In the case of any land to which, in the opinion of the Local Government, the provisions of sub-section (1) or sub-section (2) are applicable, the Local Government may direct that the provisions of section 5-A 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 publication of the notification under section 4, sub-section (1).



PART III.—REFERENCE TO COURT AND PROCEDURE  
THEREONReference to  
court.

18. (1) Any person interested who has not accepted the award may, by written application to 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 the apportionment of the compensation among the persons interested.

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

(3) Any order made by the Collector on an application under this section shall be subject to revision by the High Court, as if the Collector were a court subordinate to the High Court within the meaning of section 115 of the Code of Civil Procedure, 1908 :

Provided that every such application shall be made—

- (a) if the person 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), or within six months from the date of the Collector's award, whichever period shall first expire.

Collector's  
statement to the  
court.

19. (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, buildings or standing crops thereon ;
- (b) the names of the persons whom he has reason to think interested in such land ;
- (c) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them and the amount of compensation awarded under section 11; 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 notices served upon, and of the statements in writing made or delivered by, the parties interested respectively.

Service of  
notice.

20. The court shall thereupon cause a notice specifying the day on which the court will proceed to determine the objection, and directing their appearance 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 the compensation, the Collector.

21. 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. Restriction on scope of proceedings.

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

23. (1) In determining the amount of compensation to be awarded for land acquired under this Act, the court shall take into consideration— Matters to be considered in determining compensation.

*firstly*, 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 of 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 reasonable 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.

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

24. But the court shall not take into consideration—

*firstly*, the degree of urgency which has led to the acquisition ; Matters to be neglected in determining compensation.

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

*thirdly*, any damage sustained 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 or 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 to 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 ; or

*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).

Rules as to  
amount of  
compensation.

25. (1) When the applicant has made a claim to compensation, pursuant to any notice given under section 9, the amount awarded to him by the court shall not exceed the amount so claimed or be less than the amount awarded by the Collector under section 11.

(2) When the applicant has refused to make such claim or has omitted, without sufficient reason (to be allowed by the Judge), to make such claim, the amount awarded by the court shall in no case exceed the amount awarded by the Collector.

(3) When the applicant has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him by the court shall not be less than, and may exceed, the amount awarded by the Collector.

Form of awards

26. (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 clauses 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 judgment within the meaning of section 2, clause (2), and section 2, clause (9), respectively, of the Code of Civil Procedure, 1908.

V of  
1908.

Costs.

27. (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 costs 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. If the sum which, in the opinion of the court, the Collector ought to have awarded as compensation is in excess 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 Collector may be directed to pay interest on excess compensation. \*at a rate which shall not be less than three per centum per annum and more than six per centum per annum\* from the date on which he took possession of the land to the date of payment of such excess into court.

#### PART IV.—APPORTIONMENT OF COMPENSATION

29. 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. Particulars of apportionment to be specified.

30. 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. Dispute as to apportionment.

#### PART V.—PAYMENT

31. (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. Payment of compensation or deposit of same in Court.

(2) If they shall not consent to receive it, or if there be no person competent 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 in the court to which a reference under section 18 would 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 the Local 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

\* These words were substituted by Act XXVII of 1939.

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 interests of the parties concerned.

(4) Nothing in the last foregoing sub-section shall be construed to interfere 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.

Investment of money deposited in respect of lands belonging to persons incompetent to alienate.

32. (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 thereto, 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 moneys are for the time being invested, and for the payment out 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.

Investment of money deposited in other cases.

33. 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. 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 a rate which shall not be less than three per centum per annum and more than six per centum per annum\* from the time of so taking possession until it shall have been so paid or deposited.

#### PART VI.—TEMPORARY OCCUPATION OF LAND

35. (1) Subject to the provisions of part VII of this Act, whenever it appears to the Local Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a company, the Local Government may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the 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, pay 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 respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the court.

36. (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 Local Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a company.

\*These words were substituted by Act XXVII of 1939.

Difference as to condition of land.

37. 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

Company may be authorized to enter and survey.

38. (1) Subject to such rules as the Governor-General of India in Council may from time to time prescribe in this behalf, the Local Government may authorize any officer of any company desiring to acquire land for its purposes to exercise the powers conferred by section 4.

(2) In every such case section 4 shall be construed as if for the words "for such purpose" the words "for the purposes of the company" were substituted; and section 5 shall be construed as if after the words "the officer" the words "of the company" were inserted.

Previous consent of Local Government and execution of agreement necessary.

39. The provisions of sections 6 to 37 (both inclusive) shall not be put in force in order to acquire land for any company, unless with the previous consent of the Local Government, nor unless the company shall have executed the agreement hereinafter mentioned.

Previous inquiry.

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

(a) that such acquisition is needed for the construction of some work, and

(b) that such work is likely to prove useful to the public.

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

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure in the case of a civil court.

XIV of  
1882.

Agreement with Secretary of State in Council.

41. If the Local Government is satisfied after considering the report, if any, of the Collector under section 5-A, sub-section (2), or on the report of the officer making an inquiry 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 shall, subject to such rules as the Governor-General of India in Council may from time to time prescribe in this behalf, require the company to enter into an agreement with the Secretary of State for India in Council, providing to the satisfaction of the Local Government for the following matters, namely :—

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

- (2) the transfer, on such payment, of the land to the company ;
- (3) the terms on which the land shall be held by the company ;
- (4) the time within which, and the conditions on which, the work shall, be executed and maintained ; and
- (5) the terms on which the public shall be entitled to use the work.

42. Every such agreement shall, as soon as may be after its execution, be published in the *Gazette of India*, and also in the local official Gazette, and shall 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. Publication of agreement.

X of  
1870

43. The provisions of sections 39 to 42, both inclusive, shall not apply, and the corresponding sections of the Land Acquisition Act, 1870, shall be deemed never to have applied to the acquisition of land for any railway or other company, for the purposes of which, under any agreement between such company and the Secretary of State for India in Council, the Government is, or was, bound to provide land. Sections 39 to 42 not to apply where Government is bound by agreement to provide land for companies.

44. In the case of the acquisition of land for the purposes 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. How agreement between railway company and Secretary of State may be proved.

#### PART VIII.—MISCELLANEOUS

45. (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 any other notice, by or by order of the Collector or the Judge. Service of notices.

(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, 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 part III of the Indian Post Office Act, 1866, and service of it may be proved by the production of the addressee's receipt.

XIV of  
1866.



Penalty for obstructing acquisition of land.

46. Whoever wilfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or wilfully fills up, destroys, damages or displaces any trench or 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 fifty rupees, or to both.

Magistrate to enforce surrender.

47. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to 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 Commission (as the case may be) shall enforce the surrender of the land to the Collector.

Completion of acquisition not compulsory, but compensation to be awarded when not completed.

48. (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 provisions of part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.

Acquisition of part of house or building.

49. (1) 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 form 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 severing of the land to be acquired from his other land, the Local 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 Local Government to the person interested, and shall thereafter proceed to make his award under section 11.

50. (1) Where the provisions 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 and incidental to such acquisition shall be defrayed from or by such fund or company. Acquisition of land at cost of local authority 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. 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. Exemption from stamp duty and fees.

52. 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, not after tender of sufficient amends. Notice in case of suits for anything done in pursuance of Act.

XIX of 1882. 53. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure shall apply to all proceedings before the court under this Act. Code of Civil Procedure to apply to proceedings before court.

V of 1908. \* [54. Subject to the provisions of the Code of Civil Procedure, 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 appeal as aforesaid an appeal shall lie to His Majesty in Council subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908, and in Order XLV thereof.] Appeal in proceedings before court.

Power to make rules.

55. (1) The Local Government shall \* [subject to the control of the Governor-General in Council] 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.

(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.

*Nagpur, the 29th July 1924.*

No. 628-261-XII.—In exercise of the powers conferred by section 55 of the Land Acquisition Act, 1894, as amended by the Land Acquisition (Amendment) Act, 1923, the Local Government are pleased to make the following rules for the guidance of officers in matters connected with the enforcement of section 5-A of the Act :—

*Rule 1.*—Immediately after the publication of the notification under section 4 (1), the Collector shall, as required by section 4 (1), issue a notice stating that the land is needed or is likely to be needed, as the case may be, for a public purpose and requiring all persons interested in the land to lodge before the Collector, within thirty days after the issue of the notification, a statement in writing of their objections, if any, to the proposed acquisition. This notice should be published at convenient places in the said locality, and copies thereof fixed up in the offices of the Collector and in the nearest police station.

*Rule 2.*—The statement of objections should be in duplicate and should mention how the objector is interested in the land.

*Rule 3.*—(a) If a statement of objections is filed after the due date or by a person who is not interested in the land it shall be summarily rejected.

(b) If any objections are received from a person interested in the land and within the time prescribed in sub-section (1) of section 5-A, the Collector shall fix a date not earlier than 7 or later than 21 days from the date of receipt of the objections for hearing the objections and give notice thereof to the objector as well as to the department or company requiring the land, where such department is not the Revenue Department. Copies of the objections shall also be forwarded to such department or company. The department or company may file on or before the date fixed by the Collector a statement by way of answer to the objections and may also depute a representative to attend the enquiry.

\*These words were added by Act IV of 1914.

†The words "when sanctioned by the Governor-General in Council" were omitted by Act IV of 1914.

(c) On the date fixed for enquiry or any other date to which the enquiry may be adjourned by the Collector, the Collector shall hear the objector or his pleader and the representative, if any, of the department or company and record a brief memorandum of any evidence that may be produced in support of or against the objections.

*Rule 4.*—Before submitting his report to the Local Government the Collector may, if he thinks necessary, inspect the land proposed to be acquired and make any other enquiry he may deem necessary.

*Rule 5.*—On completion of his enquiry, the Collector shall submit the case for the decision of the Local Government in the manner provided in section 5-A (2) of the Land Acquisition Act.

*Rule 6.*—On a consideration of the objections and the Collector's report thereon, if Government decide that the land should be acquired, the declaration required under section 6 of the Act should be submitted by the Deputy Commissioner of the district or Deputy Commissioners of the districts concerned to Government for approval and publication in the official gazette. If, on the other hand, Government decide to give up the acquisition, a notification cancelling the notification issued under section 4 shall be published.

---

---

**PART II**  
**INSTRUCTIONS UNDER THE LAND**  
**ACQUISITION ACT, I OF 1894**

---

---

## CONTENTS

Heads	CIRCULAR NO. I	Paragraphs
Introductory .. .. .		I—VII
A.—Powers of a Collector .. .. .		1
B.—Application for acquisition .. .. .		2—8
C.—Forwarding application for acquisition .. .. .		9—13
D.—Procedure after publication of notification under section 4.		14—17-G
E.—Procedure after publication of notification under section 6.		18—29
F.—Inquiry into value and claims and award by Collector		30—33
G.—Rules for the calculation of compensation .. .. .		34—47
H.—Procedure for the payment of compensation and audit of accounts.		48—68
I.—Distribution of compensation among persons interested.		69
J.—Reduction of rent and remission of revenue .. .. .		70—74
K.—Payment of compensation for temporary acquisition		75
L.—Taking possession of land .. .. .		76—78
L-A.—Restoration of land temporarily acquired under section 35 of the Act.		78—A
M.—Reference to Court .. .. .		79—80
N.—Record of land acquired .. .. .		81—89
O.—Miscellaneous .. .. .		90—92

**PART II**  
**INSTRUCTIONS UNDER THE LAND ACQUISITION ACT, I OF 1894**

**CIRCULAR No. I**

**INTRODUCTORY**

I.—The object of the Land Acquisition Act is to legalise the taking up, for public purposes, of land which is the private property of individuals, the owners and occupiers being paid equitable compensation therefor, calculated at the market value of the land acquired *plus* an additional sum in compensation for the compulsory character of the acquisition.

NOTE.—Attention is invited to Supplementary Instruction 4 under Mining Rule 30-IV, page 26, of the Mining Manual. Where a prospecting licence or a mining lease contains a provision reserving power to the Secretary of State, and to any lessee or person permitted or authorized by the Secretary of State, to construct railways, tramways, irrigation works or roads on the land covered by such licence or lease, it is not necessary to use the provisions of the Land Acquisition Act in order to acquire the rights of the person granted such prospecting licence or mining lease in respect of that land. It will suffice if the mining lessee or person intending to make the construction is formally permitted or authorized by Government for the purpose.

II.—It is the Deputy Commissioner's duty to see that the interests of Government and private individuals are duly considered, and that the land to be acquired is so selected as to cause the minimum of annoyance and loss compatible with the object for which land is required. It is also his business to see that land is not illegally entered on or taken possession of until the proper procedure has been complied with, and that no undue delay takes place in assessing and paying out the compensation due.

III.—The matters which are to be taken into consideration in assessing compensation are detailed in sections 23 and 24 of the Act. Supplementary instructions as to the method of calculating compensation are given under head G of this circular.

Ordinarily the assessment of the land is taken as the basis of calculation and when more than one person has an interest of the same nature in the land to be acquired the total compensation payable is first calculated as a whole and then divided between such persons in proportion to their interest. In the Central Provinces the special case of the proprietor and the occupier of land arises. Here the interests of the two parties are not of the same nature: they depend upon entirely separate factors and must therefore be calculated independently—

- (i) In the case of *malguzar*, the cash profit, *i.e.*, the difference between the actual rent payable, or in the case of *sir* or *khudkasht* between the deduced rent, and the revenue and cesses assessed on the same land, is taken as the basis of calculation of the value of the interest of the landlord and is multiplied by a number of years' purchase made to vary with the circumstances of the tract.

- (ii) The value of the land to the occupier, whether tenant or malguzar, may be determined from the deduced rental valuation as fixed at the last preceding settlement by multiplying by a number of years' purchase varying with the circumstances of the holding and the right in which it is held.

IV.—The procedure is briefly as follows :—

As required by section 5-A of the Act, as amended by Act No. XXXVIII of 1923, a preliminary notification under section 4 of the Act must be issued in every case before a declaration under section 6 of the Act is published. The department or company requiring the land applies to the Deputy Commissioner, who forwards a notification under section 4, to the Secretariat, for the approval of the Governor in Council and publication in the gazette. This enables the departmental officers concerned to enter upon, survey and demarcate the land and do other acts as provided for in the section.

After the notification under section 4 is published, the enquiry contemplated by section 5-A is then held and the evidence, if any tendered by objectors is received. The detailed procedure for the filing, hearing and disposal of objections made under section 5-A is laid down in the rules made under section 55 of the Act. The Collector's report of enquiry is thereafter submitted by the Deputy Commissioner to the Local Government. If the Local Government decides that the land should be acquired, proceedings are taken under section 6, and a declaration under that section is published, on which follows an order to the Collector to proceed to acquire the land. The Collector then proceeds to ascertain the persons interested, to assess the compensation which he thinks just, and to divide the total sums among the various persons interested in proportion to their respective interests. The details of this and of the necessary abatements of rents and revenue on the land taken up, are included in the Collector's statement of award which is sent by him to the Accountant-General, without waiting for the actual payment of compensation. The compensation is then offered to the persons interested according to the award, and the Collector takes possession of the land. It is open to any person aggrieved to refuse the compensation offered and to demand a reference to the Civil Court : in which case the money is deposited in the Civil Court and the Collector appears in that Court as defendant on behalf of Government to show that his award was fair and proper. The Civil Court then decides the matter in dispute between the private owners and the Government. If on the other hand after the enquiry under section 5-A, it is decided to abandon the proposal to acquire, a notification cancelling the notification under section 4 of the Act is published. In cases of urgency, the provisions of section 5-A are waived under section 17 (4) of the Act. The various stages of the procedure roughly indicated above are dealt with in detail below.

V.—This circular applies to zamindaris also.



VI.—(a) The orders of the Government of India relating to the special rules for the preparation of estimates of the cost involved in the case of land required for railways or other large projects are printed as Appendix I.

(b) The procedure in connection with the acquisition of land for industrial concerns is printed as Appendix II.

VII.—The subject of land acquisition is dealt with under the following heads :—

- A.—Grant of powers of a Collector under the Land Acquisition Act. Paragraph 1.
- B.—Making the application for acquisition. Paragraphs 2 to 8.
- C.—Forwarding the application. Paragraphs 9 to 13.
- D.—Procedure after notification under section 4. Paragraphs 14 to 17.
- E.—Procedure after notification under section 6. Paragraphs 18 to 29.
- F.—Inquiry into value and claims and award by Collector. Paragraphs 30 to 33.
- G.—Rules for the calculation of compensation. Paragraphs 34 to 47.
- H.—Procedure for the payment of compensation and adjustment of charges. Paragraphs 48 to 68.
- I.—Distribution of compensation among persons interested Paragraph 69.
- J.—Reduction of rent and remission of revenue. Paragraphs 70 to 74.
- K.—Payment of compensation for temporary acquisition. Paragraph 75.
- L.—Taking possession of land. Paragraphs 76 to 78.
- M.—Reference to court. Paragraphs 79 and 80.
- N.—Record of land acquired. Paragraphs 81 to 89.
- O.—Miscellaneous. Paragraphs 90 to 92.

#### A.—GRANT OF POWER OF A COLLECTOR UNDER THE LAND ACQUISITION ACT

1. The acquisition of land is an important and responsible task and to secure validity of acquisition the legal procedure must be strictly complied with. Mistakes in estimating a just and fair compensation are likely to involve Government in costly suits. For the calculation of compensation for land, especially in or near large towns, no hard and fast rules can be laid down and much has to be left to the experience and discretion of the Collector in arriving at a fair valuation.

The Governor in Council has therefore decided that the powers of a Collector under the Land Acquisition Act should ordinarily be conferred upon experienced officers only. When, however, upon the recommendation of the Deputy Commissioner junior officers are invested with the powers of a Collector, the Deputy Commissioner should take advantage of the permission given by paragraph 80 of the Land Acquisition Manual to require the Collector for a period of one year to refer to him all cases before the award is given, and should examine some of his cases from time to time to see that the officer thoroughly understands the procedure.

#### B.—MAKING THE APPLICATION FOR ACQUISITION

2. When it is intended to take up land for public purposes or for a company, the officer of the department concerned, or the representative of the company,\* shall apply to the Deputy Commissioner of the district in which the land is situated, or, if the land be situated in more than one district, to the Governor in Council. The reasons why it is considered desirable to acquire the land should be clearly set forth in the application. If the land, or any portion of it, is not required permanently, this fact should be fully explained, and a separate application under section 35 of the Act should be submitted for the portion which is required for temporary use only.

It is incumbent on officers whose duty it is to select land for public purposes to endeavour to avoid land, buildings, etc., the acquisition of which will entail either unnecessary expenditure on Government or annoyance to the owners, if the object sought can be equally attained by a slight alteration of the alignment or site chosen, or in some other manner.

3. When the land is required by the Public Works Department, the Executive Engineer will submit the application referred to in paragraph 2 with a land plan in duplicate where this is possible, *viz.*, where small pieces of land are to be acquired, to the Superintending Engineer, who, if satisfied that the acquisition is desirable and unobjectionable, will transmit the application to the Deputy Commissioner, who will deal with it in accordance with the instructions under head C of this circular.

---

\*Requisitions for acquisition of land for railways will be submitted by the local representative of the railway in the Engineering Department (*i.e.* the District Engineer of the railway company concerned) with schedule and plan in triplicate (one copy on tracing cloth and two ferrotypes) to the Deputy Commissioner of the district concerned, who will prepare a draft notification under section 4, and forward it to the chief representative of the railway in the Engineering Department (*i.e.*, the Chief Engineer of the railway company concerned), together with two copies of the schedule and plan (both ferrotypes), the third copy being retained for record in his office. The Chief Engineer of the railway will then forward the draft notification under section 4 with a ferrotype copy of the land plan to the Agent of the railway concerned for transmission to the State Government in the Revenue Department which will publish the notification in the Gazette and issue such orders, as may be necessary, to the Deputy Commissioner.

4. The application shall specify the names of the villages in which the land is situated, and the approximate area of the land in each village, and should be accompanied by a land plan in duplicate and a rough estimate of the cost of acquiring it. In the case of acquisition of large areas of land for purposes like road construction and railway construction, it may not be possible to give all the details in the preliminary stage and the application may specify only the names of villages through which the road or railway is likely to pass. In certain types of cases it may, however, be feasible to furnish details of land within some accurate limits by a reference to the Government of India and other maps and there is no objection to follow this procedure for facility of reference. Application for the publication of a notification under section 6 of the Act should invariably show the approximate area of land in each village and an approximate cost of acquisition should also be stated therein. It should be accompanied by land plan in duplicate. The Deputy Commissioner of the district in which the property to be acquired is situated should be consulted in framing the original estimates, and his opinion as to the rates to be adopted should be given full consideration. Should it be found necessary to change the alignment during construction, the officer in charge of the works should inform the Deputy Commissioner of the change made and submit a revised land plan for the section altered. A fresh application or notification under section 6 will not be necessary unless the land to be acquired lies in a village which was not mentioned in the original application or notification.

5. Before submitting the application, the question whether the land can be more advantageously acquired by private negotiation or otherwise should be considered. Decision should be in favour of that course which to a good title will join the greatest rapidity and economy in the transaction. In cases where there is any doubt about the title to be acquired, it will be advisable to proceed under the Act rather than by private negotiation. In this connection it must be remembered that the Central Provinces Tenancy Act (I of 1920) imposes considerable restrictions upon the powers of alienation. If the land applied for is held under the conditions specified in Central Provinces Revenue Book Circular I-6 or Berar Revenue Book Circular I-4 compensation is payable in accordance therewith and the Land Acquisition Act need not be used. Rights in nazul land not acquired under the operation of that circular must be acquired under the Land Acquisition Act.

6. Acquisition by private negotiation is especially suitable in the case of small pieces of waste land of little value or in the case of land required only temporarily, such as plots required for stacking material or for shallow excavations, where the surface will not be permanently injured. Such negotiations save much time and trouble, and if conducted properly, should afford greater satisfaction to the people. The procedure to be adopted should be as follows :—

The officer of the Public Works or other department requiring the land should ascertain the persons interested

in it and arrange with them the terms for its acquisition. It is not desirable that he should himself complete the transaction, as there may be complications of which he is unaware, and he should accordingly send all the papers to the Deputy Commissioner who will arrange to depute a revenue officer as soon as possible to complete the transaction on the spot. The revenue officer will verify the fact that the persons with whom the arrangements have been made are the persons interested in the land and that no other claimant to the land exists, and that they are willing to accept the compensation offered. The compensation will be paid by the officer of the Public Works or other department in the presence of the revenue officer, who will certify the fact of payment on the record.

If the acquisition is a temporary one, an agreement should be taken, stating the amount of the payments and the period for which the right to occupy the land has been agreed on.

If the acquisition is a permanent one, a regular sale-deed should be executed.

6-A. Land required for the construction of State Irrigation Works may be occupied by an Executive Engineer prior to the issue of the formal notification and to the delivery of formal possession by the Collector under the following conditions only :—

- (1) On his own responsibility if—
  - (a) the area to be occupied is inconsiderable ;
  - (b) the land does not carry any crops, trees or buildings interference with which would render the subsequent calculation of compensation difficult ;
  - (c) there appears to be no dispute about the ownership, and
  - (d) the owners give their written consent.
- (2) In other cases subject to the following procedure :—
  - (a) The Executive Engineer should apply to the Deputy Commissioner to depute an assistant or other Revenue Officer to accompany him or his representative and assist him in ascertaining what persons have interest in the land, in obtaining their consent to its immediate occupation, and in estimating the compensation due for standing crops or for damage caused through the occupation of the land and interference with cultivation, pending the formal proceedings for acquisition under the Act.
  - (b) The Executive Engineer or his representative will then obtain from the owners and occupiers a written statement assenting to the occupation of the land. This he will forward in original with a tracing of the revenue map of the village and statement of the

areas of the land concerned to the Deputy Commissioner not later than the date on which possession of the land is taken.

- (c) The Superintending Engineer is responsible that draft notifications for acquisition of the land thus taken possession of are, at the same time, submitted to Government through the usual channel.

NOTE.—This procedure may be adopted only when delay in obtaining possession of the land would cause real inconvenience and may not be employed without adequate reason.

7. It must be understood that the Railway Board's notification permitting survey of a new line of railway carries with it no authority to enter on the land for the purpose of survey and Deputy Commissioners should see that a notification under section 4 is issued without delay after publication of the Railway Board's notification. The notification under section 4 should merely specify the villages through which it is expected the railway will pass or if this cannot be ascertained, the names of tahsils or taluqs only may be entered.

8. All land acquired for a railway or other large public projects will be applied for in continuous portions. In paragraph 7, Chapter V of the rules for the preparation of railway projects, it is laid down that the data for the preparation of estimates of the cost of land required should be obtained from the civil authorities; but in several instances the Government of India have noticed that the cost of land taken up for railways, canals and such like large projects, has exceeded by several hundred per cent the cost shown in the preliminary estimates. This was attributable either to the inadequacy of the estimates or to the exorbitant nature of the Collector's award. To guard against such a contingency, the Deputy Commissioner on the receipt of a sketch map and other particulars as to the exact situation of the land to be taken up (which are detailed in circular No. XI, dated the 21st September 1895, from the Government of India printed as Appendix I) must prepare a careful estimate of the probable cost of the land together with the value of buildings, etc., so far as this is possible without elaborate calculations. If the estimated value of land exceeds Rs. 50,000 in any district the estimates should be forwarded to the railway authorities through the Secretary to Government, Revenue Department. The estimates will be countersigned by the Revenue Secretary.

#### C.—FORWARDING APPLICATION FOR ACQUISITION

9. On receipt of an application made under paragraph 2 the Deputy Commissioner shall (if the land is to be taken up permanently) forward it, together with the sketch and estimate referred to in paragraph 4 and with a draft notification in Form I (Berar A) for applications under section 4 to the Secretary to Government (Revenue Department). In forwarding the draft notification, the Deputy Commissioner shall add to the details supplied by the application any further particulars which he may deem necessary for the better identification of the land.

In all cases, except when land is required for a railway company it must be stated whether budget provision exists and, if not, how the cost of acquisition can be met.

10. The Deputy Commissioner is responsible that the acquisition will not entail either unnecessary expenditure on Government or unnecessary hardship or annoyance to the owners. Some cases will naturally demand more attention on his part than others. When the land is to be acquired for roads or railways there is less room for modifying the proposals on account of the expenditure involved on Government or the annoyance caused to owners, than there is in the case of land required for such purposes as murrum quarries, or places for stacking murrum or metal, in which a change of site might make a great difference in these respects without injury to the object to be attained. Even in the case of roads, however, it is often possible without any engineering disadvantage to avoid taking up valuable land. The acquisition of land valuable for groves or for agriculture at exorbitant cost and at great and unnecessary annoyance to the people should be avoided as far as possible; and good fields should not be sacrificed to avoid a trifling curve in a road.

The action of the Deputy Commissioner in receiving and forwarding an application under section 6 must not be merely formal; he must certify in his forwarding letter that he has ascertained that the acquisition will not entail either unnecessary expenditure on Government or unnecessary annoyance to the owners.

11. When land is selected for acquisition every endeavour should be made to avoid religious buildings or tombs if this can be done by a slight alteration of the alignment or site chosen. The fact that the land contains religious buildings or tombs should be specifically noted in the application.

Government of  
India, Revenue  
and Agriculture  
Department,  
letter No.1—  
C-85-15, dated  
the 20th Novem-  
ber 1914.

When the draft notification under section 6 is submitted, it should be accompanied by a statement giving full particulars of any religious buildings, tombs or graveyards on the land. The Collector should also prepare and submit confidentially to Government, through his official superior, a note dealing with the nature of, and weight to be attached to, objections which have already been raised or are likely to be raised by persons directly or indirectly interested or by any section of the public. If no objections have been raised or are anticipated, the fact should be stated, and it should at the same time be explained whether, in the event of acquisition, the demolition of the buildings or obliteration of the tombs will be necessary.

The procedure outlined in clause 2 above may be dispensed with under the orders of the State Government any case in which owing to the large area involved or any other cause, the preparation of the necessary statements would cause excessive delay.

12. When the application is made direct to the State Government, it will be referred to the Deputy Commissioners of the districts concerned for necessary action.

13. If the land is only required for temporary occupation no notifications need be published. The procedure will be under sections 35 and 36 of the Act and under the following rules only so far as they are applicable.

If the object for which it is desired to acquire the land temporarily is such (*e.g.*, the digging of borrow pits) that the land is likely to become permanently unfit to be used for the purpose for which it has hitherto been employed, temporary acquisition should not be permitted (see proviso to section 36 of the Act).

#### D.—PROCEDURE AFTER NOTIFICATION UNDER SECTION 4.

14. After a notification under section 4 has appeared in the gazette, the Deputy Commissioner or the Assistant Commissioner or Extra-Assistant Commissioner who has the powers of a Collector under the Act, and to whom the Deputy Commissioner makes the case over, shall, on receipt of a copy thereof, immediately cause the substance of it to be published in the locality concerned by posting a notice in Form III (Berar C)—in a town at the police-station, and in a village at the *Chaupal* or *Chauri* or on some other conspicuous place near the land; and shall inform the department or company at whose instance the notification was published that it is at liberty to enter upon the land for the purposes specified in section 4 of the Act.

15. The officers of the department or company so entering upon the land shall, in order to determine whether the land is suitable for the purpose for which it is sought, and to enable the civil department to estimate under paragraph 8 what the probable cost of acquisition will be, demarcate the limits and prepare a rough plan of the land, ascertain its area, and record in a memorandum such information as to the value of buildings, trees or crops standing on the land as may be forthcoming during such examination. If the land be under crop, the memorandum should further state whether it is necessary to take possession at once or if action may be postponed until after the crop is cut. Notice of entry into buildings and compounds as prescribed by the proviso to section 4 of the Act must be given. The patwari, and in Berar the patel also, of the village should be required to attend during the demarcation and investigation.

In the case of land required for a railway, the detailed plans and schedules prescribed by the circulars of the Public Works Department on the subject will be prepared by the railway company concerned.

16. Demarcation of the boundaries of the land should, as a rule, be made with posts not less than 4 feet in height. In the case of a road, railway or canal, plain posts should be put down at intervals of 500 feet along the centre of the track, and painted posts should be put down along the sides at intervals of 1,000 feet, in order to show the width of land taken up and to enable the measurements to be checked.

17. At the time of publication of the notice under instruction 14, the Collector shall issue a notice under section 14 of the Act, to all persons known or believed to be interested in the land, requiring them to appear in person or by pleader, and to lodge before the Collector within 30 days after the issue of a notification a statement in writing of their objections, if any, to the proposed acquisition. If for any reason summons cannot be served on such persons, the public notice issued under section 4 (1) shall be considered to be a sufficient notice. Information should also be given to the departmental or other officer applying for acquisition of the date on which objections are to be heard and enquiry to be made. The date fixed for the hearing of the objections must not be earlier than 7 or later than 21 days from the date of receipt of the objections.

17-A. On the date fixed for the hearing or any subsequent date to which the proceedings may be adjourned, the Collector should (1) proceed to hear the objections of the parties interested in the land, and the departmental or other officer, if any, on whose behalf the land is to be acquired, (2) make a brief memorandum of the evidence tendered by the parties, and (3) take such further evidence and make such further enquiry as he deems necessary. There is no provision in the Act defining the grounds on which objection to acquisition can be taken. It is, therefore, not, *intra vires* to limit by rule of nature of the objections, when the statute itself provides no limit, but the Collector should be careful so far as possible to confine the enquiry to objections which raise really material issues, such as the following :—

- (a) that the purpose for which the land is required is *not* a *bona fide* public purpose ; or
- (b) that the land notified is not the best adapted to the purpose, or that its area is greater than is necessary ;
- (c) that the land contains religious buildings, tombs or graveyards, the acquisition of which is objectionable.

17-B. The enquiry contemplated by section 5-A (2) shall be of a quasi-judicial nature and when completed will be submitted to the State Government with a report dealing with the objection received and containing the final recommendations of the Collector, through the Deputy Commissioner. Before submitting his report to the State Government the Collector may, if he thinks necessary, inspect the land proposed to be acquired and make any other enquiry which he may deem necessary.



**17-C.** If, after the investigation made under instruction 15, it is considered advisable to acquire the land and if no objection to the acquisition has been raised under section 5-A (2) of the Act, the plan and memorandum prepared under that instruction shall be forwarded by the Deputy Commissioner to the State Government with a draft notification of intended acquisition under section 6 of the Act in form II (Berar B).

**17-D.** If, however, any objection is lodged under section 5-A (2), the papers of the enquiry made under instruction 17-A shall be submitted by the Collector to the State Government through the usual channels, with the Collector's report on the objections and his final recommendations. The papers shall be accompanied by the plan, memorandum and draft notification referred to in paragraph 17-C.

**17-E.** The above will greatly increase the already lengthy procedure, and it is, therefore, essential that every effort should be made to confine objections to material issues and to complete the proceedings as expeditiously as possible.

**17-F.** If the State Government is satisfied that the objections heard are valid, the proceeding will be dropped. Care will be taken by the Collector to see that the notification issued under section 4 is formally cancelled. If, however, it appears to the State Government that the objections are groundless, the declaration under section 6 (1) will be published, and the Deputy Commissioner will be informed.

**17-G.** It must, however, be noted that as the period for hearing objections under section 5-A is fixed at 30 days the declaration under section 6 and the public notice under section 9 will be considerably delayed. It has, therefore, been provided by section 17 (4) of the Act as amended by Act No. XXXVIII of 1923, that when in any case the State Government has directed that the provision of section 5-A shall not apply, the declaration under section 6 shall be issued, at any time after the publication of the preliminary notification under section 4 (1) of the Act. This declaration shall be in Form II-A (Berar B-1).

#### **E.— PROCEDURE AFTER NOTIFICATION UNDER SECTION 6**

**18.** After a notification under section 6 has appeared in the gazette, and on receipt of a direction under section 7 of the Act, to take order for the acquisition of the land, the Collector, shall cause the land (unless it has been already demarcated under paragraphs 15 and 16) to be carefully and conspicuously marked out. If land is taken up for any department, the marking out will usually be done by, or in the presence of, the officers of that department. If the land is for a railway, the procedure prescribed by paragraph 16 will be followed. Notice of entry into buildings and compounds, as prescribed by the proviso to section 4 of the Act, must be given.

Areas given in the notification are only approximate, but it is essential that all villages should be mentioned so that all persons interested may have an opportunity of inspecting the plan. If, therefore, on demarcation, it is found that any village has been omitted, a draft supplementary notification should be at once submitted, giving the village and the area in it. The original notification cannot be legally amended after action has been taken on it.

19. In the case of land required for a railway the land plans and schedules in duplicate, as passed by the Chief Engineer of the railway company and attested by the Agent of the company will (after publication of the notification under section 6) be transmitted to the Collector along with the order of the Governor in Council under section 7 of the Act. In all cases where an estimate of cost of acquisition has been framed under paragraph 8, a copy shall be sent to the Collector.

20. The Collector shall then, unless a cadastral survey has already been made, cause the land to be surveyed and measured and shall cause a map of it to be made on a scale which shall not be less than 330 feet to the inch. The map should show every field\* in Central Provinces or survey number in Berar separately.

21. When the cadastral survey referred to in paragraph 20 has been made, or if a cadastral survey has already been made of the tract within which the land to be acquired is situated, the Deputy Commissioner will arrange through the Executive Engineer to have the final alignment of all the land to be taken up demarcated on the ground, and as this demarcation proceeds, the alignment will be marked on the patwari's trace maps in the presence of a Public Works subordinate and the patwari. The patwari and the Public Works official will then calculate the areas to be acquired, compare their results and adjust any differences. These entries will be made in the first instance on the village map in pencil and will be inked over in red after check and attestation by the revenue inspector, who, unless there are special reasons to the contrary, should be required to be present at the time.

22. When the land to be acquired has been demarcated and marked off on the map, the patwari will prepare a statement of the plots to be acquired in form X (Berar J) for each village of his circle in which the land to be acquired falls. He will give a separate serial number to each field in Central Provinces or survey number in Berar in addition to the number which it bears in the village statement. Special care must be taken that the soil and position of the land as entered in the settlement record are correctly recorded in the statement. When, owing to the land having been old fallow at the last settlement, its soil was not classed, the patwari will class it, underlining the soil entry in red so as to draw the attention of the Collector to the fact that it has been newly classed.

---

\*Field, *i. e.*, area which under the rules of the Settlement Code for the time being, bears a separate statement (khaara) number.

23. When the survey and statement of the area to be acquired have been checked thoroughly by the revenue inspector of the circle and the Public Works subordinate officer, the patwari will prepare a trace of the map of the land to be acquired and in the Central Provinces a land acquisition jamabandi in form XI. The revenue inspector and the Public Works subordinate will sign the map trace, the statement and in the Central Provinces the jamabandi and be responsible that they are correct. The land plans attached to the application for acquisition, which, in the case of applications by the Public Works Department are in duplicate, will then be compared by the revenue inspector and the Public Works subordinate with the map trace and corrected if necessary, the total area to be acquired in each village being marked on them. These plans, after all discrepancies have been reconciled in the manner provided in paragraph 26, will be signed by the above two officers and transmitted to the Collector.

24. In the Central Provinces the patwari will also prepare a statement in Form XII showing the numbers in statement form X (Berar J) which were not occupied and were, therefore, unassessed at settlement. This will likewise be checked and signed by the revenue inspector.

25. It is essential that these duties should be promptly performed. With the preparation and handing over to the Collector of these maps and forms the duties of the land record staff cease. The Collector may call the revenue inspector and patwari to assist him when he is checking these records on the spot, but he must not detain them or take them away from their circle to the hindrance of their regular work.

26. On receiving the map and statements from the land record staff the Collector will usually find that in the case of land required for roads, irrigation tanks and railways, the total area entered in forms X and XI (Berar J) does not agree with the total area computed by the theodolite survey previously made by the Public Works Department or by the railway company. Any discrepancies which may appear may be neglected by the Collector provided they do not exceed the following limits :—

- |  |    |   |
|--|----|---|
| (1) Under three acres . . . . .        | .. | Five per cent.  |
| (2) From three to five acres . . . . . | .. | Four per cent.  |
| (3) From five to seven acres . . . . . | .. | Three per cent.   |
| (4) Over seven acres . . . . .         | .. | Two and half per cent or<br>one guntha (.025) per acre. |

No discrepancy should, however, be allowed to remain unreconciled in the case of land situated in towns or cities, where, absolute accuracy is essential. In other cases the areas obtained by cadastral survey will be used in form XIII (Berar K) for the purpose of calculating compensation and those obtained by the theodolite survey will be recorded in register form VII (Berar G).

27. When the land is to be acquired on behalf of a railway company a special amin in the Central Provinces or measurer in Berar will be appointed by the Collector, whose pay will be included as part of the charges of land acquisition and debited to the railway company. This special amin or measurer will take a separate trace of the land acquisition map as soon as the latter is prepared by the patwari. He will very carefully check this separate trace by such survey and comparison on the ground as may be necessary. Any discrepancies discovered by him which exceed the limits laid down in paragraph 26 must be reconciled before the original land acquisition trace is passed by the revenue inspector. When this has been done the special amin or measurer will proceed to mark his separate trace with different colours for each class of railway land (A, B, C, D, *vide* paragraph 83 below). He will number each of his separate village traces consecutively in the direction in which the mileage of the line proceeds, *i.e.*, the trace numbered *one* will be that which includes the first mile or part of the first mile of the railway line, the serial numbers of the traces following thereafter consecutively. Each trace should also show, by reference to the mileage of the lines, what particular section of the line is included in it. A fresh serial numbering will be given to the traces of each district. The special amin or measurer will also make on each trace a separate schedule for each of the four classes of railway land (A, B, C, D) showing for each field included in that class—

- (1) the land acquisition statement number given in form X (Berar J);
- (2) the area; and
- (3) the name of the occupant.

28. The amin or measurer will produce these traces before the Collector who will certify that the amins' or measurer's traces are correct and will send one copy of the Railway Engineer's plans (and not of the amin's or measurer's traces) together with one copy of the schedules with the necessary certificate of acquisition endorsed on them, to the District or Superintending Engineer of the railway, keeping the other copies with the acquisition records.

When, however, a railway administration applies for it, a copy of the amin's plans and of the collector's detailed awards with the necessary certificates of acquisition endorsed thereon, should be furnished to the authorities of the railways concerned as soon as the awards have been made and possession of the land has been taken. The cost will be included in that of acquisition and recovered in accordance with the rules.

29. After such testing of measurements and of entries in the record as he may deem necessary, the Collector shall issue the general and special notice required by section 9 of the Act in forms IV and V (Berar D and E). If a requisition under section 10 of the Act is required it shall be issued in form VI (Berar F). The Collector shall then proceed to the spot and there inquire into the value of the land to be acquired.

**F.—INQUIRY INTO VALUE AND CLAIMS, AND AWARDS BY COLLECTOR**

30. On the date named in the notice referred to in the preceding paragraph the Collector, as required by section 9, sub-section (2), of the Act, shall examine and record in full the statement of every person interested in the land to be acquired so as to ascertain what amount he claims as compensation and the grounds on which he bases his valuation. The Collector may also, in the course of his inquiry, call for reports from subordinate officers or obtain the opinions of experts, but he must in every case make the final estimate of value himself. In Berar the report of the tahsildar or subordinate officer will be submitted separately for each survey number after local enquiry in form J. The greatest care at this stage of the proceedings is essential, as it is equally necessary both to safeguard the interest of Government and to be fair to the persons interested in the land, and an incomplete inquiry will not only prejudice the former, if the case is taken to the Civil Court under Part III of the Act, but will also open the door to extravagant claims before the District Judge.

If from the examination of the parties it is found that the calculation made under the detailed rules of the circular gives a higher value than that which the owner attaches to the land, as has happened in practice in some cases, the Collector should announce the award in accordance with the amount claimed. For instance, if a malguzar appears ready to accept a sum for his malguzari rights which, with reference to sales in the neighbourhood, the Collector knows to be not excessive, the offer should be accepted.

When the price of land has been settled by private negotiation and proceedings under the Land Acquisition Act have been taken merely with the object of securing a valid title, the additional compensation at 15 per cent for compulsory acquisition should not be awarded.

31. The matters to be considered in determining compensation will be found in sections 23, 24 and 49 of the Act. It must be noted, however, that the Privy Council has ruled, in *Atmaram Bhagwant Ghadgay versus Collector of Nagpur* (XXXI Bombay, 728), that the potential value of the land for non-agricultural purposes must be taken into account in determining the amount of compensation. Section 24 (5) of the Land Acquisition Act must therefore be interpreted in the light of this ruling. This means that land must be valued at its market value, *i.e.*, the price it is likely to fetch if sold in the open market. If agricultural land has a higher value on account of its possible use for non-agricultural purposes it must be valued accordingly. In every case the Collector is bound to use his best efforts for the protection of the interests of Government, while he gives due consideration to the claims of private individuals.

In making the inquiry and award under section 11 of the Act, the Collector shall give sufficient notice to the departmental or other officer concerned of the day on which the inquiry is to be held. If the land is to be acquired on behalf of a railway company, the notice

shall be sent to the agent of the company or to their chief local representative. The Collector shall take into consideration any representation which such officer or the railway authorities may make, whether orally or by letter, and before making the award, he should allow such officer or the railway authorities an opportunity of appearing in person or by agent and of producing evidence as to the value of the land. Further in order to protect the interests of Government it is incumbent on the Collector to refer to the departmental or other officer or the Government Inspector of railways of the circle or the Agent of the railway company or his representative all cases in which the award is likely to exceed the original estimates by more than 10 per cent or by more than Rs. 10,000. The Collector should make this reference through Deputy Commissioner stating therein the multiples which he proposes to adopt (*vide* paragraph 34). If the Deputy Commissioner considers that the multiples are too high he will discuss the matter with the Collector. If the result of the Deputy Commissioner's observations to the Collector is such as to bring the estimated award within 10 per cent or Rs. 10,000 of the original estimate and if the Collector accepts the recommendations the reference to the departmental or railway officer will not be made. If the recommendations of the Deputy Commissioner do not have the effect indicated above or if the Collector is unable to accept them, the Deputy Commissioner will forward the reference to the departmental or railway officer concerned with a statement of his own views. Such officer will then decide whether the acquisition should be proceeded with or dropped and should within one month of the receipt of the reference inform the Collector, through the Deputy Commissioner, of the decision. If no such decision is communicated within one month, it should be assumed by the Collector that there is no objection to the case being proceeded with and to the award being made.

If the award, as finally settled after objections have been heard, exceeds the original estimate by more than 20 per cent or if the evidence of the value of the land is conflicting and such as to indicate a possibility that the civil court may give a sum exceeding the award, the Collector should defer making it and inform the departmental officer or the railway company concerned of the facts through the Deputy Commissioner. Further action will then be suspended until such officer or the railway company has decided whether the acquisition should be proceeded with or not. In very petty cases, however, this procedure will not ordinarily be necessary, but even in such cases the Collector must use his discretion and decide whether proceedings should be stayed for the purpose of such a reference.

When reporting to a railway company through the Deputy Commissioner that the estimate is likely to be exceeded, the Collector will furnish fresh data for the revision of the estimate. The company will then frame a revised estimate of cost in full details and forward it to the Deputy Commissioner. The revised estimate will be countersigned by a revenue authority as prescribed in paragraph 8.

32. When the proceedings for acquisition are complete the Collector will, in the case of land acquired for the Public Works Department or a company, send the duplicate copy of the land plan forwarded with the application for acquisition to the Executive Engineer or the officer of the company with the following certificate endorsed thereon :—

“Certified that this land plan correctly defines the boundaries of the land acquired under the Central Provinces and Berar Gazette notification (s) noted below and that the following schedule of land drawn on this plan gives correct details of the land acquired in revenue case No.....of 19 decided on.....

*Schedule of land acquired.*

District/Tahsil or tsluq	Name and settlement No. of village	Area	Notification No. and date

(Sd.)

*Land Acquisition Officer.”*

In the case of land acquired for a department the Collector will send to the officer who applied for acquisition a copy of the map or survey trace prepared under the provisions of paragraph 20 with a similar certificate endorsed thereon.

33. Subsidiary rules for the calculation of compensation are given below.

**G.—RULES FOR THE CALCULATION OF COMPENSATION**

**I.—Agricultural Land**

34. After such check on the spot and inquiry into the general value of the land under paragraph 29 as may be found necessary, the Collector will, in the Central Provinces, prepare an English abstract of the jamabandi in form XIII and a list of property other than agricultural land in form XVII, and will frame a statement in form XIV of the multiples which he proposes to adopt in each village for each class of tenant land to be acquired, and for the valuation of the interest of the landlord. In Berar the Collector will prepare a compensation statement in form L for agricultural or non-agricultural land and where necessary another compensation statement in form M for property other than land.

The considerations on which compensation should be determined cannot be exhaustively stated in a circular, but some instruction may usefully be given as to what to avoid and what to look to in valuing agricultural land. It should not be valued according to any preconceived idea of the number of year's purchase of the rent or revenue which it ought to fetch nor should the bare statements of punches unsupported by good reasons be considered at all. Very often the punches have some interest in the owners of the land and even if they have not, it is always to their advantage as landholders to keep up the value of land. The best guide is the price fetched for similar land in the open market in recent years. Some more particular considerations to which weight should be allowed are stated below, but it must be remembered that in the Central Provinces the compensation has to be calculated both for the occupier of the land and for the landlord, whereas in Berar only the occupier has to be considered, and all the matters referred to below are not relevant in the different parts of the Province and the instructions must be read *mutatis mutandis* according to the different tenures:—

- (a) The demand for land in the village illustrated by the existence or absence of high ordinary rents or sub-rents as compared with the deduced rental valuation in the Central Provinces and to revenue in Berar.
- (b) The actual market value of land transferred by private sale or surrender for consideration and the amounts of nazarana paid by tenants taking up new land, but care should be taken that the value is not obscured by encumbrances or debt transactions. When a large area is to be acquired as for instance for a railway or an irrigation work, it will be worthwhile to consult the registration registers, for it will often be possible to obtain valuable information regarding sales in the tract of country concerned, and by careful classification of the villages and analysis of the prices paid, after exclusion of abnormally high or low prices, to frame valuable standard multiples for different classes of villages. Such standards, however, should only be used as general guides and should not be slavishly followed.
- (c) The proximity of market towns.
- (d) Any marked alteration in the nature of cropping or value of produce since resettlement.
- (e) The proportion of the property acquired. A higher multiple is justified when a substantial portion of the best land of the village is taken.
- (f) The number of years for which the settlement has to run and the probable effect of resettlement on the value of the land.



In considering this factor the Collector must remember that the intrinsic value of land is not affected by settlement; only the distribution of that value between Government, landlords and tenants. Thus an enhancement at the next revision of settlement may diminish the share of the landlord and increase the share of Government in respect of income derived, *e.g.*, from *sir* land or *siwai*; and *pro tanto* diminish the valuation of those rights for the purpose of acquisition. For tenant land the same factor may reduce the present valuation, but the share of the landlord *vis-a-vis* the tenant will be increased. It should, however, be recognized—

- (i) that unless the settlement is to take place very shortly, it will be difficult, if not impossible, to assess the value of this factor. It should certainly not be used except on the clearest grounds as a lever to decrease valuation;
- (ii) that the probable effect of an approaching settlement will almost certainly have been discounted in figures showing market value collected under sub-paragraph (b) above.
- (g) The amount of *sir* land included in the area to be acquired.

Clauses (a), (b), (c) and (d) govern the selection of multiples for tenant land, including *sir* and khudkasht, occupants in Berar and malik-makbuzas, while clauses (e), (f) and (g) govern the selection of the multiple of the cash profits for calculation of the compensation for malguzars.

The multiple to be adopted for tenants' profits and the exact relation between the multiples for the different classes of tenants will vary from district to district and even from village to village. In the Central Provinces multiple of 30 should be the ordinary maximum for tenants' profits, but this may be exceeded where circumstances show that a higher multiple is necessary to secure a fair compensation. In the case of *sir* land, khudkasht and malik-makbuza holdings, the interest of the proprietor, as occupier, should be calculated by multiples which may exceed that for absolute-occupancy tenants by not more than 25 per cent. In Berar the maximum multiple should not ordinarily exceed 150 times the assessment.

In the case of the proprietor's interest, 15 to 20 times the cash profits should ordinarily suffice. For *maufi* or *ubari* villages however, the multiple may be raised up to 50 per cent above what would ordinarily be allowed.

Where only a portion of a holding is to be acquired, the rent to be multiplied will bear the same proportion to the total rent as is borne by the soil units in such portion to the total soil units in the holding.

35. For the purposes of valuation, new fallow will be treated as cropped land of the same soil and position. Old fallow if culturable should be valued at a special rate, which should in no case exceed the rate for similar land under cultivation unless it has a special value as grass land. Unculturable waste included in a holding and village waste not included in a holding should be separately valued, each case being considered on its merits. In many cases the value will be nominal. The valuation should include any trees standing on the waste and should be expressed as a rate per acre. If on account of its position such land has a value as non-agricultural land, it should be valued as laid down in paragraph 42 below.

36. While the action referred to in paragraph 34 is being taken, the Collector will in the Central Provinces have a schedule of rates extracted from the attestation jamabandí fly-sheet showing the rate per acre deduced by the Settlement Officer for each kind of soil to be found in the area to be acquired, and this schedule will be signed by him as correct and attached to his proceedings.

37. The appropriate rates will then be entered against each soil entry in the English abstract form XIII, and the rental value will be calculated and totalled for each holding, fractions of an anna being raised to one anna. The compensation for the tenant's interest, and in the case of *sir*, khudkasht or malik-makbuza, for the interest of the landlord, will then be calculated by applying the multiples fixed under paragraph 34.

38. If the application of the fixed multiple to the rental valuation does not bring out a fair compensation for any particular plot of land which is specially valuable on account of exceptional irrigation advantages, embankments, situation in the *geonra* or *khari* area or for some other reason (such special value not having been fully allowed for in the rental valuation), the Collector may raise the compensation to a reasonable figure, entering this amount in a second line in column 11, under the amount calculated according to rule. The reasons for giving a higher compensation must be stated in the 'Remarks' column. If interest has to be paid, its amount should be shown in column 13 by a second line of figures.

39. In raiyatwari villages in the Central Provinces the compensation due to a Government raiyat shall be that which he would receive if he were an occupancy tenant. In such villages Government is the landlord, so that the patel is not ordinarily entitled to any share of the compensation due to the landlord, but in special cases, such as those where the village is held by a watandari patel or where a high rate of commission is given for special reasons and not solely as remuneration for collection or where a considerable proportion of a village is acquired, some compensation may be given for the loss of his pateli rights over the land acquired. He will receive the tenant's share of the compensation for any land acquired which he holds as a Government raiyat.

40. In the Central Provinces in order to calculate the value of the landlord's interest, his profits as landlord from the area to be acquired will be multiplied by the multiple fixed under paragraph 34. These profits consist of the rents actually paid by tenants, the rent calculated at settlement on his *sir* and khudkasht land in the area to be acquired, and such proportion of the siwai income as may be credited to that area, less the proportionate amount of land revenue and cesses assessed on such area.

No compensation should be given to the landlord on account of the acquisition of malik-makbuza land as he has no interest as landlord therein, his commission being merely payment for the trouble of collecting the land revenue.

41. When land is available which may be given in lieu of the land under acquisition, an option of receiving it in exchange for the whole or any portion of the land of which he is being expropriated may be allowed to the owner, on his consenting to allow a sum corresponding to its value to be deducted from the compensation awarded to him.

## II.—Non-agricultural Land

42. By this is meant not waste or unculturable land in villages which is not in occupation, but land having a value for non-agricultural purposes, such as ground suitable for building sites situated in or near towns and so forth. For such land no rules can be framed; its market value or the market value of similar land in the vicinity must be ascertained. The market value may be defined as that price which will be received by a willing seller from a willing buyer in the open market for that particular parcel of land with its particular advantages and its particular drawbacks. It is not the same as cost nor can market value be confused with the cost of reinstatement. It cannot be determined by the extreme prices in a rising or falling market. In all cases the volume of transactions and the general trend of prices should be considered. Evidence bearing on this will generally be forthcoming, but failing such evidence, the nazul rules (Central Provinces Revenue Book Circulars IV-1 and IV-2 and Berar Revenue Book Circular X-6) can be usefully consulted, the value of the land varying according as it has or has not been paying ground rent or land revenue. Entries regarding land of this kind as well as regarding agricultural property other than land should be recorded in form XVII (Berar M) and filed with the proceedings.

42-A. The diversion of land to a non-agricultural purpose involves the liability to pay enhanced land revenue, and in Berar and in raiyatwari villages in the Central Provinces a premium also. This liability is not affected by the fact that the land has been compulsorily acquired under the Land Acquisition Act. It must, therefore, be allowed for in calculating the compensation to be awarded, because the land for non-agricultural purposes is worth that much less to the owner. That is to say, while the holder

whose interest is acquired has a claim to the increased value of the land resulting from its diversion to a non-agricultural purpose, Government can claim the enhanced land revenue or the premium and enhanced land revenue, as the case may be, which is payable when permission to divert is given.

In valuing land the Land Acquisition Officer will take as a guide the price realized in recent years for similar land in the neighbourhood. In doing so he must always take into account the rent or revenue payable on the land. For the purpose of striking an average it is convenient to reduce all values to freehold values, *e.g.* :—

	Price per acre for which sold	Revenue or rent per acre	Freehold value (price + 20 × rent or revenue)
	Rs.	Rs.	Rs.
Plot A ..	1,000	5	1,100
Plot B ..	1,200	<i>Nil.</i>	1,200
Plot C ..	480	30	1,080

Average Rs. 1,127.

NOTE.—When stating the price of land the rent or revenue payable on it must always be stated also.

In estimating the compensation, the Land Acquisition Office must take into account the rent or revenue which would be payable after acquisition according to the purpose with reference to which the land is being valued. Thus, if enhanced revenue would be payable owing to diversion to non-agricultural purposes, 20 times the enhanced revenue should be deducted from the freehold value. In the case in the preceding paragraph if the land to be acquired would be assessed at Rs. 20 per acre on diversion to non-agricultural purposes, the compensation would be as follows—

	Rs.
Freehold value ..	1,127 per acre.
Deduct 20 × revenue ..	400
Compensation <sup>n</sup> ..	727 + 15 per cent.

Allowance must also be made for any premium payable to Government on diversion to non-agricultural purposes and the valuation reduced accordingly. Thus if Rs. 100 per acre premium were payable in the case referred to in the preceding paragraph the compensation to be paid would be—

	Rs.
Compensation already arrived at ..	727 per acre.
Deduct premium payable to Government on diversion.	100
	627 + 15 per cent.

The compensation payable for land acquired for local bodies will be arrived at in a similar manner, and the premium and enhanced assessment, if any, will be paid by the local body when diversion of the land to non-agricultural purposes takes place.

The variations in procedure for different classes of land should carefully noted :—

- (a) *Unalienated land in Berar.*—Both premium and enhanced land revenue are payable by the local body for whose benefit the land is acquired. Accordingly the amount of premium will not be recovered by the Land Acquisition Officer at all ; it will be recovered at a later date by the Deputy Commissioner under section 50 (4) of the Berar Land Revenue Code. Under section 58 of the Code the local body must apply for permission to divert, and premium and enhanced land revenue become payable from the date when permission is given by the Deputy Commissioner. If the original holder had already obtained permission to divert and paid the premium thereon, he would of course be entitled to receive as compensation the full market value of the land without deduction and no premium would be payable by the local body.
- (b) *Alienated land in Berar.*—When *inam* land is diverted to a non-agricultural purpose, no premium is chargeable. Hence on acquisition the full value should go to the original holder, and no deduction on account of premium need be made. The payment of land revenue by the local body will be regulated by the provisions of Berar Revenue Book Circular I-8.
- (c) *Raiyatwari land in the Central Provinces.*—Exactly the same procedure will apply as for unalienated land in Berar. Permission to divert must be obtained by the local body under section 208 (1) of the Land Revenue Act, and premium will be charged and land revenue revised under section 208 (2) of the Act.
- (d) *Malguzari land in the Central Provinces.*—No premium is payable on diversion, but the land revenue may be revised under proviso (ii) to section 88 of the Land Revenue Act. Accordingly the value of the land will be assessed in the same manner as in Berar, but no deduction will be made on account of premium. The amount of compensation will be distributed between landlord and tenant as prescribed in paragraph 34 and following. Permission to divert is not required, but the Land Records staff will be responsible for reporting when actual diversion takes place, in order that action to enhance the land revenue may be taken.

## III.—Property other than land

43. If any house, building or trees standing on the land to be acquired should not be required by the Government, the owner may be allowed the option of removing it within a reasonable period, to be fixed by the Collector, in which case the value of such materials, as determined in the award, will be deducted from the sum payable as compensation, or if compensation has been already paid will be recovered from the owner prior to the removal of the materials.

44. Compensation for houses or buildings should be calculated on the present value of the materials *plus* cost of construction at present rates, less the value of any materials made over to the proprietor :

Provided that, if the buildings have fallen into disuse, compensation should be allowed on the present value of the materials only. Separate compensation should be given for the land on which the buildings stand.

When, however, the building and its site together constitute a single property, having a market value as a whole, it is unnecessary to go into details of cost of construction, value of materials and value of site. The market value of the property as a whole can be ascertained with reference to the rent that it brings in to the owner, or with reference to the ascertained sale price of similar buildings and their sites.

45. In the case of individual trees or small groups of trees, not being the property of Government, which have a definite market value, the compensation should be either the market value of the wood or a certain number of years purchase (ordinarily eight) of the annual value of the produce, whichever is the greater. This rule does not apply to trees standing in considerable areas in malguzari waste land or jungle, for which the compensation should be based on an acreage rate which should include the market value of all the growth on the land. In both cases the owner may be given the option of cutting down and removing the trees without compensation.

If any tenant in the Central Provinces, or any person other than the occupant of the land in Berar, possesses, by local custom, any right in the wood or produce of any tree, the award should be apportioned according to the custom regulating the distribution of profits or the profits of the wood.

46. In the case of ripe crops, the owner should be requested to cut and remove them, and no compensation should be necessary. If it is necessary to cut an unripe crop, its value should be calculated at the estimated value of similar ripe crops on similar neighbouring land.

#### IV.—Compensation for indifect damage

47. If any damage is sustained by any person by reason of the acquisition injuriously affecting other property, movable or immovable, compensation should be given for this damage. For instance, if the value of any land other than that acquired be lessened in consequence of the taking up of a tank or well or by the cutting of an embankment, compensation should be given in the manner laid down in paragraphs 34 to 41 above upon the annual reduction in the rental value of such land. In Berar the amount of damage should be determined by enquiry.

#### H.—PROCEDURE FOR PAYMENT OF COMPENSATION AND ADJUSTMENT OF CHARGES

48. After all preliminaries in respect to estimates, etc., that may be required under departmental rules in force for the time being, have been duly carried out, the land will be taken up under the Act either by the Collector or by some special officer placed at the disposal of the Public Works Department and invested with the powers of a Collector under the Act; the procedure differs in the two cases.

#### Procedure of Special Officers appointed under the Act

49. Officers who are specially employed for this work, being invested with powers of 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 in Article 467 of the Civil Account Code. The following procedure shall be observed by such officers.

50. When an award is made under section II of the Act, the officer shall have a statement prepared in form XVIII, showing the amounts payable to each person under the award, and shall, on the day the award is made, forward a copy of the statement, signed by himself, to the Accountant-General or other audit officer concerned with whom he is in account. It is not necessary to wait until the compensation is actually paid. In case the information to be entered in column 4 is not then available, the column should be left blank; but, as soon as the abatement of land revenue is sanctioned, the necessary details should be communicated to the Accountant-General. Before signing the copy, the officer should carefully satisfy himself that it correctly shows the amounts due under the award, and should himself enter the total of column 6 of the statement in words both in the original and copy. A subsidiary statement in form XIX, giving particulars regarding the acceptance, by the persons concerned, of the amounts entered in column 6 of the award statement should also be furnished to the Accountant-General as soon as possible. If the subsidiary statement is not complete on the day that the award is made, the necessary entries in column 7 of form XVIII will be made in the Accountant-General's office on receipt of the statement in form XIX.

51. In cases where an award has been made by a court under section 26 of the Act, a second award statement should be prepared in form XX by the Land Acquisition Officer as soon as the decision of the court is ascertained, and a copy thereof forwarded to the Accountant-General. On receipt of this statement, the Accountant-General will proceed to check the entries in columns 1 to 4 with the original award by the officer.

52. Any change in the apportionment of the officer's award made by a court under section 30 of the Act, should also similarly be communicated to the Accountant-General for the necessary corrections in the award statement. And if, under section 31 (3) of the Act, it has been arranged to grant a compensation otherwise than in cash, the nature of such compensation should be clearly specified in the column of remarks in the award statement,

53. On the completion of his award, the Collector shall tender payment, under section 31 (1), of the compensation to such of the persons concerned as may be present, and shall issue notices, under section 12 (2), to those who were absent or were not represented, to appear within one week from receipt of the notice, to accept payment, intimating also that no interest will be allowed to them if they fail to appear. When tendering payment the Collector shall explain to the parties the procedure which will be followed in the event of their refusal to accept the award, and such provisions of sections 23 and 24 of the Act as may have been brought into use in calculating the compensation offered. If the parties do not appear, and do not apply for a reference to the civil court under section 18, the officer shall, after any further endeavour to secure their attendance 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 form XXIV. The officer shall also 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 amounts will be paid to them in the same manner as ordinary revenue deposits. The officer should, as far as possible, arrange to make the payments due in or near the village to which the payees belong, in order that the number of undischarged sums to be placed in deposit on account of non-attendance may be reduced to a minimum. Whenever payment is claimed through a representative whether, before or after deposit of the amount awarded, such representative must show legal authority for receiving the compensation on behalf of his principal.

53-A. The Collector shall not draw any money from the Treasury until it is actually required for payment. If the money cannot for any reason be paid out immediately as anticipated and is not under the rules to be paid into the Treasury as a revenue deposit, it should be deposited in the Treasury in a separate chest under paragraph 2 of Chapter 1 of the Civil Account Code, Volume I



(eighth edition). On no account should it be deposited with the nazir. When away from headquarters the land acquisition officer will be held personally responsible for the safety of the money that remains with him and it should not be entrusted to the custody of clerks.

54. In making direct payments to the persons interested under the award, the officer shall take the receipt of each person to whom money is paid on a separate voucher in form XXI containing a reference to the item showing the amount due to that person in the statement prescribed in paragraph 50. Where payments are made to a number of persons under a single award, an acquittance roll in form XXII may be substituted for separate receipts in form XXI. The officer shall forward the separate receipts of the payees or the acquittance roll, as the case may be, to the Accountant-General with whom he is in account, when forwarding to him the account of the month in which the payments are made.

If the Collector be unable to pay the compensation for any reason, or if there be any dispute about the apportionment thereof, the Collector will deposit the amount in court under the provisions of sections 31 to 33 of the Act.

55. All payments into court for deposit under the Act should be made by means of cheques in favour of the presiding officer of the court, payable by order of the court to credit of civil court deposits. The cheques should be accompanied with receipts in triplicate, in form XXIII duly filled up, of which one will be retained by the court for record, and the other two returned duly signed to the Collector, who will keep one copy and forward the other to the Accountant-General with the accounts of the month in which the payments are made. Payments of the amounts deposited shall be made under the rules for the payment of civil court deposits.

56. When a court has awarded any compensation in excess of the officer's award, the further payment due, as entered in column 6 of the award statement in form XX, should be made into the court by means of a cheque and the procedure described in the preceding paragraph should be followed, form XXIII being used with the necessary changes to give full particulars of the order of the court.

57. The State Government may authorize any particular land acquisition officer to make all or any of his payments by cheques, provided no inconvenience is caused thereby to the payees in consequence of the property being situated at a distance from the treasury. The use of cheques should be safeguarded by a strict observance of the following rules :—

- (1) Every cheque-book should contain a certain number of cheques, with consecutive printed numbers, and each book should contain its own serial number.

- (2) The serial number of the cheque-book, and the number of cheques it contains, should be reported to the Treasury Officer before the book is brought into use.
- (3) The cheque-book should be kept under lock and key by the land acquisition officer himself.
- (4) The cheques should be filled up by the land acquisition officer with his own hands, in words as well as figures, and cheques should be enfaced "Under Rs."
- (5) A periodical examination of pass-books from the treasury with the counterfoils of the cheque-book should be made by the land acquisition officer himself.

**Payments under the Act after Special Officer is relieved of his Special Duties**

58. In any case in which a reference is made to the civil court, and the award of the court is not made till after the special officer has been relieved of his special duties, the further payments due under the award shall be made by the Collector, who will observe the same procedure as if the reference to the civil court has been made by himself, as prescribed in paragraphs 55 and 56 above.

**Procedure of Collector or other Civil Officer not specially employed for Land Acquisition**

59. When the land is taken up by the Collector or other civil officer not specially employed for the work, such Collector or civil officer is not a Public Works disburser; but draws money for payment due under his award from the civil treasury. Such Collector or civil officer shall, as soon as he makes the award, or as soon as he ascertains that an award has been made by the civil court, prepare a statement in form XVIII or XX or in both, as the case may be, showing the amounts due, and forward a copy thereof to the Accountant-General concerned in the manner prescribed in paragraphs 50 and 51. Additions and alterations in the award statement should also be communicated to the Accountant-General as prescribed in paragraph 52 and a subsidiary statement in form XIX should, if necessary, be furnished as laid down in paragraph 50. The procedure laid down in paragraph 53 should also be observed by such Collector or civil officer.

60. In making the payments due under the award, the Collector shall take from each person to whom payment is made a receipt in form XXI containing a reference to the particular entry in the award showing the amount due to the payee. In the case of payments to a number of persons under a single award, an acquittance roll may be substituted for separate receipts as laid down in paragraph 54. These receipts will be the Treasury Officer's vouchers for the payments, and shall be forwarded by him with the accounts of the month to the Accountant-General of the province. For payments into civil courts the procedure laid down in paragraphs 55 and 56 should be observed.

61. The Treasury Officer has no concern with the award or with the award statement; he makes the payments on the authority of the Collector, or other officer assessing compensation. The Collector may either draw the amount to be disbursed to each payee separately, in which case he should countersign the receipt in form XXI and make it payable at the treasury to the payee, altering the words "Paid in my presence" <sup>in cash</sup> <sub>by cheque</sub> to "Pay" or he may draw the total amount to be disbursed by him under the award on his own receipt as an advance and after making the payments forward the receipts of the payees to the Treasury Officer in adjustment of the advance. In the former case, an advice list of the forms passed for payment should be sent to the Treasury Officer, who in turn should send weekly an advice of orders paid.

#### Audit by Account Officer

62. Whether the payment is made by a special officer or by the Collector (or other civil officer), the audit of the Accountant-General shall consist in seeing that every payment is supported by a receipt in form XXI or XXIII and that the amount paid on such receipt is the amount payable under the award, as shown in the statement of which he will have received copies under the preceding orders. The Accountant-General will also note in the last column of form XVIII the date on which possession is taken, as reported to him by the Executive Engineer or other officer.

63. The Accountant-General will, as he receives the vouchers, fill in the entries in the appropriate columns of the award statements, forms XVIII and XX and as he receives the reports of possession, he will fill in the entries in column 10 of the statement in form XVIII when all the vouchers showing either payment to the payee or payment into the court on deposit and the reports of possession have been received, he will forward a copy of the completed statements in forms XVIII, XIX and XX to the chief revenue authority. This will complete the audit of the Accountant-General; any other or further returns or reports from the Officers who assess or pay compensation will be disposed of by the chief revenue authority without reference to the Accountant-General.

64. When the land is acquired for and the cost is debitable to the Military Works Department, the procedure above laid down will be observed; the Military Accountant-General being substituted for the Accountant-General.

65. When the land is acquired for, and the cost is debitable to, any department other than the Public Works Department or Military Works Department, the procedure will also be the same, the Account Officer who will audit the payments being substituted for the Accountant-General. In the case of land acquired for a railway company the award statement will be forwarded to the account officer of the railway company concerned and not to the

Accountant-General, Central Provinces.\* The Collector will also report to the Commissioner of the division the total area acquired and the compensation paid.

\*NOTE.—The official designation and headquarters of the account officers of the various railways in the Central Provinces and Berar are as follows :—

The Great Indian Peninsula Railway and the Indian Midland Railway.	The Chief Auditor and Accountant, Great Indian Peninsula Railway, Bombay.
The Bengal-Nagpur Railway ..	The Chief Auditor, Bengal-Nagpur Railway, Calcutta.
The Bombay-Baroda and Central India Railway.	The Chief Auditor, Bombay-Baroda and Central India Railway, Bombay.
The East Indian Railway ..	The Chief Auditor, East Indian Railway, Calcutta.

### Procedure when no Money Compensation is paid

66. Where compensation is granted in the shape of other land in exchange, or remission of revenue, as provided in section 31 (3) of the Act, and the land is acquired for Government purposes, no adjustment of the value of the land given in exchange will be required, unless it is separately purchased by Government. If, however, the land is acquired for a body financially independent of Government, the value of the Government land given in exchange and the capitalized value of the abatement of land revenue should be charged against advances of funds (paragraph 68) made by that body.

### Investment of Compensation Money deposited in Court

67. Investments under sections 32 and 33 of the Act of money deposited in court should be arranged for in the case of purchase of Government securities, in communication between the court and the Accountant-General concerned, and purchases of land should be effected under the court's orders through the Collector or other revenue authority of the province. The Accountant-General will inform the court what sum should be remitted to enable him to make the investment, and this amount will be paid from the deposits in court.

### Audit Adjustment and Recovery of Payments on behalf of bodies financially independent of Government

68. In any case in which land is acquired for a municipality or company or other body financially independent of Government, the Collector must immediately inform the municipality or company or other body, as the case may be, of the compensation awarded. The State Government may direct that the payments, instead of being made and audited in the same manner as the ordinary payments of such body, shall be made and audited as if the land were being acquired for Government. If the State Government issues such an order, the Collector or other officer who makes payments on account of the land acquired shall draw funds from the treasury

and make payments in the manner laid down in these instructions using the forms prescribed, and shall render his accounts to the Accountant-General. The municipality or other body will pay the estimated cost of the compensation to the credit of Government in advance on such dates and in such instalments as the State Government may direct, further payment to Government being required as soon as the Accountant-General reports that the payments made exceed the amount received in advance. The Accountant-General will deal with the accounts and payments as prescribed in these rules, debiting the payments against the advances received from the municipality or other body.

NOTE.—Except in the case of the Nagpur municipality, the State Government has directed that this procedure be followed in respect of all other local bodies. In the case of sanitation committees, the amount of compensation is received in cash and paid to the parties concerned by the Collector.

#### I.—DISTRIBUTION OF COMPENSATION AMONG PERSONS INTERESTED

69. The claims of persons asserting a right to a share in any sum awarded as compensation should be very carefully dealt with. It often happens that besides the proprietor or occupier of the land there are other persons interested, *viz.*, inferior proprietors, thekedars, with or without a protected status under section 107 of the Central Provinces Land Revenue Act, assignees of Government revenue, mortgagees, sub-tenants, etc. The claims of all such interested parties must be carefully examined, and the amount of compensation due to each determined.

In the Central Provinces when several parties are interested in the share of compensation due to the landlord, a division must be made upon the merits of each person's claim. If the village is held by superior and inferior proprietors, the superior proprietor might be given a share of the landlord's compensation equal to the capitalized value of the loss of his proprietary profits. In the simplest case where the superior proprietor's profits consist solely of a malikana payment, his share of the compensation might be the capitalized value of the amount by which the malikana is reduced; the inferior proprietor receiving the balance. In capitalizing the loss of profits, a multiple of 16 should ordinarily be used. A similar principle might be followed in dividing the landlord's share between a proprietor and a protected thekedar. When the village is held by an ordinary thekedar, the number of years for which the lease has still to run must be taken into consideration. When the land is encumbered, the portion of the landlord's or tenant's share of the compensation to be given to the mortgagee or other person calls for special adjudication, and the decision should be noted in the column for remarks.

In Berar when the interest possessed by any party is alienable by sale, the value which such interest bears in the market should be carefully ascertained. When the interest is of a kind which is not transferable by sale, and yet the owner of the interest can fairly

claim compensation on dispossession from the land, the collector will offer to the party such amount of compensation as he may consider that the loss of the interest entitles him to. It is not possible to lay down a scale of payment which shall include all cases, nor would the judge and assessors, in the event of the matter being referred to them for arbitrament, be bound by any such scale. In every case, the Collector is bound to use his best efforts for the protection of the interests of Government, while he gives due consideration to the claims of the private individual. He will inform the latter that, in addition to the compensation awarded whether by the Collector or the court, he will receive 15 per cent on the market value of the land or interest, in consideration of the compulsory nature of the acquisition.

#### J.—REDUCTION OF RENT AND REMISSION OF REVENUE

70. When the entire holding of a tenant is acquired, the rent paid by him for that holding will of course be remitted, but when a portion of the holding only is acquired, the amount by which his rent is to be reduced will ordinarily be the amount of rental valuation calculated to the nearest 4 annas upon which compensation has been calculated. When, however, the reduction of his rent by this amount would leave the balance of rent payable on the balance of his holding disproportionately high or disproportionately low, the amount to be reduced may be fixed either with reference to the proportion which the reduced rent of his holding at settlement bore to the rent actually paid, or otherwise, as the Collector, after hearing the landlord and tenant, may think fit.

71. As the reduction of these rents in consequence of loss of area constitutes a separate proceeding under the Central Provinces Tenancy Act, from which an appeal lies, the proceedings in connection with the reduction should form a separate case which may be kept with the acquisition proceedings only so long as they are not disposed of. The rent reduction proceedings must contain a statement in form XV showing the deduced valuation and the amount by which the rent is reduced in each case with total rent reduction made. From this total will be deducted the rental valuation of the numbers contained in form XII, namely, land unoccupied and hence unassessed at settlement. The balance will be the reduction in assessed assets which the acquisition of the land has entailed on the proprietor. The proportionate revenue calculated at the fraction assessed at settlement to the nearest 4 annas will be the revenue to be remitted.

When any malik-makbuza revenue is reduced in the course of acquisition, the mahal revenue will be reduced by that amount, less the proportionate amount of drawback hitherto allowed to the lambardar for his trouble in collecting it. In the case of *muafi* holdings only the kamil-jama will be reduced. Cesses will be similarly reduced, the calculation being to the nearest anna.

Only in very exceptional cases and when a large block of waste land is acquired will it be necessary to reduce revenue on account of loss of siwai income.

The revenue remission necessary for each separate acquisition case will be shown in form XVI and will be sanctioned by the Deputy Commissioner.

When the remission proposals have been sanctioned by the Deputy Commissioner, the necessary changes will be made in the standard kistbandi (*vide* paragraph 11, Central Provinces Revenue Book Circular I-1).

72. If the village is held in dual proprietorship, the malikana payable by the inferior to the superior proprietor should be reduced in the same proportion as the land revenue.

73. In Berar after the compensation has been awarded, and the land duly acquired, the Deputy Commissioner will sanction the reduction of land revenue required and will have the necessary corrections entered in the survey and village records in accordance with the rules prescribed. He will enter his orders regarding the reduction of land revenue in column 19 of the compensation statement in form L.

74. When land is acquired for a municipal committee or other local body, the revenue or cesses which are remitted in favour of the former owner will ordinarily be recovered from the local body. When, however, agricultural land is acquired for a non-agricultural purpose for a local body, the latter is liable to pay revised land revenue in accordance with the instructions contained in the Central Provinces Revenue Book Circular I-9, and Berar Revenue Book Circular I-8. The demand will be entered in the kistbandi (tauzi in Berar) of miscellaneous land revenue and collections will be credited to this head, the collections on account of cesses being dealt with in the usual way.

Where, however, the land is devoted to a public purpose such as roads and sites of hospitals, dispensaries and schools or the like which yield no return, the land, so long as it is utilized for purposes of the character indicated, may be exempted from assessment with the sanction of the Deputy Commissioner.

When land is acquired permanently for a railway, the capitalized value of the land revenue remitted by Government should be calculated at 25 times the rate of assessment and credited to Government. In Berar the Jaglia and Mahar cess levied under section 171, Berar Land Revenue Code, 1928, should also be capitalized at the same rate. When the land acquisition proceedings are completed and possession of the land made over to the railway, the Deputy Commissioner should intimate the amount to the Accountant-General so that he may raise the requisite debit against the railway.

NOTE.—In case of deferred enhancement the land revenue means the full amount assessed, irrespective of the amount actually realized at the time of the acquisition.

**K.—PAYMENT OF COMPENSATION FOR TEMPORARY ACQUISITION**

75. In cases of temporary acquisition the basis of calculation will be the estimated net loss that will be sustained by the occupier during the period for which he loses the land. The compensation may, under section 35 (2) of the Act, be paid either in a gross sum of money or by periodical payments. In the Central Provinces as the obligation to pay rent to the landlord will not be affected, no compensation need be offered for proprietary profits and no abatement of land revenue will be granted. In Berar, the revenue will be remitted during the period for which the occupant is deprived of possession of the land. It will be observed that section 35 contains no provision such as in section 23 (2) for the payment of the additional 15 per cent. Attention is also invited to the provisions of section 36 (2).

**L.—TAKING POSSESSION OF THE LAND**

76. No officer shall take possession of the land acquired without the permission of the Deputy Commissioner of the district. Ordinarily, though, under section 16 of the Act, possession may be taken as soon as an award is framed, the Collector will take no action until the compensation has been paid or the amount deposited in Court, as interest has to be paid under section 34 of the Act from the date of taking possession to the date of payment.

77. Under section 17 of the Act, the Governor in Council has power to sanction possession being taken before the award is made. In such cases, the Collector must, at the time of taking possession, offer compensation for the standing crops and trees (if any) and for any other damage caused by such sudden dispossession. In case the offer is refused, the amount due on these accounts will be determined at the time of fixing the value of the land.

78. After possession has been given, the Deputy Commissioner should see that the necessary corrections are made in the patwari's (survey and village) records. Experience at settlement has shown that in many cases land has been acquired by Government and the fact has not been noted in the Central Provinces *khasra* statement or the Berar *jamabandi* statement of the village, with the result that the tenants or malguzar holding the land or in Berar the occupant of the land have been again recorded as entitled to it. The Deputy Commissioner must also see that all land acquired by Government is permanently demarcated by pillars directly it is made over to the department for which it is acquired.

**L-A.—RESTORATION OF LAND TEMPORARILY ACQUIRED UNDER SECTION 35 OF THE ACT**

78-A. It shall be the duty of the Department on whose behalf land has been acquired temporarily, to intimate to the Collector of the district, at least three months before the expiration of the term



of occupation, that the land will be available for restoration to the persons interested therein, stating the condition of the land and specifying the areas that have been permanently damaged. On receipt of such intimation the Collector shall arrange to have the land inspected and restored to the persons interested therein, in accordance with the provisions of section 36 (2), or to proceed under the proviso thereto. In case the Department concerned fails to give the required intimation, the Collector shall be held responsible for seeing that the land is restored to the persons interested therein, on the expiry of the period of temporary acquisition. An entry of the restoration should be made in the patwari's records.

#### M.—REFERENCE TO THE COURT

79. (1) Under section 18 of the Act, any person who has not accepted the award may require the Collector to make a reference to the Court with a view to decide—

- (i) the correct measurement of the land ;
- (ii) the amount of compensation payable ;
- (iii) the persons to whom it is payable ; and
- (iv) the apportionment of the compensation among the persons interested.

Such reference will be made only at the instance of a person interested. Otherwise the Collector's award is final.

In the first two cases, Government will be a party to the suit and the instructions relating to suits against Government contained in Chapter X (b) of the Law Department Manual should generally be followed, but reference need not ordinarily be made to the Legal Remembrancer except where points involving legal doubts or difficulties arise.

(2) The Officer-in-charge of the case in the Civil Court will ordinarily be the Collector who made the award and reference to the Civil Court. As soon as the reference has been made to the Court, the Collector should submit a report on the case to the Deputy Commissioner with his proposals for defending the award and a note of the evidence which can be laid before the Judge to enable him to arrive at a just decision. The Deputy Commissioner will issue instructions for the conduct of the case and should, except in cases of a simple nature to be conducted by the Officer-in-charge, authorize the employment of the Public Prosecutor. If that officer is unable for any good reason to conduct the case, a senior private legal practitioner may be engaged by the Deputy Commissioner subject to the fees agreed upon being within his powers of sanction.

(3) The Officer-in-charge is responsible for the instruction of the counsel engaged in the case and for the production of all available evidence ; and he shall assist the counsel to the best of his ability in the conduct of the case. He will settle in consultation with the counsel what evidence should be produced in the Court, but the decision in the matter shall primarily rest with him ; and he shall refer any point of doubt, difficulty or disagreement to the Deputy Commissioner and follow his instructions.

(4) When the Civil Court enhances the Collector's award by more than 10 per cent, the Collector should, except in very petty cases, make a report without delay to the Deputy Commissioner who will forward it to the Secretary to the Government in the Revenue Department for the orders of the Governor in Council, with his recommendation as to whether an appeal should be preferred to the High Court. The report should be accompanied by a copy of the award statement and of the judgment of the Civil Court. The period of limitation for such appeals is 90 days. In cases of appeals to the High Court, the responsibility of the Officer-in-charge will ordinarily cease when a competent counsel has been engaged and the necessary documents and instructions furnished to him. In complicated or important cases the Deputy Commissioner may direct that the Officer-in-charge should attend the proceedings personally.

80. Whenever land is acquired for Government or for a local body or company, if the officer making the award is not the Deputy Commissioner of the district he should, before making the award, refer to the Deputy Commissioner any case in which he proposes to award more than 10 per cent, in excess of the original estimate, or more than Rs. 10,000. A similar reference should be made when the evidence is conflicting and such as to indicate the possibility that a civil court may award a sum exceeding this amount or exceeding the original estimate by more than 10 per cent. This procedure need not, however, ordinarily be followed in very petty cases, but even in such cases the awarding officer must use his discretion and decide whether a reference to the Deputy Commissioner should be made. The Deputy Commissioner may require all cases to be referred to him before the award is given. He must not however settle the actual sum to be awarded and direct the land acquisition officer to make the award accordingly. He should place such further facts and information before the land acquisition officer as he considers desirable, and the land acquisition officer should consider all the information placed at his disposal, either in the course of the proceedings under section 11, or extra-judicially by the Deputy Commissioner or other authority superior to him, before making his final decision as to the amount of the award to be made. When once he has done so it will be open to Government either to withdraw from the acquisition proceedings or to allow them to proceed on the basis of the land acquisition officer's award. If the awards are likely to exceed the aggregate

estimate for the district by 25 per cent or more, a report should be submitted to the State Government, further action being suspended till the receipt of orders. In the *interim* the officer who framed the original estimate should be called upon to explain, if the rates are found to have been obviously underestimated.

#### N.—RECORD OF LAND ACQUIRED

81. A register of all land taken up under the Act will be prepared in form VII—(Berar G.). Entries will be made in the district register as soon as remission of revenue is sanctioned by the Deputy Commissioner. In all cases of relinquishment, in whole or in part, of land appropriated by Government, notes will be inserted in red ink opposite the entries in the register. Proposals for the settlement of such lands should, at the same time, be submitted for the orders of the Governor in Council :

Provided that land which does not exceed 50 acres in area or Rs. 500 in value may be disposed of by the Deputy Commissioner without reference to any higher authority.

A record of railway lands taken up will be maintained according to the instructions below.

The Deputy Commissioner thus maintains a complete register of all Government land acquired under the Act for each department of Government, whose officers will be able—if they want any information regarding the exact area acquired for them—to obtain it from the Deputy Commissioner.

#### Record of Railway Lands

82. For the due fulfilment of the orders\* of the Government of India it is imperatively necessary to maintain at all times, in the Secretariat and in the offices of the Deputy Commissioners of "railway" districts, a correct register and record of all lands which have been taken up for every separate railway. A register in form XXVI has been prescribed for the purpose.

For the Secretariat there will be one register for each line of railway—each book containing the whole record of the land taken up for the railway in the several districts which it traverses.

A register will be forwarded to each Deputy Commissioner for the record of land taken up in his district for the railway therein named, in which every sanction, grant, transfer, release and final disposal of land occupied on account of that railway in each district will be entered in chronological order.

\*Rule 15 of Appendix C to Circular No. VI (Railway), Government of India, Public Works Department, of the 7th July 1892.

Every sanctioned grant, transfer or release will be communicated to the Deputy Commissioner, through the Governor in Council, in the form of a land-plan depicting the land concerned, and a schedule, each countersigned by the Agent of the railway company.

### Classification of Railway Lands in the Register

83. Land required for railway purposes is divided into four classes—A, B, C and D.

Class A includes land for permanent occupation, class B land for temporary occupation, class C land which a railway company\* has to provide at its own cost, and class D land which does not come directly into the possession of the railway administration at all.

Class A comprises the land required for the permanent work of a railway including the roads with its bridges, etc., and all stations, workshops, permanent store-houses, and the like, necessary for the line when opened. The occupation of this land by a railway company is so far permanent that it only ceases when their contract is terminated or surrendered, and the whole lapses to Government.

Class B consists of land essential for the execution of the permanent works of a railway, but not required after the completion of the line in part or in whole, *e. g.*, land required for extra excavations, to make flanks for river diversions, and for the storage of railway materials held in stock by the railway administration pending the construction of the line or their despatch to the work. The occupation of this is temporary. The land is acquired under sections 35 and 36 of the Act, if the term of occupation is not to exceed three years, and if the purpose for which the land is required is not such as will render it permanently unfit for the purpose for which it was being used immediately before acquisition. Otherwise the land must be permanently acquired; and at the end of the term of occupation, it is disposed of by the revenue officers to the best advantage of Government.

Class C contains the land which a railway company has to provide at its own cost. This is land which is required for the provision or preparation of materials (*e. g.*, for brick-making) for purposes contingent on the actual execution of the works on the line (*e. g.*, for drivers' barracks) or for other miscellaneous objects which Government recognizes as falling legitimately within the scope of the railway company's operations though not giving company claim to the provision of the land free of charge. As a railway company is bound to pay for the construction of all works out of

---

\*In the case of a state railway there is no class C. The Bengal-Nagpur Railway is the property of the Secretary of State for India in Council and is managed by the Bengal-Nagpur Railway Company, Limited, under terms of a contract with the former.

capital, receiving only from Government, without charge, the land on which the works stand, the means of facilitating execution of these works are provided at the cost of the railway company. The above remarks as to the acquisition and disposal of class B lands apply also to class C lands. In regard to the rent payable to Government on land of this class, while it is occupied by a railway company, the following is the rule: "The annual rent shall be 5 per cent on the outlay incurred by Government in taking up the land *plus* any revenue or rent previously paid to Government in respect of the same land. In the case of land belonging to Government the rent shall be 5 per cent on the value of the land, as estimated by the Deputy Commissioner. When land is made over as a gift by a private individual, nothing shall be charged beyond the revenue previously payable to Government for the land."

In the case of class C land, a bill, in form XXV, should be prepared annually in all districts where such rent has to be realized, and should be submitted to the Agent of the railway company through the railway district engineer.

Class D contains land permanently acquired for roads—either for new roads, leading to railway stations, permanent storeyards, or workshops detached from the main works, or for diversions or changes of old roads, made necessary by railway works.

The several classes of land are coloured (A) pink, (B) yellow, (C) purple, and (D) green, respectively, in the plans, and the exact purpose to which each parcel is to be devoted is detailed in appendix B to the Railway Board's Circular No. 889-P-16, dated the 30th August 1918.

84. In the first column of the register in form XXVI are examples of various transactions, which are severally explained below:—

No. 1 (the commonest of all) is a grant of land under class A referred to in the preceding paragraph. Under this column, land for the whole length of a line in any one pargana or sub-division of a district may be included in one entry, and represented in one continuous plan; but separate schedules will always be furnished for each estate or village for record with the village papers.

Nos. 2, 3, 4, and 5 are simple grants of land under classes B, C and D, referred to in the preceding paragraph.

No. 96 is a record of land temporarily occupied by the railway administration in class B and returned when no longer required. The entry, being negative, is made in red ink. In balancing the record, the item disappears altogether, the original grant being cancelled.

No. 97 supposes the transfer of the above plot of land to class A. The same entries which have been made negatively in B are therefore now made positively in A.

No. 106 represents a case in which land temporarily occupied by the railway company in class C is released on the company having no further need of it ; while No. 124 shows the release of a portion of land originally taken up for permanent occupation in class C; but which has been found to be in excess of requirements. Both entries are of course negative in C. The land in both of these cases being returned into the hands of Government, the final disposal of it by the Deputy Commissioner is shown in the 3rd section.

In No. 106 the land is supposed to be restored to the mauza of which it originally formed part and a consequent increase to the assessment of the mauza made, but not to the amount of the abatement previously made, in consequence of deterioration. The negative entry in column 13 is made positively in 18, and the same in column 25, as being for the time unproductive. Then on the new settlement in regard to it being effected, the entries in columns 19 and 20 are made and the negative one in column 25, and the amount payable in compensation for the permanent loss of revenue from the deterioration of this land is entered in column 26.

In the case of 124, it is supposed that the land being received back by the Deputy Commissioner on the 1st May, on the 15th idem a portion is let on lease as shown in columns 23 and 24, and on the 27th idem the remaining portion disposed of the sale : entries accordingly are made in columns 21 and 22, and in each case a negative entry is made in column 25. In this case also, there has been loss incurred in finally disposing of the land, which the railway company has to make good and the amount being determined and recovered from the company is entered in column 26.

85. On the 31st December of every year the record will be balanced as shown, and the result of the balance carried over as the first entry of the following year. A copy of the record of each year will be submitted to the Governor in Council annually on the 15th January for check in the Secretariat. It will be observed that the return of the 31st December 1893 will include all the transactions of the year then concluded, and a balanced and corrected abstract. The return of the 31st December 1894 will detail the transactions of the year then terminated, together with the abstract corrected to date ; but it will not repeat in detail the transactions of 1893, and so on.

86. Thus the yearly returns will be very brief ; but it will be necessary that the record should be maintained with the greatest punctuality and care. The entries in columns 1, 2, 3, 4, 7, 10 and 13 will be made on receipt of the notification of each grant of land, and the particulars to be noted in the other columns of the two first sections will be entered as soon as sanction has been obtained to the abatements of jama and amounts of compensation. The entries in columns 17 and 18 of the third section will be made on the dates on which the land is released by the railway company, and those in the other columns as the transactions are completed.

87. On the 31st December of each year, Deputy Commissioners will present to railway companies bills for the amount of rent shown in column 16 for the year then concluded.

88. The compensation payable by a railway company under column 15 will be recovered by Deputy Commissioners from time to time at the period of making over the land to which it relates, and that under column 26 as soon as the new settlement or sale of the land to which it relates has been effected, and the permanent decrease in its value thereby determined.

89. Should any amounts due by a railway company for compensation not have been realized at the time of closing the register for the year, mention of them will be made in the column of remarks.

#### O.—MISCELLANEOUS

90. [Deleted.]

91. Each notification under which land is to be taken up will be treated as a separate case in the revenue registers and returns.

92. A railway company, in the absence of any express stipulation to the contrary, is entitled to dispose of or use for the purposes of the railway only, any material, trees, buildings, etc., that may be on the land when it is handed over to them ; but Government is clearly entitled to dispose or stipulate for the disposal, before handing over the land, of any buildings, crops, trees, etc., which they may have been obliged to acquire with the land and to apply the 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 obstruction and prepare it for the construction of the railway, and Government undertakes to secure the company empty possession only free of legal encumbrances.

---

\*G. of I., P. W. D., letter No. 599-R.c., d. 16-5-98.



**PART III**  
**INSTRUCTIONS FOR THE ACQUISITION OF**  
**LAND IN CANTONMENTS, ETC.**





## CONTENTS

### CIRCULAR NO. II

Heads	Paragraphs
A.—Rules relating to the acquisition of land ..	I—VI
B.—Rules relating to restrictions on the use of land	VII—IX
C.—Summary of preceding rules .. .. .	X

Extracts from the Indian Works of Defence Act, VII of 1903, as amended by Act V of 1909.

**PART III**  
**ACQUISITION OF LAND IN CANTONMENT, ETC.**  
**CIRCULAR No. II**

Rules on the subject of the procedure for the transfer or acquisition of land in cantonments or other land in charge of the military authorities, and of the construction of buildings and other works in the vicinity of forts and cantonments, which have been brought-up to date and forwarded with the Railway Board's circular No. 889-P-16, dated the 30th August 1918, are reproduced below for guidance :—

**A.—RULES RELATING TO THE ACQUISITION OF LAND**

I.—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 or use of the land has first been obtained and communicated to the General Officer Commanding the district or independent brigade. In all such cases, the sanction of the Government of India will be obtained by the General Officers Commanding districts or independent brigades through the Quarter-Master-General in India.

*Proviso.*—These orders do not affect the powers exercised under section 263 of the Cantonment Code, 1912, by the General Officer Commanding the district or independent brigade, to sanction the grant of ordinary building sites in cantonments. For rules regarding land within defence zones, see rules VII, VIII and IX.

II.—Application for such land when within cantonment limits should be made by the officer in charge 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 district 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 of land ; when this is sanctioned (ii) the opinion of the State 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 way; and if any buildings are known to be used for public purposes, or by special departments, their purpose and ownership should be stated.

IV.—On receipt by the local military authorities of the sanction referred to in rule II above, they will at once transfer the land. In all cases, however, where the land is being transferred without the retention of rights over such land, the transfer should be effected through the revenue authorities, who will also, when necessary, 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 necessary.

*Proviso.*—The above rule does not apply to the adjustment of boundaries by mutual consent, which may be effected without the intervention of the civil authorities, but covers the exchange of separate plots of land.

V.—In the case of privately owned land in cantonments the provisions of the Land Acquisition Act should be applied, but it will be necessary in the first place for the officer applying to obtain the sanction of the Government of India in the Army Department to the occupation of the land as prescribed in rule 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 belonging to the Government in a cantonment, applies to private railway companies and individuals only, and not to state railways, including railways worked by companies, who hold lands the ownership of which vests in Government, or to departments of the state.

#### B.—RULES RELATING TO RESTRICTION ON THE USE OF LAND

VII.—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 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 exemption 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, or 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 contains 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 the original restrictions will be similarly communicated.

*Proviso.*—Rules VII and VIII do not apply to the defences of Fort William, Calcutta, and Fort St. George, Madras, nor to the Fortress of Aden, concerning which special regulations exist.

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 of works, etc., thereon is that laid down in section 7 of the Act (see extracts on next page).

#### C.—SUMMARY OF PRECEDING RULES

X.—The procedure laid down in the preceding paragraphs summarised briefly is as follows :—

- (a) In all cases of land in cantonments, camping grounds, in the vicinity of forts, or otherwise held for military purposes the 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 and 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 Accounts 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 authorities (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).

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 State Government that it is necessary to impose restrictions upon the use and enjoyment of land in the vicinity of any work of defence or of any site intended to be used or to be acquired for any such work, in order that such land may be 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 of 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 a sketch plan of the land, which shall be prepared on a scale not smaller than six inches to the mile and shall distinguish the boundaries referred to in section 7, may be inspected; and the 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 be conclusive proof that it is necessary to keep the land free from buildigs 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 State Government may, in its discretion, declare therein shall attach with reference to such land, namely:—

(a) Within an outer boundary which, except so far as is otherwise provided in section 39, sub-section (4), may extend to a distance of two thousand yards from the crest of the outer parapet of the work:—

(i) no variation shall be made in the ground level, and no building, 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 district, and on such conditions as he may prescribe;

(ii) no wood, earth, stone, brick, gravel, sand or other material shall be stacked, stored, or otherwise accumulated:

Provided that, with the written approval of the General Officer Commanding the district or brigade and on such conditions as he may prescribe, road ballast, manure and agricultural produce may be exempted from the prohibition:

Provided also that any person having control of the land as owner, lessee, or occupier shall be bound forthwith to remove such road ballast, manure or agricultural produce, 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 military authorities, by the Commanding Officer and in other cases by the 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 district, 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 outer parapet of the work, the restrictions enumerated in clause (a) shall apply with the following additional limitations, namely :—

(1) no building, wall, bank or other construction of permanent materials above the ground shall be maintained or erected :

Provided that, with the written approval of the General Officer Commanding the district and on such conditions as he may prescribe, huts, fences and other constructions of wood or other materials easily destroyed or removed, may be maintained, erected, added to or altered :

Provided also, that any person having control of the land as owner, lessee or occupier shall be bound forthwith to destroy or remove such huts, fences or other constructions, without compensation upon an order in writing signed by the General Officer Commanding the district or brigade ; and

(2) 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 district 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.

---

---

## **APPENDICES**

**Instructions by the Government of India and by the  
Board of Industries and Munitions**

---

---



**APPENDIX I**  
**CIRCULAR No. XI (RAILWAY) OF 1895**  
**Government of India, Public Works Department**  
*Railway Construction.*

---

**Preparation of estimates of the cost of land required for  
railway or other large public projects**

*Simla, the 21st September 1895.*

**READ—**

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

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

**READ ALSO—**

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

**RESOLUTION.**—Cases have recently come to the notice of the Government of India in which the cost of land taken up for railway purposes has exceeded by several hundreds per cent the cost shown in the detailed estimates: and while in some cases this difference appears to have been due to the inadequacy of the estimates, in others it was certainly caused, at least in part, by the exorbitant nature of the Collector's award under the Land Acquisition Act. It appears, therefore, advisable to issue instructions, with the view of securing greater accuracy in the estimates and closer supervision over the awards, when land is taken up for large public projects, of whatever nature.

2. In paragraph 7, Chapter V, of the rules for the preparation of railway projects, it is laid down that the data for the preparation of estimates of the cost of land should be obtained from the civil authorities who are responsible for the valuation and assessment of all land taken up for public purposes. This rule has not always been observed in recent instances. Its observance is most important as the Public Works Department authorities are not in a position to frame an estimate with any approach to accuracy.

3. The civil authorities should, therefore, be in all cases requested to furnish data in the shape of rates per acre. This, however, they cannot do unless they are furnished with information as to the situation of the land to be taken up, as it is impossible to quote rates which shall be even approximately true for the whole of a large tract. A separate sketch map should, therefore, be furnished for each district traversed by the railway, canal, or other

work, showing the exact course of the centre line of the land to be taken up, with reference to villages and towns. This map should be to a scale of one inch to the mile, and should show village boundaries wherever they have been surveyed. The distances should also be marked upon it, and the average width of the strip to be taken up should be stated.

For land near towns, or which for other reasons is likely to have a specially high value, a map to a sufficiently large scale should be prepared, showing the approximate boundaries of the land likely to be required, with a note of any valuable trees, buildings or other property for which compensation will have to be paid in addition to the price of the land itself. The civil authorities' data will then take some such form as the following :—

Miles	Rupees per acre			Remarks
	Cultivated		Uncultivated	
	Irrigated	Unirrigated		
	Rs.	Rs.	Rs.	
3—15	80	30	10	†Town lands of Rampur.
15—17	300	120	30	
17—27	50	25	5	

4. When the work is confined to a single district, the application should be made to the District Officer; when it extends to more than one district, but lies within a single division, to the Commissioner; when to more than one division, to the chief revenue authority of the province. When the estimated value of the land exceeds Rs. 25,000 in any district, or one lakh in any division, the data must be forwarded to the Public Works Department authorities, through the Commissioner or chief revenue authority, respectively, who will countersign them and be responsible for them.

5. General rules should be framed in every province for the guidance of officers in estimating the value of land taken up under the Land Acquisition Act. It must be remembered that, while the owner of the land possesses the power of appeal from the award of the Collector, Government is deprived of that power solely because it possesses executive control over his operations; and it is most important that such control should be efficiently exercised in the interests of the general tax-payer. The rules should lay down the data which should be collected and the principles upon which the award should be based.

\*NOTE.—Land under tea will average about Rs. 800 per acre.

†NOTE.—Land within municipal limits will cost about Rs. 900 an acre, and in the town itself, say Rs. 3 a square yard.

6. When any considerable area of land is to be taken up for public purposes, a special officer should be deputed for the purpose, and care must be taken in his selection. Any special instructions that may be considered necessary, in addition to the general rules above mentioned, should be carefully framed for his guidance, as for instance, when land under tea or indigo has to be taken up. He should be furnished with the data mentioned in paragraph 3, and provision should be made for the exercise of effective control over his operations by the Collector of the district, to whom all his awards should be reported, so far as to show the area, kind of soil, rate per acre, and total amount in each case. Provision should be made that, in case of any proposed awards exceeding largely the estimated rate, and the award being such that it will be the basis of or constitute a precedent for any very considerable expenditure, it should be reported for the Collector's approval before being announced. And if in the course of his proceedings the special officer finds that his awards are likely to exceed the aggregate estimate for the district by, say, 25 per cent or more, a report should be submitted through the Collector to the Commissioner (and if the excess involved exceeds a lakh of rupees, to the Local Government), and further announcement of awards suspended till the latter's orders are received.

7. Whenever it is found that the original rates were materially under-estimated, and no sufficient reason is apparent, the officers responsible for them should invariably be called on to explain, as in no other way can the importance of framing the original estimates with care be effectually brought home to them.

8. Such are the general principles which the Government of India desire to see observed in the matter. The conditions of the several provinces vary so widely that details must be left to Local Governments. But all Local Governments and Administrations should proceed to frame rules giving general effect to the above principles and indicating the points as to which supplementary instructions will be required, based upon the circumstances of each individual case.

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

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

---

\*To all Governments and Local Governments, & c., & c.

## APPENDIX II

**Procedure in connection with the acquisition of land for industrial concerns**

No. G-1022, dated Simla, the 22nd April 1920.

From—The Secretary, Board of Industries and Munitions,

To—The Chief Secretary to the Hon'ble the Chief Commissioner, Central Provinces.

In continuation of Indian Munitions Board's letter no. G-1022, dated the 5th November 1918, I am directed to forward herewith a copy of the noted\* below correspondence and to request that, if there is no objection, the procedure agreed to by the Government of Bengal in connection with acquisition of land for industrial concerns may be adopted.

2. The question was discussed at the conference of Directors of Industries on the 13th April 1920, and the general consensus of opinion was in favour of adopting the suggestion.

*Copy of a letter from the Secretary to the Government of Bengal, to the Secretary, Government of India, Indian Munitions Board, No. 1333, dated Calcutta, the 7th February 1920.*

I am directed to refer to your letter no. G-1022, dated the 5th November 1918, to the Chief Secretary of this Government, regarding the preliminary examination of proposals made by private persons or firms for the grant to them by Government of unusual facilities for instance, by the use, in their interest, of the Land Acquisition Act, I of 1894.

2. For the reasons explained therein, it was suggested that pending the establishment of a provincial administrative machinery, competent to assist Local Government in such matters, the proposals of the kind in question should be referred at a preliminary stage to the Indian Munitions Board unofficially through the Provincial Controller of Munitions for advice on :—

- (1) the technical feasibility of a new project ;
- (2) the public necessity of its being undertaken ; and
- (3) the reputation and standing of its promoters.

The intention of the suggested reference to the Munitions Board was to obtain a preliminary report and not to obviate the necessity of the formal enquiry prescribed by section 40 of the Land Acquisition Act. The Government of India have since, with the approval of the Secretary of State, sanctioned the reconstitution of the

\*Letter from the Secretary to the Government of Bengal, Revenue Department no. 1331, dated the 7th February 1920.

Letter to the Secretary to the Government of Bengal, Revenue Department no. G-1022, dated the 25th February 1920.

Letter from the Secretary to the Government of Bengal, Revenue Department no. 3080—L. A., dated the 24th March 1920.

Munitions Board as a Board of Industries and Munitions, with power to perform the same duties. The Director of Industries now takes the place of the Provincial Controller of Munitions.

3. For some time after the Armistice, it was not considered by this Government necessary to make the suggested references to the Indian Munitions Board, as the measures appeared to have been adopted on account of the war conditions existing at the time they were proposed. The attention of the Governor in Council has, however, again been drawn to the terms of the suggestions of the Indian Munitions Board, and they are now being carried out in cases of land acquisition covered by the proposals of the Indian Industrial Commission. It has, however, been found in actual working that the procedure adds to the inconvenience already felt by the industrial firms concerned owing to the delays inseparable from the working of the Land Acquisition Act. Further, the Provincial Director of Industries should ordinarily be in a position to advise on the three specific points mentioned in the last paragraph. In cases of doubt, however, the advice of the Indian Munitions Board would be necessary. His Excellency in Council, therefore, proposes that a modification of the procedure laid down in paragraph 4 of the letter of the Indian Munitions Board specified above should be adopted. I am accordingly to suggest for the consideration and orders of the Munitions Board that in cases of acquisition of land for industrial firms or bodies on the lines laid down in Chapter XIII of the Indian Industrial Commission's report it would be sufficient for this Government to consult the Provincial Director of Industries but that doubtful cases should be referred to the Munitions Board for the benefit of their advice.

---

*Copy of a letter from the Secretary, Indian Munitions Board, to the Secretary to the Government of Bengal, Revenue Department, Calcutta, No. G-1022, dated Delhi, the 25th February 1920.*

I am directed to acknowledge receipt of your letter no. 1333, dated the 7th of February 1920, regarding the reference to the Indian Munitions Board of cases in which the application of the Land Acquisition Act in the interests of commercial undertakings is under consideration by the local Government.

2. The proposals contained in that letter are to the effect that, when the acquisition of land for industrial firms or bodies is under contemplation, the local Government will consult the provincial Director of Industries, but no prior reference will be made to the Munitions Board, or its successors, the Board of Industries and Munitions, except in cases of doubt.

3. The Board fully recognises that, in the consideration of such cases, local knowledge must be one of the most important factors, and it is of course unlikely that a central organisation, such

as the Munitions Board, would be able to supplement to advantage the advice given by the local Director of Industries with regard to the local aspects of the proposition.

4. There is, however, one point in which local knowledge can, perhaps, be usefully supplemented by information derived from a central source. In paragraph 202 of the Industrial Commission's report, the Commissioners have recommended the adoption of a formula to guide local Governments in the compulsory acquisition of land. The main principles underlying the formula are, firstly, whether such acquisition is indispensable to the development of industry and, secondly, whether the development of the industry itself is in the interests of the general public. The Director of Industries will probably find little difficulty in advising on whether the development of any particular industry is in the interests of the general public; but, without a fairly comprehensive knowledge of the industries of other provinces, he would hardly be in a position to certify that such acquisition was "indispensable to the development of the industry". It is anticipated that this is the kind of case which the local Government would refer to the Board of Industries and Munitions for advice before setting in motion the machinery of the Land Acquisition Act.

5. Another difficulty that may arise, if local Governments employ the Land Acquisition Act without reference to a central body, is the risk of a lack of uniformity between different provinces. One local Government may be over-zealous in employing the Act, another too reluctant. And it may possibly happen that one local Government will attract industrial concerns within its area by offering facilities for the acquisition of land at the expense of another province where such facilities are more rarely given; and it is thus conceivable that an undesirable competition may thus spring up between two provinces. In the interest of the general development of Indian industry as a whole, the Board of Industries and Munitions might advisedly be kept informed of the policy followed by local Governments in applying the Act, in order that, if there were indications of a lack of uniformity or co-ordination between different provinces, it could bring the matter to the notice of the local Government concerned.

6. I am directed, therefore, to request that if His Excellency the Governor in Council has no objection, all cases in which the Act is applied for a commercial undertaking may kindly be reported to the Board for its information. Such reports would, of course, be entirely separate from those cases in which the local Government may wish to apply to the Board for its advice before employing the Act. This will enable the Board to give to a local Government advice based on the experience of others, and the accumulation of instances of the sort will be of value if and when the Land Acquisition Act comes up for revision as suggested by the Industrial Commission.

*Copy of a letter from the Secretary to the Government of Bengal, Revenue Department, to the Secretary to the Government of India, Board of Industries and Munitions, No. 3080-L. A., dated Calcutta, the 24th March 1920.*

I am directed to refer to the correspondence ending with Indian Munitions Board letter no. G-1022, dated the 25th February 1920, and to say that in the circumstances explained therein, the Governor in Council accepts the suggestions of the Indian Munitions Board, *viz.*, that cases in which the Provincial Director of Industries cannot advise whether acquisition of land under the provisions of the Land Acquisition Act, I of 1894, is indispensable to the development of the industries concerned, should be referred to the Board of Industries and Munitions for its advice before employing the Act and that all cases in which the Land Acquisition Act is applied for a commercial undertaking should be reported for the information of the Board of Industries and Munitions. This will not preclude the local Government from applying to the Board for its advice before employing the Act in other cases in which they desire to do so.

## APPENDIX III

**Instructions\* on the valuation of buildings and their sites for the purpose of land acquisition proceedings**

1. The value of house property as a commercial commodity should be based on the *net annual rental*. It is equivalent to—

(i) the capitalized value of the income which would accrue from the property during the future life of the buildings on it; and

(ii) the present value of the land included in the property.

2. The *net annual rental* is the net income which would be obtained from rents after deducting all liabilities such as payments to be made on account of land revenue, municipal and other taxes, repairs to the building, insurance against fire, etc., etc. A deduction must also be made of the rent which would be lost during the assumed time each year for which the building would lie vacant.

3. When valuing house property, therefore, it is first necessary to determine what is the fair annual rent which the building might be expected to fetch during its future life if let or hired out for rent. For this purpose if the building has not been regularly rented a detailed enquiry must be made of letting rates of similar (unfurnished) houses in the neighbourhood. The same principles which apply to the fixing of the market value of land (see amendment to paragraph 42, Part II of Land Acquisition Manual) will apply to the fixing of the fair annual rent of house property. The probable rent for the future must be estimated in the same way as the probably future value of the site [see paragraph 6 (iii) below].

4. Having fixed this rent (which it should be noted has nothing whatever to do with the cost of the building) it is necessary to calculate the net annual rent as defined in paragraph 2 above. The amount of taxes levied on the property or on similar property in the neighbourhood can be readily determined by local enquiry. The cost of repairs will depend on the life and specification of the building, being more for poor quality buildings than for those made of good material. This may also be determined from local enquiry but as a rough guide for ordinary well constructed buildings in this province the cost may be taken as 20 per cent of the gross rent for a building whose life is estimated at 50 years or less, and 10 to 15 per cent if over 50 years. If the specification of the building is poor, and if the average cost of repair cannot be determined from local enquiry, the Public Works Department should be consulted. The period during which a building is likely to lie vacant depends on the position of the building, the demand for rented buildings in the neighbourhood and many other factors, and must again be settled from local enquiry. Generally vacancies and cost of collection of rents, bad debts, etc., may be taken as 4 per cent of gross rent. Cost of yearly insurance should not be deducted unless it is the

---

\*These instructions should be followed in special and important cases as an alternative to the general instructions given in paragraph 44, Part II of the Manual. They are adapted from the note on valuation of house property written by Mr. A. E. Mirams, Consulting Surveyor to the Government of Bombay and follow the modern methods generally adopted in valuing real property by all valuers in England and on the continent of Europe.



custom in the locality to insure buildings. Similarly other outgoings, *i.e.*, deductions from the rent, should generally correspond with outgoings on similar property in the neighbourhood.

5. The net annual rental having thus been determined it is necessary to fix the life of the building. For this it may be necessary to ask expert advice but usually local enquiry will indicate what is the generally accepted opinion of the probable life of a building of the particular type being valued. As a guide to fixing a fair life, the age of the building being valued and that of similar buildings in the neighbourhood should be ascertained. The life of a "pucca" buildings in good condition (or which could be put into good condition at no great cost) may be taken as over 50 years.

6. (i) If the anticipated life is over 50 years the building may be valued in perpetuity, *i.e.*, the value of the building may be taken as an amount which if invested in gilt edged security (Government bonds, Post Office, Bank, etc.) would bring in for all time the net annual rental. In this case no allowance is made for the present value of the land [*vide* paragraph 1 (ii)].

(ii) If the anticipated life of the building is less than 50 years the value of the building will be such a sum as will bring in for a period equivalent to the life of the building an income equivalent to the net annual rental. This sum must be calculated mathematically. The calculations have been worked out for all ordinary cases and are appended below in Table I. (Instructions for using this table are given in paragraph 8.) In this case allowance must be made for the value of the land after the building on it has disappeared. It is, therefore, necessary to estimate what will probably be the value of the land at that date.

(iii) This may be done by studying the settlement records, etc., and ascertaining how similar land has appreciated or depreciated in value in the past. Also consult the Nazul Rules (Central Provinces Revenue Book Circulars IV-1 and IV-2 and Berar Revenue Book Circular X-6). The value of land varies according as it has or has not been paying ground rent or land revenue.

The value thus found is the future value of the land and not its present value. The present value must be calculated mathematically therefrom but for convenience a table of present values of Re. 1 at various rates of interest is attached (Table II).

Note 1.—From the value as calculated in (i), (ii) and (iii) above it is necessary to deduct the cost of all special repairs which may be immediately necessary to maintain the rent.

Note 2.—For incomplete buildings the valuer should obtain advice from the Public Works Department on the probable cost of completing the building. He should then value as described above as if the building were complete and deduct the cost of completing as already ascertained. Note, however, that if only the foundation is sunk or the building is far from complete the value of the building will ordinarily be taken as the value of the work done.

7. In certain exceptional cases it may happen that because the property is in or near a growing town it is likely to fetch as a bare site,

a ground rent which is more than the rent which the land and buildings are together paying. In such cases the value of the property as a whole should be taken to be the value of the land as a bare site plus the value of the dismantled materials less the cost of demolition. These two latter values usually cancel out.

8. An example of the way to value house property and of the use of the appended tables is given below :—

- I.—Give a brief description of the property as a whole and attach sketch plans and tracings from patwaris' maps, etc., etc. (see VI below).
- II.—State briefly the owner's claims and his interests in the property, *i.e.*, the particular reasons for the alleged value of the property.
- III.—State the fair annual rent (paragraph 3 above) and the means it was arrived at.
- IV.—State the outgoings (paragraph 4 above).
- V.—State the defects of the property, rights of way, unsuitable locality, restrictive covenants limiting the use or enjoyment of the property, outstanding liabilities, mortgages, etc.
- VI.—Give description of the building and its site with full plans, stating the specification of construction and the present condition. Note on the accommodation, out-houses, sanitation, water supply, lighting, foundations and sub-soil, etc. State cubical contents and plinth area of the building.
- VII.—State the net annual rental as calculated, *vide* paragraphs 1 to 5 above. Give results of local enquiries.
- VIII.—*Example 1.*—If the building is valued in perpetuity [paragraph 6 (i)] and net annual rental is, say Rs. 1,300, the value of the property, assuming that Government paper will fetch  $4\frac{1}{2}$  per cent per annum—

	Rs.
By rule of three .. .. . = $\frac{1,300 \times 100}{4\frac{1}{2}}$	28,888
<i>Deduct</i> —	
Repairs necessary to maintain rents .. .. .	100
Value of property .. .. .	28,788

*Example 2.*—If the life of the building is 20 years [paragraphs 6 (i) and (ii)] and the value of the land 20 years hence is estimated at Rs. 1,000 per acre [*vide* paragraph 6 (iii)] and the net annual rental as before is

Rs. 1,300 the value of the property (the rate of interest on Government paper being  $4\frac{1}{2}$  per cent per annum) is—

	Rs.
<i>Note:—Omit all annas and pies in totals.</i>	
1. <i>Value of house—</i>	
For 20 years at $4\frac{1}{2}$ per cent per annum allowing interest on sinking fund at $4\frac{1}{2}$ per cent is $1,300 \times 13.008$ (Table I).	16,910
<i>Deduct—</i>	
Immediate repairs necessary to maintain rents.	380
Value of house .. .. .	16,530
2. <i>Value of land—</i>	
3 acres at Rs. 1,000 per acre = 3,000— 20 years hence [paragraph 6 (iii)].	
Present value of Rs. 3,000 due after 20 years' interest being at $4\frac{1}{2}$ per cent = $3,000 \times .4146$ (Table II).	1,244
3. <i>Value of vacant land (which is not necessarily part of the property)—</i>	
2 acres $\times$ market value = $2 \times 500$ .. ..	1,000
4. For well (part value) .. .. .	500
5. For timber value of trees .. .. .	30
6. For materials of godowns .. .. .	100
Total ..	19,404
<i>Add 15 per cent for compulsory acquisition</i> ..	2,911
Expenses of removal .. .. .	<i>Nil.</i>
Loss of rent (or profits) (three months gross rent Rs. $120 \times 3$ ).	360
Grand Total ..	22,675

9. The above rules must be applied with common sense. The value obtained by applying the rules is the market value but it is not necessarily the value that should be paid as compensation. For example a well in private property saved its owner Rs. 1,000 per year in water-rates: it was acquired; he claimed Rs. 25,000 as its capital value. The Public Works Department could have built him a new and better well on his residual property for less than Rs. 1,000. In this case compensation should not much exceed the cost of reinstatement.

On the other hand the market value is not always the full value (see section 23 of the Act).

TABLE No. I.

*Present value of Rs. 1 per annum allowing interest on capital  
at 3½ per cent and for redemption of capital at—*

Years	3%	3½%	4%	4½%	5%	5½%	6%	Years
1	·966	·966						1
2	1·895	1·900						2
3	2·789	2·802						3
4	3·649	3·673						4
5	4·477	4·515						5
6	5·274	5·329						6
7	6·042	6·115						7
8	6·782	6·874						8
9	7·494	7·608						9
10	8·181	8·317						10
11	8·843	9·002						11
12	9·482	9·663						12
13	10·098	10·303						13
14	10·692	10·921						14
15	11·266	11·517						15
16	11·819	12·094						16
17	12·353	12·651						17
18	12·869	13·190						18
19	13·367	13·710						19
20	13·847	14·212						20
21	14·312	14·698						21
22	14·761	15·167						22
23	15·194	15·620						23
24	15·613	16·058						24
25	16·018	16·482						25
26	16·410	16·890						26
27	16·789	17·285						27
28	17·155	17·667						28
29	17·509	18·036						29
30	17·851	18·392						30
31	18·182	18·736						31
32	18·503	19·069						32
33	18·813	19·390						33
34	19·112	19·701						34
35	19·403	20·001						35
36	19·684	20·290						36
37	19·955	20·571						37
38	20·219	20·841						38
39	20·473	21·102						39
40	20·720	21·355						40
41	20·959	21·599						41
42	21·190	21·835						42
43	21·414	22·063						43
44	21·631	22·283						44
45	21·841	22·495						45
46	22·045	22·701						46
47	22·242	22·899						47
48	22·433	23·091						48
49	22·618	23·277						49
50	22·797	23·456						50

TABLE No. I.

*Present value of Re. 1 per annum allowing interest on capital  
at 4 per cent and for redemption of capital at—*

Years	3%	3½%	4%	Years
1	.962	.962	.962	1
2	1.878	1.832	1.886	2
3	2.751	2.763	2.775	3
4	3.584	3.607	3.630	4
5	4.379	4.415	4.452	5
6	5.139	5.190	5.242	6
7	5.865	5.933	6.002	7
8	6.559	6.646	6.733	8
9	7.224	7.329	7.435	9
10	7.860	7.985	8.111	10
11	8.469	8.614	8.760	11
12	9.053	9.218	9.385	12
13	9.613	9.798	9.986	13
14	10.150	10.355	10.563	14
15	10.665	10.890	11.118	15
16	11.159	11.404	11.652	16
17	11.634	11.899	12.166	17
18	12.091	12.374	12.659	18
19	12.529	12.830	13.134	19
20	12.951	13.269	13.590	20
21	13.356	13.692	14.029	21
22	13.746	14.098	14.451	22
23	14.122	14.489	14.857	23
24	14.483	14.865	15.247	24
25	14.831	15.227	15.622	25
26	15.166	15.575	15.983	26
27	15.488	15.910	16.330	27
28	15.799	16.233	16.663	28
29	16.099	16.544	16.984	29
30	16.388	16.843	17.292	30
31	16.667	17.131	17.588	31
32	16.936	17.409	17.874	32
33	17.195	17.676	18.148	33
34	17.445	17.934	18.411	34
35	17.687	18.182	18.665	35
36	17.920	18.422	18.908	36
37	18.145	18.652	19.143	37
38	18.362	18.874	19.368	38
39	18.572	19.088	19.584	39
40	18.755	19.295	19.793	40
41	18.971	19.494	19.993	41
42	19.160	19.686	20.186	42
43	19.343	19.871	20.371	43
44	19.520	20.049	20.549	44
45	19.691	20.221	20.720	45
46	19.856	20.387	20.885	46
47	20.016	20.547	21.043	47
48	20.170	20.701	21.195	48
49	20.320	20.850	21.341	49
50	0	20.994	21.482	50

TABLE No. I

*Present value of Re. 1 per annum allowing interest on capital  
at 4½ per cent and for redemption of capital at—*

Years	3 %	3½ %	4 %	4½ %	Years
1	.957	.957	.957	.957	1
2	1.860	1.864	1.868	1.873	2
3	2.713	2.725	2.737	2.749	3
4	3.521	3.543	3.565	3.588	4
5	4.285	4.320	4.355	4.390	5
6	5.010	5.059	5.108	5.158	6
7	5.698	5.762	5.827	5.893	7
8	6.351	6.432	6.513	6.596	8
9	6.972	7.070	7.169	7.269	9
10	7.563	7.678	7.795	7.913	10
11	8.125	8.258	8.393	8.529	11
12	8.661	8.812	8.964	9.119	12
13	9.172	9.340	9.511	9.683	13
14	9.659	9.845	10.033	10.223	14
15	10.125	10.328	10.533	10.740	15
16	10.570	10.789	11.011	11.234	16
17	10.995	11.231	11.468	11.707	17
18	11.401	11.653	11.906	12.160	18
19	11.791	12.057	12.325	12.593	19
20	12.163	12.444	12.726	13.008	20
21	12.520	12.815	13.110	13.405	21
22	12.862	13.170	13.477	13.784	22
23	13.190	13.510	13.830	14.148	23
24	13.505	13.836	14.167	14.495	24
25	13.807	14.149	14.490	14.828	25
26	14.097	14.450	14.800	15.147	26
27	14.375	14.738	15.097	15.451	27
28	14.643	15.014	15.382	15.743	28
29	14.900	15.280	15.654	16.022	29
30	15.147	15.535	15.916	16.289	30
31	15.385	15.780	16.167	16.544	31
32	15.614	16.015	16.407	16.789	32
33	15.834	16.241	16.638	17.023	33
34	16.046	16.458	16.859	17.247	34
35	16.250	16.667	17.071	17.461	35
36	16.446	16.868	17.275	17.666	36
37	16.636	17.061	17.470	17.862	37
38	16.818	17.247	17.658	18.050	38
39	16.994	17.425	17.858	18.230	39
40	17.164	17.597	18.010	18.402	40
41	17.327	17.763	18.176	18.566	41
42	17.485	17.922	18.335	18.724	42
43	17.637	18.075	18.488	18.874	43
44	17.784	18.222	18.634	19.018	44
45	17.926	18.364	18.775	19.156	45
46	18.063	18.501	18.910	19.288	46
47	18.195	18.633	19.040	19.415	47
48	18.322	18.759	19.164	19.536	48
49	18.446	18.882	19.284	19.651	49
50	18.565	18.999	19.399	19.762	50

TABLE No. I

*Present value of Re. 1 per annum allowing interest on capital  
at 5 per cent and for redemption of capital at—*

Years	3%	3½%	4%	4½%	5%	Years.
1	.952	.952	.952		.952	1
2	1.843	1.847	1.851		1.859	2
3	2.677	2.689	2.700		2.723	3
4	3.460	3.431	3.503		3.546	4
5	4.195	4.229	4.262		4.329	5
6	4.888	4.934	4.981		5.076	6
7	5.540	5.601	5.662		5.786	7
8	6.155	6.231	6.308		6.463	8
9	6.737	6.828	6.921		7.108	9
10	7.287	7.394	7.502		7.722	10
11	7.808	7.931	8.055		8.406	11
12	8.301	8.440	8.580		8.863	12
13	8.770	8.924	9.079		9.394	13
14	9.214	9.383	9.554		9.899	14
15	9.637	9.821	10.006		10.380	15
16	10.039	10.237	10.436		10.838	16
17	10.422	10.633	10.846		11.274	17
18	10.786	11.011	11.237		11.690	18
19	11.134	11.371	11.609		12.085	19
20	11.466	11.715	11.964		12.462	20
21	11.782	12.043	12.303		12.821	21
22	12.085	12.356	12.626		13.163	22
23	12.374	12.655	12.935		13.489	23
24	12.651	12.941	13.230		13.799	24
25	12.915	13.215	13.511		14.094	25
26	13.169	13.476	13.780		14.375	26
27	13.411	13.726	14.037		14.643	27
28	13.644	13.966	14.283		14.898	28
29	13.867	14.195	14.518		15.141	29
30	14.081	14.415	14.743		15.372	30
31	14.286	14.626	14.958		15.593	31
32	14.483	14.828	15.163		15.803	32
33	14.672	15.021	15.360		16.003	33
34	14.854	15.207	15.549		16.193	34
35	15.029	15.385	15.729		16.374	35
36	15.197	15.556	15.902		16.547	36
37	15.358	15.720	16.067		16.711	37
38	15.514	15.878	16.225		16.868	38
39	15.663	16.029	16.377		17.017	39
40	15.807	16.174	16.523		17.159	40
41	15.946	16.314	16.662		17.294	41
42	16.079	16.448	16.795		17.423	42
43	16.208	16.577	16.923		17.546	43
44	16.332	16.701	17.046		17.663	44
45	16.451	16.820	17.164		17.774	45
46	16.567	16.934	17.277		17.880	46
47	16.678	17.045	17.385		17.981	47
48	16.785	17.151	17.488		18.077	48
49	16.888	17.253	17.588		18.169	49
50	16.988	17.351	17.683		18.256	50

TABLE No. I

*Present value of Re. 1 per annum allowing interest on capital at 5½ per cent and for redemption of capital at—*

Years	3%	3½%	4%	4½%	5%	5½%	Years
1	.948	.948	.948			.948	1
2	1.826	1.830	1.834			1.846	2
3	2.642	2.653	2.664			2.698	3
4	3.401	3.422	3.442			3.505	4
5	4.109	4.141	4.173			4.270	5
6	4.771	4.815	4.860			4.996	6
7	5.391	5.448	5.506			5.683	7
8	5.972	6.043	6.115			6.335	8
9	6.517	6.603	6.689			6.952	9
10	7.031	7.031	7.231			7.538	10
11	7.514	7.628	7.743			8.093	11
12	7.971	8.098	8.227			8.619	12
13	8.401	8.543	8.685			9.117	13
14	8.809	8.963	9.118			9.590	14
15	9.194	9.661	9.529			10.058	15
16	9.559	9.739	9.919			10.462	16
17	9.906	10.097	10.288			10.865	17
18	10.235	10.437	10.639			11.246	18
19	10.547	10.760	10.972			11.608	19
20	10.844	11.067	11.289			11.950	20
21	11.127	11.359	11.590			12.275	21
22	11.396	11.637	11.877			12.583	22
23	11.653	11.902	12.149			12.875	23
24	11.898	12.155	12.409			13.152	24
25	12.132	12.396	12.656			13.414	25
26	12.355	12.625	12.892			13.662	26
27	12.568	12.845	13.117			13.898	27
28	12.772	13.054	13.331			14.121	28
29	12.968	13.255	13.535			14.333	29
30	13.155	13.446	13.731			14.534	30
31	13.334	13.629	13.917			14.724	31
32	13.505	13.804	14.095			14.904	32
33	13.669	13.972	14.265			15.075	33
34	13.827	14.132	14.427			15.237	34
35	13.978	14.286	14.582			15.391	35
36	14.124	14.438	14.730			15.536	36
37	14.263	14.574	14.872			15.674	37
38	14.397	14.710	15.008			15.805	38
39	14.526	14.839	15.138			15.929	39
40	14.649	14.964	15.262			16.046	40
41	14.768	15.083	15.381			16.157	41
42	14.883	15.198	15.494			16.263	42
43	14.993	15.308	15.603			16.363	43
44	15.099	15.414	15.707			16.458	44
45	15.201	15.515	15.807			16.548	45
46	15.299	15.613	15.903			16.633	46
47	15.394	15.746	15.994			16.714	47
48	15.485	15.796	16.082			16.790	48
49	15.573	15.883	16.166			16.863	49
50	15.658	15.966	16.247			16.932	50



TABLE No. I

*Present value of Re. 1 per annum allowing interest on capital  
at 6 per cent and for redemption of capital at—*

Years	3%	3½%	4%	4½%	5%	5½%	6%	Years
1	.943	.943	.943				.943	1
2	1.810	1.814	1.818				1.833	2
3	2.607	2.618	2.629				2.673	3
4	3.344	3.364	3.384				3.465	4
5	4.027	4.057	4.088				4.212	5
6	4.660	4.702	4.745				4.917	6
7	5.249	5.304	5.359				5.582	7
8	5.799	5.866	5.934				6.210	8
9	6.312	6.392	6.473				6.802	9
10	6.792	6.885	6.979				7.360	10
11	7.242	7.348	7.454				7.887	11
12	7.665	7.783	7.902				8.384	12
13	8.063	8.193	8.323				8.853	13
14	8.437	8.578	8.721				9.295	14
15	8.790	8.943	9.096				9.712	15
16	9.123	9.286	9.450				10.106	16
17	9.438	9.611	9.785				10.477	17
18	9.736	9.919	10.102				10.828	18
19	10.019	10.210	10.402				11.158	19
20	10.286	10.486	10.686				11.470	20
21	10.541	10.748	10.955				11.764	21
22	10.782	10.997	11.211				12.042	22
23	11.012	11.234	11.454				12.303	23
24	11.230	11.458	11.684				12.550	24
25	11.438	11.672	11.903				12.783	25
26	11.636	11.876	12.111				13.003	26
27	11.825	12.070	12.309				13.211	27
28	12.006	12.255	12.498				13.406	28
29	12.178	12.431	12.677				13.591	29
30	12.343	12.599	12.848				13.765	30
31	12.500	12.760	13.011				13.929	31
32	12.651	12.913	13.167				14.084	32
33	12.795	13.060	13.315				14.230	33
34	12.933	13.200	13.456				14.368	34
35	13.065	13.334	13.591				14.498	35
36	13.192	13.462	13.720				14.621	36
37	13.314	13.585	13.843				14.737	37
38	13.430	13.702	13.960				14.846	38
39	13.542	13.814	14.072				14.949	39
40	13.650	13.922	14.180				15.046	40
41	13.753	14.026	14.282				15.138	41
42	13.852	14.125	14.380				15.225	42
43	13.947	14.220	14.474				15.306	43
44	14.039	14.311	14.564				15.383	44
45	14.127	14.398	14.649				15.456	45
46	14.212	14.482	14.731				15.524	46
47	14.294	14.563	14.810				15.589	47
48	14.372	14.640	14.885				15.650	48
49	14.448	14.714	14.957				15.708	49
50	14.521	14.786	15.026				15.762	50

TABLE No. I

*Present value of Re. 1 per annum allowing interest on capital  
at 6½ per cent and for redemption of capital at—*

Year	3%	3½%	4%	4½%	5%	5½%	6%	6½%	Years
1	.939	.939	.939					.939	1
2	1.793	1.797	1.801					1.821	2
3	2.574	2.584	2.595					2.648	3
4	3.289	3.309	3.328					3.426	4
5	3.947	3.976	4.006					4.156	5
6	4.554	4.594	4.635					4.841	6
7	5.115	5.167	5.219					5.485	7
8	5.635	5.699	5.763					6.089	8
9	6.119	6.194	6.270					6.656	9
10	6.569	6.656	6.744					7.189	10
11	6.989	7.088	7.187					7.689	11
12	7.382	7.429	7.602					8.159	12
13	7.750	7.870	7.991					8.600	13
14	8.095	8.226	8.356					9.014	14
15	8.420	8.560	8.700					9.403	15
16	8.725	8.874	9.024					9.768	16
17	9.013	9.171	9.328					10.111	17
18	9.284	9.450	9.616					10.432	18
19	9.541	9.714	9.887					10.735	19
20	9.783	9.964	10.144					11.019	20
21	10.013	10.200	10.386					11.285	21
22	10.230	10.424	10.616					11.535	22
23	10.437	10.636	10.833					11.770	23
24	10.633	10.837	11.039					11.991	24
25	10.819	11.029	11.234					12.198	25
26	10.996	11.210	11.420					12.392	26
27	11.165	11.383	11.596					12.575	27
28	11.326	11.547	11.763					12.746	28
29	11.479	11.703	11.922					12.997	29
30	11.625	11.852	12.073					13.059	30
31	11.765	11.994	12.217					13.201	31
32	11.898	12.130	12.354					13.334	32
33	12.026	12.259	12.484					13.459	33
34	12.147	12.382	12.608					13.577	34
35	12.264	12.500	12.726					13.687	35
36	12.376	12.613	12.839					13.791	36
37	12.483	12.721	12.947					13.888	37
38	12.585	12.823	13.049					13.979	38
39	12.683	12.922	13.147					14.065	39
40	12.777	13.016	13.241					14.146	40
41	12.868	13.106	13.330					14.221	41
42	12.955	13.193	13.416					14.292	42
43	13.038	13.276	13.497					14.359	43
44	13.118	13.355	13.575					14.421	44
45	13.195	13.431	13.650					14.480	45
46	13.269	13.504	13.721					14.535	46
47	13.341	13.574	13.789					14.587	47
48	13.409	13.641	13.854					14.636	48
49	13.475	13.706	13.917					14.682	49
50	13.538	13.768	13.976					14.725	50

TABLE No. I

*Present value of Re. 1 per annum allowing interest on capital  
at 7 per cent and for redemption of capital at—*

Years	3%	3½%	4%	4½%	5%	5½%	6%	6½%	7%	Years
1	.935	.935	.935						.935	1
2	1.777	1.781	1.785						1.808	2
3	2.541	2.551	2.562						2.624	3
4	3.236	3.255	3.273						3.387	4
5	3.871	3.899	3.927						4.100	5
6	4.452	4.491	4.530						4.767	6
7	4.937	5.087	5.086						5.389	7
8	5.481	5.541	5.601						5.971	8
9	5.937	6.008	6.079						6.515	9
10	6.360	6.442	6.524						7.024	10
11	6.753	6.845	6.937						7.499	11
12	7.119	7.221	7.323						7.943	12
13	7.461	7.572	7.684						8.358	13
14	7.781	7.901	8.021						8.745	14
15	8.080	8.208	8.337						9.108	15
16	8.360	8.497	8.634						9.447	16
17	8.624	8.769	8.913						9.763	17
18	8.872	9.024	9.175						10.059	18
19	9.105	9.264	9.422						10.336	19
20	9.327	9.491	9.651						10.594	20
21	9.535	9.705	9.874						10.836	21
22	9.733	9.908	10.081						11.061	22
23	9.919	10.099	10.277						11.272	23
24	10.096	10.280	10.462						11.469	24
25	10.264	10.432	10.637						11.654	25
26	10.423	10.615	10.803						11.826	26
27	10.575	10.770	10.960						11.987	27
28	10.719	10.917	11.110						12.137	28
29	10.856	11.056	11.251						12.278	29
30	10.987	11.189	11.386						12.409	30
31	11.111	11.316	11.513						12.532	31
32	11.230	11.436	11.635						12.647	32
33	11.344	11.551	11.750						12.754	33
34	11.452	11.660	11.860						12.854	34
35	11.555	11.765	11.965						12.948	35
36	11.654	11.865	12.065						13.035	36
37	11.749	11.960	12.160						13.117	37
38	11.840	12.051	12.250						13.193	38
39	11.927	12.138	12.336						13.265	39
40	12.010	12.221	12.419						13.332	40
41	12.099	12.300	12.497						13.394	41
42	12.167	12.377	12.572						13.452	42
43	12.240	13.449	12.644						13.507	43
44	12.311	12.519	12.712						13.558	44
45	12.379	12.586	12.778						13.606	45
46	12.444	12.650	12.840						13.650	46
47	12.506	12.711	12.900						13.692	47
48	12.566	12.770	12.957						13.730	48
49	12.624	12.827	13.011						13.767	49
50	12.680	12.881	13.063						13.801	50

TABLE No. II

*Present value of Re. 1 payable at the end of a given term.*

Years	3%	3½%	4%	4½%	5%	5½%	6%	6½%	7%	Years		
1	.9709	.9685	.9662	.9639	.9615	.9569	.9524	.9479	.9434	.9390	.9346	1
2	.9426	.9380	.9335	.9290	.9215	.9157	.9070	.8984	.8900	.8816	.8734	2
3	.9151	.9085	.9019	.8954	.8890	.8763	.8638	.8516	.8396	.8278	.8163	3
4	.8885	.8799	.8714	.8631	.8548	.8386	.8227	.8072	.7921	.7773	.7629	4
5	.8626	.8522	.8420	.8319	.8219	.8025	.7835	.7651	.7472	.7299	.7130	5
6	.8375	.8254	.8135	.8018	.7903	.7679	.7462	.7252	.7050	.6853	.6663	6
7	.8131	.7994	.7860	.7728	.7599	.7348	.7107	.6874	.6650	.6435	.6227	7
8	.7894	.7742	.7594	.7449	.7307	.7032	.6768	.6516	.6274	.6042	.5820	8
9	.7664	.7499	.7337	.7180	.7026	.6729	.6446	.6176	.5919	.5673	.5439	9
10	.7441	.7263	.7089	.6920	.6756	.6439	.6139	.5854	.5584	.5327	.5083	10
11	.7224	.7034	.6849	.6670	.6496	.6162	.5847	.5549	.5268	.5002	.4751	11
12	.7014	.6813	.6618	.6429	.6246	.5897	.5568	.5260	.4970	.4697	.4404	12
13	.6810	.6598	.6394	.6197	.6006	.5643	.5303	.4986	.4688	.4410	.4150	13
14	.6611	.6391	.6178	.5973	.5775	.5400	.5051	.4726	.4423	.4141	.3878	14
15	.6419	.6189	.5969	.5757	.5553	.5167	.4810	.4479	.4173	.3888	.3624	15
16	.6232	.5995	.5767	.5549	.5339	.4945	.4581	.4246	.3936	.3651	.3387	16
17	.6050	.5806	.5572	.5348	.5134	.4736	.4363	.4024	.3714	.3428	.3166	17
18	.5874	.5623	.5384	.5155	.4936	.4528	.4155	.3813	.3503	.3219	.2959	18
19	.5703	.5446	.5201	.4969	.4746	.4333	.3957	.3616	.3305	.3022	.2765	19
20	.5537	.5275	.5026	.4789	.4564	.4146	.3769	.3427	.3118	.2838	.2584	20
21	.5375	.5109	.4856	.4616	.4388	.3968	.3589	.3249	.2941	.2665	.2415	21
22	.5249	.4984	.4726	.4489	.4260	.3839	.3461	.3121	.2813	.2542	.2295	22
23	.5067	.4792	.4533	.4288	.4057	.3633	.3256	.2919	.2618	.2349	.2109	23
24	.4919	.4641	.4380	.4133	.3901	.3477	.3101	.2766	.2470	.2206	.1971	24
25	.4776	.4495	.4231	.3984	.3751	.3327	.2953	.2622	.2330	.2071	.1842	25
26	.4637	.4354	.4088	.3840	.3607	.3184	.2812	.2486	.2198	.1945	.1722	26
27	.4502	.4217	.3950	.3701	.3468	.3047	.2678	.2356	.2074	.1826	.1609	27
28	.4371	.4084	.3817	.3567	.3335	.2916	.2551	.2233	.1956	.1715	.1504	28
29	.4243	.3955	.3687	.3438	.3206	.2790	.2429	.2117	.1846	.1610	.1406	29
30	.4120	.3831	.3563	.3314	.3083	.2670	.2314	.2006	.1741	.1512	.1314	30
31	.4000	.3710	.3442	.3194	.2965	.2555	.2203	.1902	.1642	.1419	.1248	31
32	.3883	.3594	.3326	.3079	.2851	.2445	.2099	.1803	.1550	.1333	.1172	32
33	.3770	.3480	.3213	.2968	.2741	.2340	.1999	.1709	.1462	.1251	.1072	33
34	.3660	.3371	.3105	.2860	.2635	.2239	.1903	.1620	.1379	.1175	.1002	34
35	.3554	.3265	.3000	.2757	.2534	.2142	.1813	.1535	.1301	.1103	.0937	35
36	.3450	.3162	.2898	.2657	.2437	.2050	.1726	.1455	.1227	.1036	.0875	36
37	.3350	.3062	.2800	.2561	.2343	.1962	.1644	.1379	.1158	.0973	.0818	37
38	.3252	.2966	.2706	.2469	.2253	.1877	.1566	.1307	.1092	.0913	.0764	38
39	.3158	.2873	.2614	.2379	.2166	.1797	.1491	.1239	.1030	.0858	.0714	39
40	.3066	.2782	.2526	.2293	.2083	.1719	.1420	.1175	.0972	.0805	.0668	40
41	.2976	.2695	.2440	.2210	.2003	.1645	.1353	.1113	.0917	.0756	.0624	41
42	.2890	.2610	.2358	.2131	.1926	.1574	.1288	.1055	.0865	.0710	.0583	42
43	.2805	.2528	.2278	.2054	.1852	.1507	.1227	.1000	.0816	.0666	.0545	43
44	.2724	.2448	.2201	.1979	.1780	.1442	.1169	.0948	.0770	.0626	.0509	44
45	.2644	.2371	.2127	.1908	.1712	.1380	.1113	.0899	.0726	.0588	.0476	45
46	.2567	.2296	.2055	.1839	.1646	.1320	.1060	.0852	.0685	.0552	.0445	46
47	.2493	.2224	.1985	.1772	.1583	.1263	.1009	.0807	.0646	.0518	.0416	47
48	.2420	.2154	.1918	.1708	.1522	.1209	.0961	.0765	.0610	.0487	.0389	48
49	.2350	.2086	.1853	.1647	.1463	.1157	.0916	.0725	.0575	.0457	.0363	49
50	.2281	.2021	.1791	.1587	.1407	.1107	.0872	.0688	.0543	.0429	.0339	50

---

---

**F O R M S**

---

---

## TABLE OF CONTENTS

	Pages
<i>Forms for Central Provinces.</i>	
FORM I.—Form of notification under section 4, Act I of 1894, as amended by Act No. XXXVIII of 1923.	105
FORM II.—Form of declaration under section 6, Act I of 1894, as amended by Act No. XXXVIII of 1923.	1
FORM II-A.—Form of declaration under section 6, Act I of 1894, as amended by Act No. XXXVIII of 1923, with direction under section 17 (1) of the Act	106
FORM III.—Notice under section 4 of the Act, I of 1894, as amended by Act No. XXXVIII of 1923.	107
FORM IV.—Notice under section 9, clauses (1) and (2), of the Act, I of 1894, as amended by Act No. XXXVIII of 1923.	107
FORM V.—Notice under section 9, clause (3) of the Act, I of 1894, as amended by Act No. XXXVIII of 1923.	108
FORM VI.—Notice under section 10 of the Act, I of 1894, as amended by Act No. XXXVIII of 1923.	109
FORM VII.—Register of lands acquired by Government for public purposes	110
FORM VIII.—	..
FORM IX.—Register of notification issued under the Act, I of 1894, as amended by Act No. XXXVIII of 1923.	111
FORM X.—Land acquisition khasra statement to be prepared by patwari.	112
FORM XI.—Jamabandi of land to be acquired	.. 113
FORM XII.—List of plots to be acquired which are occupied now but were not occupied at last settlement.	114

*Forms for Central Provinces—cont.*

FORM XIII.—Compensation statement for agricultural lands..	115
FORM XIV.—Value rates or multiples proposed for calculating compensation in proceedings for taking up land for road,	116
FORM XV.—Land acquisition rent reduction ..	117
FORM XVI.—Proposals for remission of land revenue ..	118
FORM XVII.—Statement of property other than village agricultural land.	119

*Forms identical for both the Central Provinces and Berar.*

FORM XVIII.—Award statement ..	123
FORM XIX.—Particulars of sums accepted on account of compensation.	124
FORM XX.—Statement of award by the Court ..	125
FORM XXI.—Receipt form ..	126—127
FORM XXII.—Consolidated voucher for payment ..	128
FORM XXIII.—Deposit voucher ..	129—130
FORM XXIV.—Voucher for deposit of sum as Revenue deposit	131
FORM XXV.—Form of bill for rent on C class land held by a Railway Company.	132
FORM XXVI.—Register of railway lands ..	134—135

*Forms for Berar.*

FORM A.—Form of notification under section 4, Act I of 1894, as amended by Act No. XXXVIII of 1923.	139
FORM B.—Form of declaration under section 6, Act I of 1894, as amended by Act No. XXXVIII of 1923.	139
FORM B-I.—Form of declaration under section 6, Act I of 1894, as amended by Act No. XXXVIII of 1923, with direction under section 17 (1) of the Act.	140
FORM C.—Notice under section 4 of the Act, I of 1894, as amended by Act No. XXXVIII of 1923.	141
FORM D.—Notice under section 9, clauses (1) and (2) of the Act, I of 1894, as amended by Act No. XXXVIII of 1923.	141

		Pages
<i>Forms for Berar—cont.</i>		
FORM E.—	Notice under section 9, clause (3) of the Act, I of 1894, as amended by Act No. XXXVIII of 1923.	142
FORM F.—	Notice under section 10 of the Act, I of 1894, as amended by Act No. XXXVIII of 1923.	143
FORM G.—	Register of lands acquired by Government for public purposes.	144
FORM H.—	Quarterly return of progress of land acquisition work— <i>[Deleted]</i>	
FORM I.—	Register of notifications issued under the Land Acquisition Act, I of 1894, as amended by Act No. XXXVIII of 1923.	145
FORM J.—	Statement to be prepared by the Patwari	146
FORM K.—	Compensation statement for field survey No. (or plot), area, rental, dry/wet crop.	147—148
FORM L.—	Compiled statement showing compensation awarded and proposed reduction of rental on account of land taken up.	149
FORM M.—	Compensation statement for property other than village agricultural land.	150
INDEX	.. ..	.. (i—xii)



---

---

**FORMS FOR CENTRAL PROVINCES**

---

---

FORM I

[See paragraph 9]

*Form of notification under section 4, Act I of 1894, as amended by Act No. XXXVIII of 1923*

WHEREAS it appears to the Governor in Council that land in the village of.....in the.....tahsil of the.....district is needed or is likely to be needed for a public purpose, namely, for the construction of the....., notice is hereby given to all whom it may concern that, in exercise of the powers conferred by section 4 of the Land Acquisition Act, I of 1894, as amended by Act No. XXXVIII of 1923 the Governor in Council has authorized the officers of the....., for the time being engaged on this undertaking, to enter upon and survey land, and to do all other acts required for the proper execution of their work, as provided for or specified in the said section.

*Revenue Secretary to the Government,  
Madhya Pradesh.*

FORM II

[See paragraph 9]

*Form of declaration under section 6, Act I of 1894, as amended by Act XXXVIII of 1923.*

WHEREAS by Revenue Department Notification No....., dated the....., it was notified, under section 4 of the Land Acquisition Act, I of 1894, as amended by Act No. XXXVIII of 1923, that the land in the village of.....in the..... tahsil/taluq of the.....district was needed or was likely to be needed by the.....for a public purpose, namely, for the.....

It is hereby declared, under section 6 of the said Act, as amended, that the State Government is satisfied that the land described in the schedule below is needed for the public purpose stated above :—

District	Tahsil	Village	Approximate area of the land

The plan of the land may be inspected at the office of the Deputy Commissioner.

*Revenue Secretary to Government,  
Madhya Pradesh.*

## FORM II-A

[See paragraph 17-G]

*Form of declaration under section 6, Act I of 1894, as amended by Act No. XXXVIII of 1923.*

WHEREAS by Revenue Department Notification No....., dated the....., it was notified, under section 4 of the Land Acquisition Act, I of 1894, as amended by Act No. XXXVIII of 1923, that land in mauza.....in the.....tahsil of the .....district was needed or was likely to be needed for a public purpose, namely, for the.....

And whereas the State Government consider that the land in the said mauza described in the schedule below, being waste/arable land, is urgently required and has consequently directed, under section 17 (4) of the said Act, as amended, that the provisions of section 5-A shall not apply thereto :

It is hereby declared, under section 6 of the said Act, as amended, that the State Government is satisfied that the said land is needed for the public purpose stated above.

Under section 17(1) of the said Act, the State Government hereby direct that possession of the said land may be taken on the expiration of fifteen days from the publication of the notice mentioned in section 9 (1) of the Act :—

District	Tahsil	Village	Approximate area of the land

The plan of the land may be inspected at the office of the Deputy Commissioner.

*Revenue Secretary to Government,  
Madhya Pradesh.*





FORM VI

[See paragraph 29]

Notice and statement for the purposes of section 10, Act I of 1894 (the Land Acquisition Act), as amended by Act No. XXXVIII of 1923.

District.....

To....., son of....., caste....., profession....., residing at.....

Whereas it is the intention of Government to appropriate for a public purpose land to the extent and in the village (or town) named below, you are hereby required to enter in the annexed statement, and deliver to the Deputy Commissioner of.....such information as you may possess regarding the names, interests, profits and rents of any land and every person possessing any interest in the said land or any part thereof:—

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)
Name of district	Tahsil	Village or town	Area of land in acres	No. of field in village map	No. of plot in map of site	Name of street or mohalla	Name of proprietor or co-proprietors	Interest of each co-proprietor in the land	Rents or profits derived by each co-proprietor	Name of sub-proprietor	Interest of each sub-proprietor in the land	Rents and profits derived by each sub-proprietor during preceding year	Name of mortgagee	Interest of each mortgagee in the land	Rents or profits derived by mortgagee during preceding year	Name of tenant	Interest of tenant in the land	Rents or profits derived by tenant during preceding year	Name of sub-tenant	Interest of sub-tenant in the land	Profits of sub-tenant during preceding year	Name of any other person possessing interest	Nature of interest possessed by such person	Rents or profits derived by such person during preceding year			
									Rs.a.p.			Rs.a.p.			Rs.a.p.					Rs.a.p.							



Signature of Deputy Commissioner.

## FORM VII

[See paragraphs 26 and 81]

*Register of lands acquired by Government for public purposes.*

.....District.

Form VII

Tahsil	Name and settlement No. of village	Number of relevant revenue case	No. and date of Madhya Pradesh Gazette Notification under section 6	Total area acquired in acres	Purpose for which acquired	Amount of revenue remitted on account of acquisition	Compensation paid		Land acquired temporarily			Remarks
							Department by which paid	Amount paid	Date of possession	Date on which the period of occupation will expire	Date of restoration of land to the owner	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
				Acres.		Rs.		Rs.				

110

NOTE.—Enter in the remarks column in red ink appropriations which have been wholly or partially relinquished.

## FORM IX

[See paragraph 90]

*Register of notifications issued under the Land Acquisition Act, I of 1894,  
as amended by Act No. XXXVIII of 1923.*

District.....

Year.....

No. and date of Notification	Purpose for which the land is acquired	Approximate area	Date of final disposal.
		Acres	





## FORM XI

Tahsil.....

[See paragraph 23]

Village.....

## LAND ACQUISITION

*Jamabandi (to be prepared by patwari) of land to be acquired.*

Name of proprietor	Name of the tenant and right.	Numbers in land acquisition and village khasra statement	Soil	Position	Area	Total area of holding to which plot acquired belongs	Total rent of holding to which plot acquired belongs	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
					Acres	Acres	Rs.	

NOTE.—Holdings will be entered in ordinary jamabandi order of rights.

## FORM XII

[See paragraph 24]

## LAND ACQUISITION.

*List of plots to be acquired which are occupied now, but were not occupied at last settlement.*

Number of plots in land acquisition khasra statement (1)	Area (2)	Soil (3)	Position (4)	Settlement Officer's acreage rate (5)	Rental valuation (6)	Remarks (7)
	Acres			Rs. a. p.	Rs.	

NOTE.—Columns (1) to (3) will be filled up by the patwari in vernacular ; the last three by the Collector in English.

FORM XIII

[See paragraphs 26 and 34.]

LAND ACQUISITION

Compensation statement for agricultural lands.

Tahsil.....  
 Village.....  
 Sanctioned multiple—  
 Sir, khudkasht and malik-makbuza.....  
 Absolute occupancy.....  
 Occupancy.....

Serial No.	Name of proprietor	Name and right of tenant	Khasra No. of plot to be acquired	Soil	Position	Area	Settlement Officer's deduced rate per acre or other rate adopted	Rental valuation	Sanctioned multiple or higher multiple employed	Compensation	Additional compensation at 15 per cent	Total compensation	Remarks			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)			
						Acres				Rs. a. p.	Rs. a. p.	Rs. a. p.				
1	Sitaram..	Sir ..	40	Morand II Gohari.	Mamuli	2-50										
			49	Morand I Gohari.	Do.	1-75										
			41	Morand II Gohari.	Do.	1-15										
			42	Khardi Mutfarikat	Khari	1-50										
			45	Morand II Gohari.	Mamuli	1-68										
			Total..	Morand I Gohari.	Mamuli	1-75		40	70-00							
				Morand II Gohari.	Do.	5-33		32	170-56							
Khardi Mutfarikat	har	1-50			24	36-00										
			Grand Total			8-58		276-56 277 annas.		432 13 0	64 14 9	497 11 9				
2	Do.	Shiva Kunbi Occupancy ..	50	Morand I Gohari.	Mamuli	3-00	40	120-00								
			51	Morand II Gohari.	Do.	1-50	32	48-00								
			Total ..			4-50		168-00		168 0 0	25 3 2	193 3 2				
3	Do.	Nil ..	100	Village Waste.		3-00	Normal rate, Rs. 2.	6-0								

## FORM XIV

[See paragraph 34]

### LAND ACQUISITION

*Value-rates or multiples proposed for calculating compensation in proceedings for taking up land for road.*

Name of village (1)	Assessment group (2)	Village rate adopted by settlement Officer (3)	Standard rate of group (4)	Multiples proposed for cultivating profits			Fraction of assets taken by Government as land revenue realizable (6)	Proportion of area acquired to total area of the village (7)	Number of years for which the settlement has to run (8)	Multiple proposed for proprietary profits (9)	Remarks (10)
				Sir, khudkasht and malikmakbuza (a)	Absolute-occupancy (b)	Occupancy (c)					
Piparia ..	Sagar ..	Rs. 0.90	1.00	24	19	16	50	1 — 10	2	16	Village is rather below average. Rents were not raised up to the deduced. Home-farm extensive. Malguzar will lose at re-settlement.
Borkhera ..	Do.	1.25	1.00	31	25	22	48	1 — 2	15	28	Village is a very flourishing one; land lets well; 16 times the actual rent has been paid as nazarana; most of the best land acquired.
Borgaon ..	Majhgaon	0.75	0.90	21	17	14	51	1 — 12	10	15	Village is in a deteriorated condition; there is a good deal of fallow.
Khapri ..	Nagpur..	1.50	1.50	25	20	17	Revenue-free.	1 — 20	Do.	27	An average village; multiple for proprietary profit raised from 18 to 27.

NOTE.—Where the information is available enter the all-round raiyati unit-incidence prior to and after revision at last Settlement.

## FORM XV

[See paragraph 71]

## LAND ACQUISITION

Tahsil of.....

Village of.....

*Rent reduction.*

Name of tenant or holder	Right	Area of holdings	Rent	Area acquired	Deducted rental valuation of area	Amount by which rent is to be reduced	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
		Acres	Ra.	Acres	Ra.	Ra.	
Soma	.. Absolute-occupancy.	20	30	1-00	2	2	
Hira Lal	.. Occupancy	17	24	2	1	2	Rent much exceeds deducted.
Ganesh	.. Khudkasht	..	..	1	1	1	
<b>Total</b>	.. ..	..	..	..	..	5	
A.—Deduct rental valuation of land which was unoccupied at Settlement as in form III.						1	
B.—Balance-reduction of assessed assets at Settlement						4	
C.—Fraction of assets taken as revenue at Settlement						50	
D.—Remission of revenue now to be granted						2	

## FORM XVI

[See paragraph 71]

### *Proposals for remission of Land Revenue.*

Villages and mahal	Area of land acquired	Rental valuation of land acquired	Reduction of assessed assets (B of form XV)	Fraction of malguzari assets taken as revenue at Settlement	Remission of revenue sanctioned by the Deputy Commissioner		Total demand at present, including malik-makbuza revenue		Total demand as revised, including malik-makbuza revenue		Remarks
					Revenue	Cesses	Revenue	Cesses	Revenue	Cesses	
(1)	2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
	Acres	Rs a. p.			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	

**NOTE.**—If the land acquired includes a malik-makbuza holding, or a holding muafi sarkar, the details of such areas should be excluded from the main entries in columns 1 to 5 and entered separately below. In the case of a muafi holding, there is only a reduction of kamil-jama, and details of the reduction sanctioned should be entered in the muafi register.

FORM XVII

[See paragraphs 34 and 42]

LAND ACQUISITION

*Property other than village agricultural land.*

Serial No.	Holding in form VIII	Name of owner	Kind of property	Annual value, if any	Value of crop, timber or materials	Compensation awarded			Brief reasons or if case complicated, reference to proceedings
						Actuals	Additional under the Act (15 per cent)	Total	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
				Rs.	Rs.	Rs.	Rs.	Rs.	
1	6	A B.	Three mango trees ..	5	Nil	40	6	46	Eight years' produce given.
2	15	X Y.	A cattle-shed ..	Nil	20	20	Nil	20	
3	10	C D.	Crop on plot $\frac{15}{105}$ ..	..	10	10	Nil	10	One acre under gram, which had to be removed before it was ripe.



---

---

FORMS IDENTICAL FOR BOTH  
THE CENTRAL PROVINCES AND BERAR

---

---

## FORM XVIII

[See paragraphs 50 and 59]

No. and date of statement.....

Date of award.....

Name of work for which land has been acquired.....

No. and date of declaration in.....*Gazette, viz., No....., dated....., page.....*

*Statement showing compensation awarded by..... under section....., Act I of 1894, as amended by Act No. XXXVIII of 1923, to all the persons interested in the plot of land situated in the village of..... in estate....., No..... on the Revenue Roll of the District of....., Tahsil.....*

Serial No.	Names of persons to whom payment is due under the award	Area of land	Abatement of land revenue	A valuation of any buildings that may be taken upon the land	Total amount due to each person, including the amount shown in column 5, the amount awarded for the land, interest, costs and any other amounts due to the payee in connection with the acquisition of the land	Distribution of the amount in column 6 taken from the subsidiary Statement AA	Remarks	Number and date of Vouchers		Date on which possession of the land was handed over to the departmental authorities for whom it is acquired	
								No.	Date	Date	Reference to the report, stating the date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)		
		Acres	Rs. a. p.	Rs. a. p.	Rs. a. p.						

To be filled up in the Accountant-General's Office.

NOTE 1.—Each award statement should be confined to the lands to be taken under one declaration, *i.e.*, the awards given for lands acquired under more than one declaration should not be incorporated in one statement, but as many separate statements submitted as there are declarations.

2.—Regarding column 7, see note to Statement AA.

**FORM XIX**

[See paragraphs 50 and 59]

*Particulars regarding the acceptance by the persons concerned of amounts entered in Award Statement No.....  
dated.....*

Name of work for which land has been acquired .....

No. and date of declaration in.....*Gazette, viz.*; No....., dated ....., page.....

(1)	(2)	(3)			
Serial number in the statement of award under section 11 of the Act	Name of person to whom payment is made under the award	Particulars of amount entered in column 6 of the award statement			
		(a)	(b)	(c)	(d)
		Amount accepted without protest	Amount accepted under protest	Amount refused and the Court in which it is deposited	Amount undischarged owing to non-attend- ance, and the treasury in which it is deposited
		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.

**NOTE.**—In noting these particulars in the award statement, it may be sufficient to enter the letter *a, b, c* or *d*, as the case may be, in column 7 of the statement, when the whole amount of the award is shown in one of the four sub-columns *a, b, c* or *d* in this statement.

## FORM XX

[See paragraphs 56 and 29]

No. and date of statement.....

Name of work for which land has been acquired.....

No. and date of declaration in.....*Gazette, viz.,* No....., dated....., page.....

*Statement showing the amount of compensation awarded by the Court of..... under section 26 of Act I of 1894,  
as amended by Act No. XXXVIII of 1923.*

Serial Number in the statement of award under section 11 of the Act (1)	Names of persons to whom payment is due under the award (2)	Amount originally awarded (3)	Amount paid by Collector under the original award (4)	Total amount awarded by the Court (5)	Further payments due (6)	Remarks (7)	No. and date of Voucher (8)
		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.		

FORM XXI

[See paragraphs 54 and 60]

No. of voucher.....
Name of work for which the [land has been acquired....
No. and date of declaration in..... Gazette, viz.,
No....., dated.....
Serial No..... in Award Statement No....., dated.....
Name of payee.....,
I..... of.....
tahsil....., district.....,
do hereby acknowledge to have received Rs.....
..... on account of cost of land taken up by
Government, as detailed on reverse.
Signature of the payee.....
Locality.....

NOTE.—The receipt should be in English; but when the payee is unable to write in English, he may give a receipt in the Vernacular.

DETAILS OF LAND, ETC., AND THEIR VALUES

Mauza....., Tahsil....., District.....
Land..... Acres.....
Value..... Rupees..... Annas..... Pies.

FORM XXI

[See paragraphs 54 and 60]

No. of voucher.....
Name of work for which the land has been acquired....
No. and date of declaration in..... Gazette, viz.,
No....., dated.....
Serial No..... in Award Statement No....., dated.....
Name of payee.....,
I..... of.....
tahsil....., district.....,
do hereby acknowledge to have received Rs.....
..... on account of cost of land taken up by
Government, as detailed on reverse.
Signature of the payee.....
Locality.....

NOTE.—The receipt should be in English; but when the payee is unable to write in English, he may give a receipt in the Vernacular.

DETAILS OF LAND, ETC., AND THEIR VALUES

Mauza....., Tahsil....., District.....
Land..... Acres.....
Value..... Rupees..... Annas..... Pies.

[To appear on the reverse of Form XXI]

*Paid in my presence in cash/by cheque to.....resident  
of village.....,tahsil  
.....,district....., the sum*

\*In words

*of Rupees\*.....annas\*.....pies\*.....only.*

†In figures

Rs.†

*Dated.....19 .....*

*Paid in my presence in cash/by cheque to.....resident  
of village....., tahsil  
....., district....., the sum*

\*In words

*of Rupees\*.....annas\*.....pies\*.....only.*

†In figures

Rs.†

*Dated.....19 .....*

FORM XXII

[See paragraph 54]

Consolidated voucher for payments made during.....19 , in accordance with Award Statement No....., dated....., on account of land acquired for.....in the District of....., Tahsil....., Mauza.....

Form XXI

Serial Number in Award Statement (1)	Name of payee (2)	Area of land (3)	Amount paid (4)			Signature of the payee and date of payment (5)
		Acres	Rs.	a.	p.	
		Total ..	_____	_____	_____	

128

Paid in my presence in cash/by cheque to the above persons the total sum of Rupees\*.....annas\*.....pies\*.....only.

\*In words.

.....19

Signature of officer.

**FORM XXIII**

[See paragraph 55.]

Name of work for which land has been acquired.....

To the Judge of the Court at.....

The sum of Rs..... on account of compensation for land taken up for the above purpose, payable as detailed below, is tendered for deposit in Court under section 31 (2) of Act I of 1894 as amended by Act No. XXXVIII of 1923 :-

Serial No. in Award Statement No.	Names of parties	Area of land	Amount payable to each			Remarks
			Rs.	a.	p.	
		Acres				
Total ..						

Land Acquisition Officer.

Dated 19 .

Received the above amount for credit to Civil Court Deposits.

Judge.

NOTE.—This form should be used when the amounts of compensation due are sent to a Civil Court for deposit.

**FORM XXIII**

[See paragraph 55.]

Name of work for which land has been acquired.....

To the Judge of the Court at.....

The sum of Rs..... on account of compensation for land taken up for the above purpose, payable as detailed below, is tendered for deposit in Court under section 31 (2) of Act I of 1894 as amended by Act No. XXXVIII of 1923 :-

Serial No. in Award Statement No.	Names of parties	Area of land	Amount payable to each			Remarks
			Rs.	a.	p.	
		Acres				
Total ..						

Land Acquisition Officer.

Dated 19 .

Received the above amount for credit to Civil Court Deposits.

Judge.

NOTE.—This form should be used when the amounts of compensation due are sent to a Civil Court for deposit.

**FORM XXIII**

[See paragraph 55.]

Name of work for which land has been acquired.....

To the Judge of the Court at.....

The sum of Rs..... on account of compensation for land taken up for the above purpose, payable as detailed below, is tendered for deposit in Court under section 31 (2) of Act I of 1894 as amended by Act No. XXXVIII of 1923 :-

Serial No. in Award Statement No.	Names of parties	Area of land	Amount payable to each			Remarks
			Rs.	a.	p.	
		Acres				
Total ..						

Land Acquisition Officer.

Dated 19 .

Received the above amount for credit to Civil Court Deposits.

Judge.

NOTE.—This form should be used when the amounts of compensation due are sent to a Civil Court for deposit.



Paid by cheque No... ..

Paid by cheque No. ....

Paid by cheque No.....,

dated....., on the.....

dated....., on the . . .

dated....., on the.....

.....Treasury.

.....Treasury.

.....Treasury.

**FORM XXIV**

[See paragraph 53]

Name of work for which land has been acquired.....

To the Officer in charge of.....*Treasury.*

Please receive for transfer to credit of Revenue Deposits the sum of Rs.....on account of compensation for land taken up for the above purpose, payable as detailed below :—

Serial No. in Award Statement No.	Names of persons to whom due	Area of land	Amount payable to each	Remarks
		Acres.	Rs. a. p.	
Total ..				

Dated.....19 . *Land Acquisition Officer.*

Received the above amount and credited to Revenue Deposits.

*Treasury Officer.*

NOTE.—This form should be used when the amounts of compensation due are sent to treasury in the absence of proprietors who have failed to present themselves for payment.

**FORM XXIV**

[See paragraph 53]

Name of work for which land has been acquired.....

To the Officer in charge of.....*Treasury.*

Please receive for transfer to credit of Revenue Deposits the sum of Rs. ....on account of compensation for land taken up for the above purpose, payable as detailed below :—

Serial No. in Award Statement No.	Names of persons to whom due	Area of land	Amount payable to each	Remarks
		Acres.	Rs. a. p.	
Total ..				

Dated .....19 . *Land Acquisition Officer.*

Received the above amount and credited to Revenue Deposits.

*Treasury Officer.*

NOTE.—This form should be used when the amounts of compensation due are sent to treasury in the absence of proprietors who have failed to present themselves for payment.

FORM XXV

[See paragraph 83.]

.....*Railway Company*.....

To .....

*Amount of rent on the following land held by the Company under Class "C" in the.....Tahsil of the  
.....District for the year.....*

No.	Name of village	No. of land plan	Area of land	Whether Government waste or occupied or alienated when originally acquired	Amount on which rent is charged			Rate at which rent is charged	Auth- ority	Amount to be recovered						Re- marks		
					Value of land					Compensation			Revenue or rent remitted on acquisition		Rent		Total	
					Rs.	a.	p.	Rs.	a.	p.		Rs.	a.	p.	Rs.	a.	p.	

---

---

**FORM XXVI**

---

---

Form XXVI[

[See para-  
Act I of 1894, as amended by  
*Register of land in occupation*

(1)	Sanctioned purposes (2)	Date of sanction (3)	Class A In permanent occupation of railway			Class B In temporary occupation of railway			Class D Occupied by Govt., permanent		
			Area (4)	Abatement of assessment (5)	Net cost of compensation and clearance (6)	Area (7)	Abatement of assessment (8)	Net cost of compensation and clearance (9)	Area (10)	Abatement of assessment (11)	Net cost of compensation and clearance (12)
			Acres	Rs.a.p.	Rs.a.p.	Acres	Rs.a.p.	Rs.	Acres	Rs.a.p.	Rs.
1	Station ..	8th June 1876.	40 3 7	250 6 4	402 9 4	..	..	..	..	..	..
2	Temporary storage of Public Works materials at.	24th June 1891.	..	..	..	26 1 2	78 6 2	124	..	..	..
3	Brick-making ..	27th June 1891.	..	..	..	..	..	..	..	..	..
4	Diversion of road at Drivers' barracks ..	29th June 1891. 1st July 1891.	..	..	..	..	..	..	30 6	12 1 8	..
96	Land for temporary storage of Public Works materials at released*	2nd Aug. 1891.	..	..	..	26 1 2	78 6 2	124	..	..	..
97	Permanent stored on land occupied for temporary storage of Public Works materials at.	2nd Aug. 1892.	26 1 2	78 6 2	124 0 0	..	..	..	..	..	..
106	Brick-making at ..	2nd Aug. 1892.	..	..	..	..	..	..	..	..	..
124	Part of land for drivers' barracks at released.	1st May 1893.	67 0 9	..	..	..	..	..	..	..	..
	Abstract corrected and balanced 31st December 1893.	Do.	67 0 9	328 12 6	526 9 4	..	..	..	30 6	12 1 8	..
	1st January 1894 by balance as above.	Do.	67 0 9	328 12 6	526 9 4	..	..	..	30 6	12 1 8	..

\* Transferred to Class A [see next entry]

graph 82]

Act No. XXXVIII of 1923.

[Form XXVI

of the railway in

District

Class C In occupation of Rail- way Company, perman- ent or temporary				Yearly rental payable by railway company.	Land released by Railway Administration from Class B and Class C										
Area (13)	Abatement of assess- ment. (14)	Net cost of compen- sation and clear- ance. (15)	Date (17)		Area of land released (18)	Released land how disposed of						Remaining unproductive (25)	Compensation due for deteri- oration of land. (26)	Remarks including date of pay- ment of compensation (col. 26). (27)	
						Restored to original mauza		Sold		Leased					
					Area (19)	Increase to as- sessment (20)	Area (21)	Sale-proceeds (22)	Area (23)	Amount of rental (24)					
Acres	Rs. a. p.	Rs. a. p.	Rs. a. p.		Acres	Acres	Rs. a. p.	Acres	Rs.	Acres	Rs. a.	Acres	Rs. a.		
..	..	..	..	..	..	..	..	..	..	..	..	..	..		
55 2 4	166 8 6	..	1	..	..	..	..	..	..	..	..	..	..		
25 2 6	85 10 7	1,363 4 7	83 10 7	..	..	..	..	..	..	..	..	..	..		
..	..	..	..	..	..	..	..	..	..	..	..	..	..		
..	..	..	..	..	..	..	..	..	..	..	..	..	..		
..	..	..	..	..	..	..	..	..	..	..	..	..	..		
..	..	..	..	..	..	..	..	..	..	..	..	..	..		
..	..	..	..	..	..	..	..	..	..	..	..	..	..		
55 2 4	166 8 6	..	166 8 6	10th Aug. 1884.	55 2 4	..	..	..	..	..	..	55 2 4	..		
..	..	..	..	10th Se. 1884.	..	55 2 4	83 4 3	..	..	..	..	55 2 4	1,665 10		
8 2 3	25 10 8	..	25 10 8	1st May 1885.	8 2 3	..	..	..	..	..	..	8 2 3	..		
..	..	..	..	15th ..	..	..	..	..	..	† 4 2 3	8 4	4 8 3	..		
..	..	..	..	27th ..	..	..	..	† 4	80	..	..	4 0 0	241 0		
17 0 3	57 15 11	1,363 4 7	57 15 11	..	64 0 7	55 2 4	83 4 3	4	80	4 2 3	8 4	..	1,006 10		
17 0 3	57 15 11	1,363 4 7	57 15 11	..	64 0 7	55 2 4	83 4 3	4	80	4 2 3	8 4	..	1,006 10		

† Leased from 15th May 1885 to 30th June 1890.

‡ Sold to.....

Explanation of Register

[See paragraph 82.]

- Column 1.*—Requires no explanation.
- ” 2.—The information in this column will be supplied on the face of the plan and schedule.
- ” 3.—Date of sanction for appropriation of the land as recorded on the Engineer’s schedule.
- ” 4.—Area to be shown in standard acres, roads and poles.
- ” 5.—Annual amount of remission of jama sanctioned.
- ” 6.—Amount of compensation paid in money for loss of profits of tenures, houses, trees, tanks and wells, etc., and ratable cost of establishment where chargeable, less the amount realized by sale of materials and trees, and credited to Government.
- ” 7.—*Vide* column 4.
- ” 8.— ” ” 5.
- ” 9.— ” ” 6.
- ” 10.— ” ” 4.
- ” 11.— ” ” 5.
- ” 12.— ” ” 6.
- ” 13.— ” ” 4.
- ” 14.— ” ” 5.
- ” 15.—Is the total amount of compensation paid by Government and ratable cost of establishment where chargeable. (No deduction for amount realized from sale of materials and trees will have to be made in this case because those under Class C belong to the railway company—see paragraph 10 of Public Works Department No. 8521.)
- ” 16.—Yearly rental being fixed, amount payable by the railway company to the Deputy Commissioner on the presentation of bills due on the 31st December annually.
- ” 17.—Date of transactions by the Deputy Commissioners.
- ” 18.—Area, shown as before.
- ” 19.—Do. do. of such portion as may be re-included in original mauza.
- ” 20.—Annual amount added to jama for land restored to mauza.
- ” 21.—Area of such portion as may be disposed of by sale.
- ” 22.—Amount realized thereby.
- ” 23.—Area of such portion as may be temporarily disposed of by lease.
- ” 24.—Amount of annual rental therefrom.
- ” 25.—Area of such portion as the Deputy Commissioner may not have been able to dispose of.
- ” 26.—Amount entered from the railway company for permanent loss of value in land, owing to deterioration.
- ” 27.—Remarks.

---

---

**FORMS FOR BERAR**

---

---



## FORM A

[See paragraph 9]

*Form of Notification under section 4, Act I of 1894, as amended by Act No. XXXVIII of 1923 [as applied to Berar].*

Whereas it appears to the Governor in Council that land in the village of..... in the..... [taluk] of the..... district is needed or is likely to be needed for a public purpose, namely, for the construction of the....., notice is hereby given to all whom it may concern that, in exercise of the powers conferred by section 4 of the Land Acquisition Act, I of 1894, as amended by Act No. XXXVIII of 1923, [as applied to Berar,] the Governor in Council has authorised the officers of the..... for the time being engaged on this undertaking, to enter upon and survey land, and to do all other acts required for the proper execution of their work, as provided for or specified in the said section.

*Revenue Secretary to Government,  
Madhya Pradesh.*

## FORM B

[See paragraph 9.]

*Form of declaration under section 6, Act I of 1894, as amended by Act No. XXXVIII of 1923, [as applied to Berar].*

Whereas by Revenue Department Notification No....., dated the....., it was notified, under section 4 of the Land Acquisition Act, I of 1894, as amended by Act No. XXXVIII of 1923, that the land in the village of..... in the..... tahsil/taluk of the..... district was needed or was likely to be needed by the..... for a public purpose, namely, for the.....;

It is hereby declared, under section 6 of the said Act, as amended that the State Government is satisfied that the land described in the schedule below is needed for a public purpose stated above :—

District	Taluk	Village	Approximate area of the land

The plan of the land may be inspected at the office of the Deputy Commissioner,

*Revenue Secretary to Government,  
Madhya Pradesh.*

**FORM B-I**

[See instruction 17-G]

*Form of declaration under section 6 of Act I of 1894, as amended by Act No. XXXVIII of 1923 [as applied to Berar]*

Whereas by Revenue Department Notification No. , dated the , it was notified, under section 4 of the Land Acquisition Act, I of 1894, as amended by Act No. XXXVIII of 1923, that land in mauza in the tahsil of the district was needed or was likely to be needed for a public purpose, namely, for the ;

And whereas the State Government consider that the land in the said mauza described in the schedule below, being waste/arable land, is urgently required and has consequently directed, under section 17 (4) of the said Act, as amended, that the provisions of section 5-A shall not apply thereto :

It is hereby declared, under section 6 of the said Act, as amended, that the State Government are satisfied that the said land is needed for a public purpose stated above.

Under section 17 (1) of the said Act, the State Government hereby direct that possession of the said land may be taken on the expiration of fifteen days from the publication of the notice mentioned in section 9 (1) of the Act :—

District	Taluq	Village	Approximate area of the land

The plan of the land may be inspected at the office of the Deputy Commissioner, ;

*Revenue Secretary to Government,  
Madhya Pradesh.*

## FORM C

[See instruction 17]

*Notice to be published in accordance with section 4, Act I of 1894, as amended by Act No. XXXVIII of 1923 (the Land Acquisition Act), [as applied to Berar].*

District \_\_\_\_\_.

This is to give notice to all whom it may concern that land is required for a public purpose, *viz.*, for a road (or canal, or railway, or so forth) in the village (or town) of \_\_\_\_\_ taluq \_\_\_\_\_ district \_\_\_\_\_.

Warning is hereby given that any person or persons obstructing the operations of any officer who may be authorized by Government to survey or to take labels of the land within the said village (or town), and to mark of the ground which may be required for public purposes therein, will be liable to the penalties prescribed by section 46, Act I of 1894, as amended (as applied to Berar).

Any person wishing to object to the proposed acquisition should submit a written statement of his objections in duplicate to the undersigned before

*Deputy Commissioner.*

## FORM D

[See paragraph 29.]

*Notice to be published in accordance with clauses 1 and 2, section 9, Act I of 1894, as amended by Act No. XXXVIII of 1923 (The Land Acquisition Act) [as applied to Berar].*

District \_\_\_\_\_.

Whereas it is the intention of Government to appropriate land to the extent, and for the purpose, and in the village (or town, as the case may be) named below, this is to give notice that all persons having an interest in the land are required to appear personally or by agent at the office of the Deputy Commissioner of \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, 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 any objection to the measurements of the land:—

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Name of district	Taluq	Village or town	Survey and sub-division number, if any	Number, if any, of plot or plots, or description of site	Area of land	Name of atreect	Name, father's name, caste and residence of occupants and their shares	Name of any lessee, tenant or mortgagee with possession recorded in column II of the Record-of-Rights	Purpose for which land is required



FORM F

[See paragraph 29]

*Notice and statement for the purposes of section 10, Act I of 1894,  
as amended by Act No. XXXVIII of 1923  
(The Land Acquisition Act) [as applied to Berar].*

District

To \_\_\_\_\_, son of \_\_\_\_\_, caste \_\_\_\_\_,  
profession \_\_\_\_\_, residing at \_\_\_\_\_.

Whereas it is the intention of Government to appropriate for a public purpose land to the extent and in the village (or town) named below, you are hereby required to enter in the annexed statement, and deliver to the Deputy Commissioner of \_\_\_\_\_ such information as you may possess regarding the names, interests, profits and rents of any land and every person possessing any interest in the said land or any part thereof:—

(1) Number of district	(2) Taluq	(3) Village or town	(4) Survey and sub-division number, if any	(5) Area of land in acres	(6) Number, if any, of plot or plots or description of site.	(7) Name of street or mohalla	Here enter the particulars required						
							(8)	(9)	(10)	(11)	(12)	(13)	(14)



*Signature of Deputy Commissioner.*

## FORM G

[See paragraphs 26 and 81]

### Register of lands acquired by Government for public purposes.

(1) Taluk	(2) Name of village	(3) Survey and sub-division number or other description of land.	(4) Area	(5) Rental	(6) Area acquired	(7) Rental of the land acquired	(8) Purpose for which acquired	(9) Land revenue remitted	Annual money allowances if any		(12) Amount of compensation paid for the value of property, loss or profits, etc.	(13) Date of acquisition	Land acquired temporarily.			(17) Remarks	
									(10) Department from which payable	(11) Amount			(14) Date of possession	(15) Date on which the period of occupation will expire.	(16) Date of restoration of the land to the owners.		
				Rs.				Rs.		Rs.	Rs.						

**NOTES.**—(1) Entries relating to land taken for the same project should be made continuously, but land temporarily occupied should be shown separately, a portion of the register being reserved for this.

(2) A separate sheet must be assigned to each village, one or two spare sheets being allowed to larger villages and towns.

*Column 10.*—Enter the department "Revenue" "Post office", etc., as the case may be.

*Column 14.*—(i) Enter particulars of the case by which the land was acquired.

(ii) Notice exceptional cases such as nazul land taken up for public purposes or purchased outright by Government.

(iii) Also note in red ink appropriations which have been wholly or partially relinquished.

FORM I

*Register of notifications issued under the Land Acquisition Act, I of 1894, as amended by Act No. XXXVIII of 1923 [as applied to Berar.]*

District.....

Year.....

No. and date of notification	Purpose for which the land is acquired	Approximate area	Date of final disposal
		Acres	

# FORM J

[See paragraphs 22 and 26.]

Village.....

Taluk.....

## Statement to be prepared by the patwari

Serial No.	Survey and Sub-division number or number if any, of plot in case of a site	Area of plot to be acquired	Assessment of plot to be acquired	Description of land, soil, position, etc.	Crop last grown	Name, father's name, caste and residence of occupants and their shares	Name of any lessee, tenants or mortgagee with possession recorded in column (1) of the Record-of-Rights	Description of the interest of each person shown in column (8)	Name of tenure	Details of trees, buildings or wells or tanks situated in plot to be acquired, and if a well or tank used for irrigation is to be acquired, the survey numbers of fields irrigated therefrom	Remarks
	(2)	(3)		(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

**NOTE.**--In the column of remarks note whether there is any encumbrance on the land other than that mentioned in column (8), if so, give particulars.



# FORM K

[See paragraph 26]

(To be submitted by Tahsildar or other subordinate deputed to make an enquiry.)

*Compensation statement for field survey No.                      (or plot) area rental*
}

*dry*  
*wet* } *crop.*

Owners of field		Sharers, if any			Land required		Total compensation to be given for loss of agricultural profits, or value of site	Distribution of sum entered in column (8)		Remarks
Name	Share	Name	Rent paid by	Rate per acre	Acres	Rental		Name	Amount	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
						Rs.			Rs.	

*N. B.*—This statement is intended to show compensation due on account of loss of agricultural profits (or value of site) *in the future*; hence if the land was taken possession of some time before, and arrears are due they will not be shown here.

*Columns 1 and 2.*—Enter first the name of the khatedar, and then his co-sharers.

*Column 9.*—Enter the names of all persons interested, even although 'nil' may have to be entered against their names in column 10.

Full reasons for fixing the compensation are to be entered in the column of remarks.

On the reverse show what has to be paid on account of—

- (a) Arrears, if any, of agricultural profits.
- (b) Refund of land revenue that should have been remitted.
- (c) Standing crops or immediate injury to cultivation not allowed for in the statement.
- (d) Trees, wells, houses and all other miscellaneous items.

It must be shown how the compensation under the above heads is to be distributed.

**FORM L**  
[See paragraphs 34 and 71.]

Village.  
Taluq

*Compiled statement showing compensation awarded and proposed reduction of rental on account of land taken up for.....*

(1) Serial No.	Field in which land is wanted					Owners of fields		Shares, if any			Land acquired		(14) Amount of compensation	(15) Additional compensation at 15 per cent	(16) Interest, if any	(17) Total compensation	(18) Future rent of field.	(19) Deputy Commissioner's order regarding deduction of rental	(20) Remarks
	(2) Survey and Sub-division No.	(3) Whether wet or dry crop	(4) Area	(5) Rent	(6) Rate	(7) Name	(8) Share	(9) Name	(10) Rent paid by	(11) Rate per acre	(12) Area	(13) Rental							
				Rs.									Rs.	Rs.	Rs.	Rs.	Rs.		

**FORM M**  
[See paragraphs 34 and 42]

Village.  
Taluk.

*Compensation statement for property other than village agricultural land.*

Serial No.	Survey No. or description of other land where property is situate	Name of occupant	Kind of property	Annual value, if any	Value of crop, timber or materials	Compensation awarded			Brief rea- sons or if case is complicated, reference to proceedings	Remarks
						Actuals	Additional under the Act (15 per cent)	Total		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
				Rs.	Rs.	Rs.	Rs.	Rs.		

INDEX

Subject	Section of Act and rules	Paragraph	Appendix	Form	Page
<b>Acquisition of land—</b>					
Application for—to be submitted to Government by an officer of the department or company requiring the land; how and accompanied with what information and documents	..	2, 3, 4	..	I, II (Berar A & B).	28, 29 105 139
Procedure for dealing with objections for—after the publication of notification under section 4.	5-A	..	..	..	4
—by private negotiation	..	5, 6	..	..	29, 30
Estimate of cost of—	..	8	..	..	31
Deputy Commissioner to certify that the—does not entail either unnecessary expenditure on Government or unnecessary annoyance to the owners	..	10	..	..	32
Avoidance of religious buildings or tombs from proposals for—	..	11	..	..	32
Procedure for dealing with objections for the—	..	11, 12	..	..	32, 33
Preparation by Land Records staff of certain statements for the—	..	22 to 26	..	X (XV, Berar J) XII, XIII	36, 37 112 146 113 114 115
—in Cantonments	..	I to X (Cir. II)	..	..	71 to 76
Procedure for—for industrial concerns	..	..	II	..	82—85
Procedure for temporary—	..	13	..	..	33
Compensation for temporary—	..	75	..	..	58
Adjustment of charges incurred for	..	48—68	..	XVIII, XIX, XX, XXI, XXII, XXIII, XXIV	49— 55 123— 131
Act I of 1894—Short title, extent and commencement.	1	..	..	..	1
Accounts—Audit of—of compensation by Account Officers.	..	62—65	..	XVIII, XIX, XX, XXI, XXIII	53, 54 123— 127 129— 130
Additional compensation	..	23 (2)	..	..	9
Adjustment—of charges incurred for acquisition of land.	..	48—68	..	XVIII, XIX, XX, XXI, XXII XXIII XXIV	49—55 123— 131

Subject	Section of Act and rules	Paragraph	Appendix	Form	Page
<b>Agreement—</b>					
—to be entered into by company requiring land.	41	..	..	..	14—15
—with persons interested in cases of temporary occupation.	35	..	..	..	13
<b>Amins—</b>					
Appointment of special—for acquisition of land for railways.	..	27	..	..	38
Duties of—in respect of acquisition of land for railways.	..	27, 28	..	..	38
<b>Appeal to High Court</b>	..	54	..	..	17
<b>Application—</b>					
—for references to court	..	18	..	..	8
—for acquisition how to be submitted to Government.	..	2, 3, 4	..	..	28—29
—for preliminary investigation under section 4.	..	7, 14	..	III (Berar C).	31—33 107141
—of multiples for the calculation of compensation.	..	34 to 40	..	XIII (XIV Berar L), XVII (Berar M.)	41—45 115 149 116 119 150
<b>Appointment—</b>					
—of Land Acquisition Officers	..	3 (c)	..	..	2
—of special judicial officers	..	3 (d)	..	..	2
—of officers to hold enquiry on requisition of company.	40 (2)	..	..	..	14
<b>Apportionment—</b>					
—must be made unless reference is made under section 30.	11	..	..	..	6
—if disputed, reference may be made (under section 30) without making—	30	..	..	..	11
—if disputed, person interested may require reference.	18	..	..	..	8
<b>Arable land—</b> When possession may be taken of—before award is made.	17	77	..	..	7, 58
<b>Attendance—</b> Of persons interested and of witnesses may be enforced.	14	..	..	..	6
<b>Audit of payments—</b>					
—how made by Account Officers	..	62—65	..	XVIII, XIX, XX, XXI, XXIII	53, 54, 123— 127 129—
—when land is acquired for an authority financially independent of Government.	..	68	..	..	130 54—55
<b>Award—</b>					
—what to contain	..	11	..	..	6

Subject	Section of Act and rules	Paragraph	Appendix	Form	Page
<b>Award—(cont.)</b>					
Immediate notice of—to persons interested when to be given.	12	..	..	..	6
Enquiry into—by Collector	..	30, 31 50—52 &	..	(Berar J)	39, 40 146
—statements	..	59	..	XVIII, XIX, XX	49, 50 52 123— 125 59, 60
Report by Collector to higher authorities of the enhancement of—by Civil Court.	..	79	..	..	59, 60
Deputy Commissioner not to settle the actual amount of—	..	80	..	..	60, 61
Submission of report to Commissioner and Local Administration of the aggregate estimate of—if likely to exceed by 25 per cent or more.	..	80	..	..	60, 61
<b>Boundaries—</b> may be demarcated during preliminary investigation.	4	16	..	..	3,4,34
<b>Buildings—</b>					
—included in definition of land	3 (a)	..	..	..	1
Acquisition of part of—	49	..	..	..	16, 17
Provision for entry into—in the course of preliminary investigation.	4	15	..	..	3, 4, 33
Provisions for taking possession of—before award for certain railway purposes.	17 (2)	..	..	..	7
<b>Cantonment—</b> Acquisition of land in— ..	..	I—X (Cir. II)	..	..	71—76
<b>Certificate—</b>					
—by Deputy Commissioner that the acquisition of land does not entail either unnecessary expenditure on Government or unnecessary annoyance to the owners.	..	10	..	..	32
—by Collector of traces prepared by Amins for railways.	..	28	..	..	38
—by Collector of maps on completion of proceedings for acquisition of land by Public Works Department or any other department.	..	32	..	..	41
<b>Cheques—</b> Payment of compensation by—.	..	55—57	..	XXIII	51, 129— 130
<b>Civil procedure Code—</b>					
—applicable to proceedings before “Court”.	53	..	..	..	17
—when otherwise applicable	14,40(3)	..	..	..	6, 14
<b>Claims—</b> for compensation.	..	11, 25	..	..	6, 10
<b>Company—</b>					
Acquisition of land for—	38—44	..	..	..	14, 15
Form of agreement to be executed by—.	41	..	..	..	14
Definition of—in Land Acquisition Act.	3 (e)	..	..	..	2

Subject	Section of Act and rules	Paragraph	Appendix	Form	Page
<b>Compensation—</b>					
Matters to be considered in determining—	23	..	..	..	9
Additional—	23 (2)	..	..	..	9
Matter to be neglected in determining—	24	..	..	..	9—10
Rules as to amount of—	25	..	..	..	10
Rules for the calculation of—	..	33	..	..	41
Determination of multiples for the calculation of—	..	34, 45	..	XIII (Berar L), XIV, XVII	41—44 115, 149 116 119
—for different classes of proprietors	..	34, 37	..	(Berar M) XIII, XIV, XVII (Berar L & M).	150 41— 43, 44 115 116 119 149
Raising of—by Collector when the fixed multiple does not bring out fair compensation for exceptionally valuable lands.	..	38	..	..	150 44
—for patels and tenants' rights in raiyatwari villages.	..	39	..	..	44
—for landlord's interest	..	40	..	..	45
Exchange of land in lieu of—	..	41	..	..	45
—for non-agricultural land	..	42	..	..	45
—for houses and buildings	..	43, 44	..	..	48
—for trees and crops	..	44, 45	..	..	48
—for indirect damage	..	45—46	..	..	48
—for temporary acquisition	..	75	..	..	58, 59,
Payment of—and adjustment of charges.	..	48 68	..	XVIII, XIX, XX, XXI, XXII, XXIII, XXIV	49—55 125— 131
Payment of—after the special officer is relieved of his duties.	..	58	..	..	52
Procedure when no money—is paid ..	..	66	..	..	54
Investment of—money deposited in Court when to be made.	..	67	..	..	4
Distribution of—among persons interested.	..	69	..	..	55, 56
Record of recovery of—payable by railway companies in the register of land in their occupation.	..	88, 89	..	..	65
Responsibility of Commissioners in respect of delay in calculation and payment of—.	..	90	..	IX (Berar I).	65 111
—statement for agricultural lands	..	34, 37	..	XIII (Berar M) XIV, XVII (Berar M).	145 41—44 115 150 116 119 150



Subject	Section of Act and rules	Paragraph	Appendix	Form	Page
Copy of award or agreement not chargeable with stamp duty to person claiming thereunder.	51	..	..	..	17
Cost—					
—in reference cases ..	27	..	..	..	10
Preparation, submission and counter-signature by Commissioner and Local Government of estimates of—of land.	..	8	..	..	31
Railway Board's instructions regarding preparation of estimate of—of land required by railway.	..	..	1	..	79, 81
Court, Civil—Enquiry proceedings to be held in open Court.	22	..	..	..	9
Crops—Compensation for— ..	17 (3), 23 (1)	46	..	..	7, 9, 10, 43
Damage—					
—during preliminary investigation ..	5	..	..	..	4
—of land occupied temporarily ..	36	..	..	..	13,
Compensation for—on withdrawal from acquisition.	48	..	..	..	16
Declaration—under what circumstances can legally be made.	6	..	..	II (Berar B).	4, 5, 105 139
Demarcation—					
—of land during preliminary investigation.	..	15	..	..	33
Responsibility of Deputy Commissioner in respect of—of land directly it is made over to the department for which it is acquired.	..	78	..	..	58
Deposit of compensation in Civil Court	31 (2)	54	..	XXI, XXII	11, 12 51,— 126— 127 128 7
Encumbrances void on Collector on taking possession of land.	16	..	..	..	7
Entitled to Act—					
Definition of persons—	3 (g)	..	..	..	2, 3
Guardians—	3 (g)	..	..	..	2, 3
Estimate of cost—					
Preparation, submission and counter-signature by Commissioner and Local Government of—	..	8	..	..	31
Instructions for the preparation of—of land required for railway or other public projects.	..	..	I, 1—8	..	79—81

Subject	Section of Act and rules	Paragraph	Appendix	Form	Page
Funds how drawn for payment by officer in general line.	..	59	..	XVIII, XIX, XX	52, 123—125
Guardians entitled to act ..	3 (g)	..	..	..	2, 3
High Court—Appeal to—from award of Court.	54	..	..	..	17
Hindu Widow—Limitation of competence of—to receive compensation.	3 (g)	..	..	..	2, 3
Industrial Concerns—Procedure for acquisition of land for—.	..	..	II	..	82—85
Inquiry— into measurement and value of land and the respective interest of claims and award by Collector.	11	30, 31	..	(Berar J)	6 39, 40 146
Submission of report of—to the Local Government after the publication of notification under section 4.	5-A (2) Rule 5	..	..	..	4 & 19
Adjournment of— —about application by company ..	13 40	..	..	..	6 14
Interest— —on compensation ..	34	..	..	..	13
—payable on excess amount awarded by Court.	28	..	..	..	11
Investment of compensation money deposited in Court when to be made.	32, 33	67	..	..	12, 13 54
Jamabandi—Preparation of land acquisition—.	..	23	..	XI	37, 113
Khasra—Preparation of—of the land acquired.	..	22	..	X (Berar J)	36, 112 146
Kistbandi—Changes to be made in the —after the sanction of remission proposals.	..	72	..	..	57
Land— Definition of— ..	3 (a)	..	..	..	1
Marking out of—after publication of notification under section 6.	..	18	..	..	35, 36
Land Records staff—Preparation by— of certain statements for the acquisition of land.	..	22 to 26	..	X (Berar J), XI, XII	36, 57, 112 146 113 114
Inspection of—proposed to be acquired, after the publication of notification under section 4.	Rule 4	..	..	..	19
Local Authority liable by law to meet charges of, and incidental to, acquisition.	50 (1)	..	..	..	17

Subject	Section of Act and rules	Paragraph	Appendix	Form	Page
Malikana—Reduction of—	..	73	..	(Berar L)	57 149
Map—					
Sketch of—to be furnished to Collector by railway officer requiring land.	..	..	I, 3	..	79,80
Preparation of trace of—after check of the survey and khasra of area to be acquired.	..	23	..	..	37
Market value— of land to be acquired..	23 (1)	..	..	..	9
Military Department—Rules for acquisition of land under.	..	I to X (Cir. II)	..	..	71—76
Mortgagee—is a person interested ..	10 (1)	..	..	XIII	41—44
Multiple—Determination of—for the calculation of compensation.	..	34,35	..	(Berar L)	115
				XIV.	149
				XVII	116
				(Berar M)	119
					150
Notice—					
—of award to whom to be given and when.	12 (2)	53	..	XXIV	6, 50
—before taking possession under section 17.	17	..	..	..	115
—before preliminary investigation ..	4 (1)	..	..	..	7
—before entering a building during preliminary investigation.	4 (2)	..	..	III (Berar C.)	3
—of enquiry to persons interested ..	9	29	..	IV, V, VI (Berar D, E & F)	4,107
					141
					5. 6
					38
					107—
					109
					141—
					143
					3
—before preliminary investigation ..	4 (1)	..	..	..	18
Publication of—at convenient places in the locality in which the land to be acquired after the publication of notification under section 4.	Rule 1	..	..	..	..
—of date of hearing reference to be given by Court.	20	..	..	..	8
—how to be served ..	45	..	..	..	15
—of suit ..	52	..	..	..	17
—of proposed temporary occupation..	35 (2)	13	..	..	13,33
Notification—of preliminary investigation	4	14	..	I, III (Berar A & C)	3,4, 33,105
					107
					139
					141
Procedure for submission of—under section 6.	6	9	..	II (Berar B)	4, 5 31 32
Submission of—under section 6 after preliminary investigation if it is considered advisable to acquire the land.	..	17	..	II (Berar B)	105 139
Treatment of each—under which land is to be taken up as a separate case.	..	91	..	..	34,105 139
					65

Subject	Section of Act and rules	Paragraph	Appendix	Form	Page
<b>Notification—</b>					
Submission of—under section 6 at any time after the publication of notification under section 4 if it is decided that the provisions of section 5-A shall not apply.	17 (4)	17 & 17-A to 17-G	..	II-A (Berar B-I)	7, 34— 35, 106 140
Submission of—cancelling the notification under section 4 if it is decided to give up the acquisition.	Rule 6	17-F	..	..	19 35
<b>Objection—</b>					
—to award entitled persons interested to reference to Court.	18	..	..	..	8
Procedure for dealing with—for the acquisition of land.	..	11, 12	..	..	32, 33
Hearing and decision of—	..	5-A, Rules 1-3	..	..	4, 18— 19
<b>Obstruction—</b>					
—to acquisition how punishable	..	46	..	..	16
—to taking possession of land	..	47	..	..	16
<b>Payment—</b>					
Conditions under which—can be made Competent to receive—	..	31	..	..	11, 12
Audit of—how made by Account Officers.	..	3 (g)	..	..	2, 3
	..	62—65	..	XVIII, XIX, XX, XXI, XXIII	53, 54, 123— 127, 129— 130 54, 55
Audit of—when land is acquired for an authority financially independent of Government.	..	68	..	..	54, 55
Instructions for—of compensation and adjustment of charges.	..	48—68	..	XVIII, XIX, XX, XXI, XXII, XXIII, XXIV	49, 55 123— 131
<b>Persons interested. Definition of—</b>	..	3 (b)	..	..	2
<b>Plans—</b>					
—to accompany the application for acquisition of land.	..	4	..	..	29
Preparation of—of land required by railways.	..	15, 19	..	..	33—36
Certificate by Collector on—prepared by Amins for railways.	..	28	..	..	38
Certificate by Collector on—on completion of proceedings for acquisition of land by Public Works Department or any other department.	..	32	..	..	41
<b>Possession—</b>					
Government cannot withdraw from acquisition after taking—	48	..	..	..	16
Necessary conditions precedent to—under section 17.	17	..	..	..	7
—may not be taken pending decision of a dispute as to whether any land forms part of a house.	49	..	..	..	16, 17

Subject	Section of Act and Rules	Paragraph	Appendix	Form	Page
<b>Possession—cont.</b>					
Necessary conditions precedent to— of land acquired for temporary occupation.	36 (1)	..	..	..	13
—when to be taken of land acquired..	..	76	..	..	58
Payment of compensation for crops or other damage when taking—of the land.	..	77	..	..	58
Responsibility of Deputy Commis- sioner for the correction of patwari records after—has been given.	..	78	..	..	58
<b>Powers—</b>					
Grant of—of a Collector under the Land Acquisition Act.	..	1	..	..	27, 28
—to make rules under the Act ..	55	..	..	..	18
<b>Preliminary Investigation—</b>					
—of land ..	4	..	..	..	3, 4
Application for—of land ..	..	7	..	..	31
Submission of notification under section 6 if after—it is considered advisable to acquire the land.	..	17	..	..	34
Demarcation of land during— ..	..	15	..	..	33
<b>Private negotiation—</b>					
Acquisition of land by— ..	..	5,6	..	..	29, 30
<b>Procedure—</b>					
—for submission of notification under section 6.	6	9	..	I, II (Berar A & B)	4, 5, 31, 32, 105 123, 139, 32, 33
—for dealing with objection for the acquisition of land.	..	11,12	..	..	33
—for temporary acquisition ..	..	13	..	..	49-55, 123- 131
—for payment of compensation and audit of accounts.	..	48-68	..	XVIII, XIX, XX, XXI, XXII, XXIII, XXIV	54
—when no money compensation is paid.	..	66	..	..	71-76
—for acquisition of land in canton- ments.	..	I-X (Cir. II)	..	..	28
<b>Public Works Department—</b>					
Submission by the Executive Engineer of application for acquisition when land is required by the—	..	3	..	..	49
Land acquisition officers placed at the disposal of—.	..	48	..	..	49
Procedure to be followed by—in draw- ing funds.	..	49	..	..	49-52
Procedure to be followed by—in mak- ing payments.	..	50-57	..	..	49, 51, 52
<b>Public Works Disburser—Payment by—.</b>	..	49,57	..	..	

Subject	Section of Act and Rules	Paragraph	Appendix	Form	Page
<b>Railway—</b>					
Appointment of special Amins for acquisition of land for—	..	27	..	..	38
Certificate of traces prepared by Amins in cases of—	..	28	..	..	38
Register of lands in the occupation of—	..	82—89	..	XXV, XXVI	61-65, 13, 2 133— 136 65
Disposal by—of land in their possession.	..	92	..	..	65
<b>Receipts—</b>					
—for compensation	..	54, 60, 62	..	XXI, XXII, XXIII	51— 53, 126— 130, 50, 53, 129— 131 51, 53, 131
—for money placed in revenue deposit.	..	53, 62	..	XXIII, XXIV	131
—for money deposited in Civil Court	..	56, 62	..	XXIV	51, 53, 131
<b>Reference—</b>					
—on application of persons interested	18	79	..	..	8, 59, 60
—by Collector on his own motion	..	30 79	..	..	11, 59, 60
—on difference as to compensation for temporary occupation.	35	..	..	..	13
—on difference as to condition of land at the end of temporary occupation.	37	..	..	..	14
—on difference as to whether any land forms part of a house.	49	..	..	..	16, 17
Form of—	..	19	..	..	8
Notice of—to be sent by Court to Collector.	20	..	..	..	8
—to Deputy Commissioner in cases in which original estimate exceeds by 10 per cent or more than Rs. 10,000.	..	80	..	..	60, 61
<b>Register—</b>					
Abstract—of lands acquired	..	81	..	VII (Berar G)	61, 110 144
—of lands in the occupation of railway companies.	..	82—89	..	XXV, XXVI	61— 65 132— 136
—of notifications issued under the Land Acquisition Act.	..	90	..	IX (Berar I)	65, 111 145
<b>Remission—</b>					
—of revenue	..	71	..	XVI	56-57, 118 57
Calculation of capitalised value of—of revenue.	..	74	..	..	57
<b>Rent—</b>					
Collector may call for statement of— for the purpose of valuation.	10	..	..	..	5, 6
Reduction of—	..	70	..	..	56
Deputy Commissioners to present bill for—due by railway companies.	..	87	..	..	65
Statement showing—reduction	..	71	..	XV	56, 57, 117

Subject	Section of Act and rules	Paragraph	Appendix	Form	Page
Restoration of land temporarily occupied compulsory on expiration of term, unless permanently acquired.	36	..	..	..	13
Return showing progress made in the disposal of land acquisition cases.	..	90	..	..	65
Revenue—					
Remission of—	..	71	..	XVI	56-57, 118
Recovery from Local Bodies of— which was remitted in consequence of acquisition of land on their behalf	..	74	..	..	57
Calculation of the capitalized value of remission of—	..	74	..	..	57
Rights of public extinguished by acquisition.	16	..	..	..	7
Rules for the guidance of Revenue Officers in matters connected with the enforcement of section 5-A.	55	..	..	..	18
Schedules—Submission of plans and—in respect of land required by railway.	..	19	..	..	36
Severance	.. 23 (1)	..	..	..	9
Stamp duty not chargeable on award of agreement.	51	..	..	..	17
Statement—	..				
Award—	..	50	..	XVIII, XIX	49, 123, 124
Compensation—for agricultural lands	..	34, 37	..	XIII (Berar L), XIV, XVII (Berar M)	41-44, 115, 149, 116, 119, 150
Subsidiary award—	..	51	..	XX	50, 125
—showing rent reduction	..	71	..	XV	56, 57, 117
Suit—Commissioner's order for the defence of—and engagement of pleader therefor.	..	79	..	..	59, 60
Summary, General of the Land Acquisition circular.	..	I—VII (Cir. I.)	..	..	25—27
Survey—					
—during preliminary investigation	4	..	..	..	3, 4
—after order for acquisition	.. 8	20, 21	..	..	5, 36
Temporary occupation—					
Agreement with persons interested	35	13	..	..	13, 33
Arable or waste land only can be temporarily occupied.	35	13	..	..	13, 33
Damage done to land on—to be compensated on restoration.	36	13, 75	..	..	13, 33, 58
Period of—limited to 3 years	.. 35	13	..	..	13, 33
Reference must be made when Collector and persons interested differ about condition of land on restoration or about compensation.	35, 37	13	..	..	13, 14, 33

Subject	Section of Act and rules	Paragraph	Appendix	Form	Page
<b>Temporary occupation—cont.</b> Restoration of land after 3 years, obligatory, unless permanently acquired.	36	13	..	..	13, 13, 35
<b>Tenants, interests—Compensation for—</b>	..	39	..	..	44
<b>Treasury officer—Concern of—in respect of award or award statements.</b>	..	61	..	..	53
<b>Trees—Compensation for—</b>	..	45	..	..	48
<b>Valuation of fallow lands</b>	..	36	..	..	44
<b>Voucher—Consolidated of payments made in accordance with award statement.</b>	..	54	..	XXII	51 128
<b>Withdrawal from acquisition—</b> —may be made at any time before possession is taken.	48	..	..	..	16
Reasonable costs payable on —to persons interested.	48	..	..	..	16
<b>Witnesses—Attendance of—</b>	14, 40 (3)	..	..	..	6, 14



GOVERNMENT OF MADHYA PRADESH



THE  
LAND ACQUISITION MANUAL  
OF  
MADHYA PRADESH

[FIRST EDITION—(REPRINT, 1951)]

---

*Corrected up to 2nd November 1950*

---

NAGPUR  
GOVERNMENT PRINTING, MADHYA PRADESH

1952