

**No. 1/55/78-LR-I/1979**  
**GOVERNMENT OF PUNJAB**  
**DEPARTMENT OF REVENUE**  
**(LAND REVENUE BRANCH)**

To

All the Heads of Departments,  
Commissioners of Divisions,  
Deputy Commissioners and  
Sub Divisional Magistrates  
in the State of Punjab.

Dated, Chandigarh, the 13th March 2000.

**Sub: Amendment of Financial Commissioner's Standing Order No. 28 relating to Acquisition of Land. - An Explanatory Note.**

Sir,

The question of providing adequate compensation to the landowners for compulsory acquisition of their lands has been engaging the attention of the Government for quite some time now. The Land Acquisition Act, 1894 provides that a landowner should be paid the market value (plus interest and solatium) for the land compulsorily acquired. It is, however, observed that as per procedures set forth, what the landowners actually receive in the first instance is only a fraction of the market price. This is primarily because of the out-dated and faulty procedures followed in assessing the market value of the land. The Land Acquisition Collectors base their awards on prices of land worked out by the Deputy Commissioners, who in turn base these rates on 'Chhant' i.e. the average sale price of one year as per registration deeds. Even then the sale deeds having unusually high rates are ignored and the situation is worsened by a tendency amongst the farmers to undervalue their land to save on stamp duty, and in urban areas, by a temptation to reduce liability on account of capital gains. The aggrieved landowners have to wage a long and costly battle in different courts to get their legitimate dues. After litigation often lasting 10-15 years, what the landowners manage to get falls far short of the market value. Very often even after securing favourable verdicts from the courts, the

farmers have to wait for many years to get the price. In the meantime, land prices soar up and the farmers whose lands are acquired are altogether unable to purchase any alternative land at reasonable price. In Punjab, particularly, farmers have a great attachment for land and it is difficult for land owners to get reconciled to its loss particularly when this is the only way of life they are familiar with. Therefore, in the type of situation which presently prevails, acquisition brings in its wake a sense of physical loss and emotional insecurity. The money received in instalments is invariably frittered away on unproductive expenditure.

2. Based on this experience, it was decided that the existing procedures should be streamlined to ensure that in case of compulsory acquisition the owners not only get the full market price but are also assured that this price is paid in lumpsum in the first instance itself, and there should be no need for the landowners to waste time and money in going to courts to get their dues through endless litigation. An assurance was also given by the Chief Minister, Punjab, on the floor of the House making a commitment that procedures would be simplified to ensure payment of correct market price to the landowners. In the background of this commitment, the Revenue Department had presented a Memorandum to the Council of Ministers in June, 1997 making certain recommendations. Based on the decisions taken by the Council of Ministers, two sets of instructions were issued by the Revenue Department on 14th July, 1997, one for setting up of District Land Price Fixation Committees (DLPFCs) for recommending prevailing market rates and the second for raising the powers of the Collectors to sanction the award from the existing limit of Rs. 7.00 lacs to Rs. 30.00 lacs, and for eliminating the level of the Divisional Commissioner in the sanction of the award.

3. The DLPFCs have been in existence for more than two years now. While the working of these Committees has generally been welcomed by landowners, it has met with mixed reaction in official circles. Very often the recommendations of the DLPFCs are sketchy and non-speaking giving an impression of arbitrariness in price fixation. Fears have also been expressed at times by the acquiring departments that these recommendations are too liberal and jeopardize their budgetary estimates. The non-official members of the Committee explain that although they are generally aware of the

market price in their areas, it is for the official members to present data necessary for justifying -their decision in a proper manner. Whatever may be the shortcomings in the working of the District Land Price Fixation Committees, the fact remains that the official data does not give a clue to the correct land prices. The information which was collected in this connection revealed that invariably the land awards are enhanced by the courts to more than five to six times of the original price fixed by the Land Acquisition Collector after a period of litigation spreading over ten to fifteen years. Although these figures contained a substantial element of solatium and interest on the enhanced price the fact remains that they result in serious imbalances in budgetary calculations, and non-payment has sometimes invited strictures and even attachment of government property by Courts. The artificially low prices reflected in the 'chhant' at the initial stage also result in a temptation to acquire more land than necessary, resulting in unwarranted dislocation of local population.

4. Since compensation has to be determined on the basis of market price the only guiding factor can be as to what is the price on which an owner would be willing to sell his land and what is the price a buyer would be willing to pay if acquisition proceedings were not to take place. Therefore some element of subjectivity based on individual perception is bound to creep in. It is, therefore, all the more necessary that the basic guidelines for determining the land prices should be laid down so that there are no serious imbalances in the budgetary calculations, the farmers get enough not to indulge in repeated litigation and at the same time the tendency to acquire more land than necessary is avoided. With this objective in view the matter has been considered by the Council of Ministers in its meeting dated 12th January, 2000 and detailed procedures have been laid down for the guidance of the DLPFCs and officers connected with land acquisition. Part 'B' of the Financial Commissioner's Standing Order No. 28 has been recast in the light of the decisions taken by the Council of Ministers. The intention is to make available detailed data and other information formally so that the deliberations of the DLPFCs are more meaningful, transparent and self-speaking. Some consequential amendments flowing out of these decisions have also been incorporated.

5. The Council of Ministers has also agreed to streamlining of procedures and elimination of unnecessary levels to cut down delays. Presently, concerned departments are issuing their own notifications under Sections 4, 6 and 17 of the Land Acquisition Act and most of them have their own Land Acquisition Collectors also. Now that the prices are also to be guided by the DLPFCs, the repeated references to the Financial Commissioner Revenue at various stages of acquisition proceedings have been dispensed with. Henceforth, the awards to be announced under Section 11 of the Act shall also be approved by the Administrative Department concerned. Thus the Revenue Department will only function as the Nodal Department for administration of the Act and notify Land Acquisition Collector under the Act in cases where they are not notified as such ex-officio. It is expected that this will cut down delays to a very large extent and also make the role of the Administrative Secretary more meaningful and his supervision more effective.

It may be seen that in the past the cases used to come to the Revenue Department at three stages, first at the stage of seeking No Objection Certificate (NOC) where the FCR presided over the meetings of the State Level Land Acquisition Board (SLLAB), the second at the time of approval of the Collector's rates and the third prior to the announcement of the award. Now, a reference will be made to the Revenue Department only at the initial stage for placing before the SLLAB and the matter will come to SLLAB again only if there is a difference of opinion between the recommendations of the DLPFC and the Administrative Department concerned.

6. An important decision which has been taken by the Council of Ministers is that ordinarily, officers not below PCS shall be appointed as Land Acquisition Collectors and officers borne on the cadre of the Revenue Department shall be utilized to render specialized assistance with reference to revenue laws and collection and compilation of the relevant data/information. The Council of Ministers has also decided that for purposes of Sections 11 and 15-A of the Land Acquisition Act, the word "Government" shall mean Government in the concerned department and the "authorized officer" shall imply the Administrative Secretary concerned. As a corollary to this, no officer

below the rank of the Administrative Secretary shall exercise the powers of the Government. This implies that the powers of Government presently delegated to the departmental heads e.g. Chief Engineers in the Irrigation and Drainage departments under sections 4, 6 and 17 of the Act shall stand withdrawn.

7. Another significant decision that has been taken is that it shall be no longer necessary to obtain an NOC from the DC/SLLAB before the issue of notification under Section 4 of the Act. The collection of data for acquisition and preparation of draft notification is itself a time consuming process. There is also generally a long time lag between site selection, submission of data to SLLAB, approval by SLLAB and the notification under section 4 of the Land Acquisition Act. This leads to land speculation and raises the cost of acquisition in the form of hastily raised structures, benami transactions and trading by property dealers and middlemen. This leaves both the landowners and the Government at a disadvantage. Therefore, it has been decided that the practice of obtaining NOC from the DC/SLLAB **before** the issue of notification under section 4 of the Act should be discontinued. Instead, notification under section 4 shall be issued immediately after site selection and preparation of detailed data for such notification, and NOC would be applied for immediately after the notification.

8. As brought out in para 4 above, the guiding factor for determining the basis of market price would be what is the price at which an owner would be willing to sell his land and what is the price a buyer would be willing to pay, if acquisition proceedings were not to take place. With increase in urbanization and the land becoming a scarce commodity, locational factors like proximity to a road, a town, an urban agglomeration or even the direction in which a city is expanding have assumed far greater importance than whether a land is 'chahi' or 'barani' or even 'Banjar.' Theoretically, two adjacent 'chahi' and 'barani' 'taks' may carry different values for compensation purposes on the basis of 'Chhant' but there may be hardly any difference in their market price. Moreover, with development of sophisticated means of irrigation, and advanced watershed management, in a large number of cases now whether the land is 'barani' or 'chahi' depends largely on the capital and financial resources at the disposal of the owner

or the size of his holding. A distinction in pricing on the basis of its quality/class may place a premium on economic affluence of the land owner and may also leave a lot of discretion in the hands of the Land Acquisition Collector. Therefore, the distinction between various classes of land such as 'chahi' and 'barani' etc. would no longer be considered relevant unless there are strong reasons to act otherwise. Thus a distinction would have to be made if the land is rocky or there are steep hills, 'pahar', deep depressions and sand dunes, which in the normal course would fetch very little market price as their land use would be very much restricted and the cost of development would be high; Shares of khewatdars in "nadis" would also fall in the same category.

9. To make the meetings of the DLPFC more purposeful its constitution has been made more broad based. The district level representative of the acquiring Department/Public Sector Undertakings concerned shall now be associated with every meeting of the DLPFC as also with the site visit, if conducted. Provision has also been made to arm these Committees with detailed data for purposes of meaningful deliberations. Though the S.D.Ms shall be the conveners of these Committees, the overall guidance and coordination is required to be provided by the concerned DCs.

It has come to notice in the past that in a large number of cases a lumpsum amount is recommended by these Committees for each 'quality' or class of land. When justification for this figure is sought the amount is merely split into price, solatium, and interest by backward calculation. It needs to be reiterated that as per legal provisions market price is to be computed on the date of notification under section 4 and not on the date recommendations are made by DLPFC. A lumpsum amount should only be proposed if it represents negotiated price, and even here, it should be ensured that it is not too exorbitant as to make a deal with just cause. It may, however, be kept in view that negotiations may turn out to be cheaper in the long run, as there would be a saving of solatium and interest (unless payment is heavily delayed after that) as also litigation. It may be noted that there is no bar for such negotiation at any stage of the proceedings in compulsory acquisition. The services of DLPFC should be utilised by the Department if there is any hesitation on its part to attempt negotiations single-handedly. The reasons for

absence of non-official members shall also be clearly brought out in the proceedings indicating efforts made to ensure their presence.

10. It has been decided to delete para 87 of the Standing Order No. 28. The provision was probably inserted in a situation where Government surrendered land voluntarily and that too soon after compulsory acquisition. This provision would be misplaced in a situation where prices have steeply escalated with the passage of time or the original owners have encroached upon the acquired land just because it has not been fully utilised. Even if this land is to be surrendered to the original owners, as per Rules of Business of the Government of Punjab, approval of the Council of Ministers would be required in each case after consultation with Finance Department as alienation of public land is involved. In this connection paras 493, 494, 495 and 495-A of the Land Administration Manual which are essentially in the form of guidelines shall be separately amended being archaic.

A number of other paras of Standing Order No. 28 have also been deleted being irrelevant in the changed context. A copy of amended Standing Order No.28 is enclosed.

11. The Council of Ministers has decided that the Revenue Department will only function as nodal department for the administration of Land Acquisition Act, 1894. Further, with a view to improve the content and quality of the Awards the Financial Commissioner Revenue would get the important verdicts given by various Courts compiled through some agency for the guidance of the Land Acquisition Collectors. The feed back from the Administrative Departments as well as from the field officers in this connection would be very much welcome !

Yours faithfully,  
Sd/-  
(RAJINDER SINGH)  
Under Secretary Revenue, Punjab.

**STANDING ORDER**  
**(Land Acquisition No. 28)**

**PART A**

**A.      A.      A.      Cases of Acquisition to which the provisions of Act I of 1894  
are not applicable**

1.      **Proceedings under the Land Acquisition Act I of 1894 inappropriate** - When it is proposed to transfer land in possession of Government, from one Government to another, or from one department to another, proceedings under Act I of 1894 are inappropriate.

Land of this description may fall under the following categories :-

- (1)      Land in possession of the Government of India;
- (2)      Land in possession of the State Government :-
  - (a)      (a)      (a)      Nazul land;
  - (b)      (b)      (b)      Inferior evacuee land;
  - (c)      (c)      (c)      Other surplus evacuee land;
  - (d)      (d)      (d)      State Government lands (recorded generally in  
revenue record as  
Provincial Government lands);

Land under the possession of various departments such as Irrigation, Forests, etc.

2.      **Rules regulating transfer of State lands and buildings between Central and State Governments, Government of India, Finance Department resolution No.D-3428-A, dated the 10<sup>th</sup> December, 1925** - Where some land under the ownership of the Central Government is surplus to its requirements and the same is required for any public purpose by the State Government, necessary reference for the purpose will have to be made to the Central Government in the Ministry concerned. Such lands are normally transferred by the Central Government at market price. A reference for the purpose may be made by the Collector or the Department requiring the land to the Revenue



Department indicating the area of land which is required to be transferred alongwith relevant extract from the Jamabandi, the purpose for which it is required, and whether the scheme for which it is required has been sanctioned and included in the Plan or the budget. It should also be accompanied by an estimate of the market price from the District Collector.

2.1 Certain surplus camping sites under the Ministry of Defence are available at some places which the Ministry of Defence may be prepared to transfer to the State Government at the market price. The District Collectors while examining the proposals for land acquisition at those places should specifically examine whether the surplus camping sites cannot be utilized for the purpose. This will save available agricultural land being acquired land also save the Government payment of 30% solatiums charges payable in the case of compulsory acquisition.

2.2 The proposals for transfer of surplus State Government land to the Central Government are normally received from the concerned Ministry in the Central Government. Where a Collector or the Department of the State Government takes up the case for such transfer as the Central Project would be in the interest of the State, the proposal for the same should also be sent by the Administrative Department concerned or the Collector as the case may be, to the Revenue Department indicating the area of land proposed to be transferred, with copy of the relevant extracts from the Jamabandi and the purpose for which it is to be transferred. The proposals should also be accompanied by an estimate of market price of the land from the District Collector. Normally such transfers are to be made at the market price. Where the Collector or the Administrative Department considers that the land should be transferred free or at a concessional rate, the detailed justification for the same may be indicated in their proposal alongwith the assessment of the market price so that the financial implication of the proposal is available with Government while taking the decision. These proposals should also include a report from the District Collector that the land is not required for any purpose by a Department of the State Government and its transfer will not adversely affect the

utilization of other land under the ownership of the State Government where only a part of a compact area is proposed to be transferred.

**3. Acquisition of land owned by the Municipal Committee/Municipal Corporations** - Where nazul land is vested or occupied by a Municipal Committee/Municipal Corporation, the following procedure will be adopted :-

- (a) (a) If the Municipal Committee or Municipal Corporation is merely custodian of the land on behalf of Government or land had been given to the Municipal Committee/Municipal Corporation by the Government for a specific purpose for which it no longer needs it, the provisions of the Land Acquisition Act, 1894, are of course inapplicable. The Committee/Corporation should be consulted to see if there is any objection to the transfer, e.g., the land may have been leased out for a period or its retention may be necessary in the interest of the public. If there is no objection or the Municipal Committee/Municipal Corporation does not need the land for the purposes for which it was given, the Government can resume the land and transfer departmentally or dispose it of as it likes.
- (b) (b) If, however, the ownership of the land vests in the Municipal Committee/Municipal Corporation under the provisions of Section 56 of the Punjab Municipal Act, 1911, a notification might be required and compensation will have to be paid under the Land Acquisition Act but the ordinary course would be to ask the Municipal Committee/Municipal Corporation to proceed under section 59 of the Municipal Act, and the compensation would be settled by private negotiation.

Other nazul land town sites in colonies and undeveloped land are in charge of the Deputy Commissioner, and the department for which land is required should apply to the Financial Commissioner through the Deputy Commissioner and the Commissioner.

**3-A. Transfer of Nazul land other than land owned or occupied by the Municipal Committee/Municipal Corporation** - Nazul land situated beyond 2 miles of the Municipal limits is normally transferred to members of Scheduled Castes or landless persons of backward classes or sold in restricted auctions limited to members of Scheduled Castes. The Nazul lands situated within the Municipal limits or two miles beyond are not transferred on the basis of possessions but these are disposed of in the following manner :-

- (a) (a) In the first instance, this land should be retained by the Revenue Department, if it is required for its own schemes/projects. If it is not needed by the Revenue Department, then this land should be transferred to that Department for whose scheme/project it is suitable and is immediately required.
- (b) (b) If land is not required for any Government Department then it should be transferred to the Municipal Committee/Corporation, or Improvement Trust or a Public Sector Undertaking, if they pay the current market price of this land.
- (c) (c) If land is not disposed of in the above manner stated at (a) and (b) above, it shall be disposed of through open auction after fixing the current market price as reserve price.

**3-A.1** Where nazul land falling within the Municipal limits (which is not owned by or under management of a Municipal Committee/Corporation) and upto 2 miles beyond the Municipal limits is required by any department for its own use or for a Public Sector Undertaking under its control, or by Local Government Department for a Municipal Committee, Corporation or Improvement Trust, it may refer the matter to the Revenue Department, alongwith particulars of the land proposed to be transferred, assessment of its market price from the District Collector and 'No Objection Certificate' for the transfer from the Collector.

**3-B. Transfer of Inferior evacuee land** - The Policy regarding disposal of inferior evacuee land situated within the Municipal limits and upto 2 miles beyond the Municipal limit is similar to the one indicated in the above para in regard to Nazul land. In case of such land also similar procedure may be followed where a Department requires such inferior evacuee land for its own purpose, or for a Public Sector Undertaking under its control, or in the case of Local Government Department for a Municipal Committee, Municipal Corporation or Improvement Trust.

**3-C. Transfer of surplus Evacuee land** - Similar procedure may be followed where a Department requires any surplus evacuee land for its purpose, or for a Public Sector Undertaking under its control or in case of Local Government Department for a Municipal Committee, Municipal Corporation or Improvement Trust.

**3-D. Land in possession of Military Department** - In all cases of land in cantonments, camping grounds in the vicinity of forts or otherwise occupied for military purposes, the consent of the defence authorities is necessary before it can be entered upon or occupied, or before any work can be commenced thereon. The detailed procedure to be followed when land held for military purposes is required for railway purposes is laid down in Government of India's Circular No.2650-RG, dated the 2<sup>nd</sup> September, 1913, viz., the sanction of the Government of India in the Army Department should be obtained (through the Quartermaster General in India) by the General Officer Commanding the Division or independent Brigade and should be generally observed in the acquisition of such land for any civil department of Government.

**4. Procedure when land required by the Irrigation Department in possession of the Forest Department** - When lands, which are desired to be acquired on behalf of the Irrigation Department and are in possession of the Forest Department, the following procedure shall be observed :-

- (1) (1) As soon as any such scheme is proposed an intimation shall be given to the local Forest Officer.
- (2) (2) An index map and schedule of the land proposed to be acquired shall, as soon as is practicable be forwarded by the Superintending Engineer to the Conservator of Forests. The index map and schedule will be similar to those prepared for and to be notified under the Act, the heading only of the schedule being altered.
- (3) (3) If the land proposed to be acquired is not situated in a reserved or protected forest and is required merely for canal water-courses or banks or the like subsidiary purposes, the local forest officer may make it over to the canal officer concerned in anticipation of the sanction of the Financial Commissioner, Revenue for which he shall apply through the Conservator of Forests and Secretary to Government Punjab Forest Department.
- (4) (4) In any other case, as for instance, where the land is required for colonization or when it is situated in a reserved or protected forest, the sanction of the Financial Commissioner, Revenue must not be anticipated. In particular, no scheme for alienating land may be taken up by the Irrigation Department until the Conservator's consent shall have been obtained and in case of his not concerning in the proposal, the matter shall be referred by the Irrigation Department for the decision of Government in the Revenue Department.

**5. Procedure when land required by Irrigation Department is unclassed forest.**

The procedure prescribed in paragraph 4 in respect of lands required by the Irrigation Department which are in the possession of Forest Department applies, *mutatis mutandis*,

to the case of unclassified forest or other undeveloped agricultural lands similarly required which are in the possession of the Deputy Commissioner. This intimation will be given to the Deputy Commissioner; the index map land schedule will be forwarded through the Commissioner to the Financial Commissioner; land required for merely subsidiary purposes will be made over by the Deputy Commissioner in anticipation of Government sanction, for which he will apply through the Commissioner and Financial Commissioner, Revenue and no scheme for alienating land may be taken up by the Irrigation Department until the Financial Commissioner, Revenue's consent shall have been obtained.

**6. Transfer of land already in possession of one department to another department of the State Government.** Except as otherwise provided for forest lands in paragraph 4, the department for which land is required should, after consulting the local authorities of the department in possession of the land for the purpose of ascertaining whether there is any objection on their part to the transfer apply to the Revenue Department for the necessary transfer order. Orders for transfer are passed by Financial Commissioner, Revenue if there is no difference of opinion. If there is a difference of opinion between the two departments the matter would be taken to the Council of Ministers by the Revenue Department after incorporating the views of the concerned department in the memorandum.

**6A-1. Rules regarding Credits and Debits Punjab Government Finance Department No.1246-SB, dated 17<sup>th</sup> June, 1926** - When any land or building is transferred from one department of the State Government to another the transfer shall be free of all charges, save as provided in the sub-paragraphs that follow.

**6A-2.** If any land or building is transferred to or from a commercial department for which regular revenue and capital accounts are kept, the full market value of the land or building transferred shall be debited or credited as the case may be, to such department.

The only commercial department for the purposes of para 6A-2 are Colonization Department and the Irrigation and Power Department (Major Works and also Minor Works for which regular capital and revenue accounts are kept) of the State Government.

**6A-3.** The following rules regulate the proper credits and debits to be made in case of transfer of land and buildings to or from a commercial department.

- (a) No credit or debit is to be made when the transfer is between non-commercial departments.
- (b) When the transfer is from a commercial department to a non-commercial department, no credit or debit is to be made unless the cost of the land or buildings transferred was previously debited to the capital head of the transferring department. If the cost of land or buildings transferred was previously debited to the capital head of the transferring department, the credits will be made to the transferring department and the debit in accordance with the instructions contained in Schedules I and II of paragraph 6-D.
- (c) When the transfer is from a commercial to a commercial department, there should always be debit to the latter but the credit will be given to the transferring department or some other head in accordance with the instructions contained in Schedules I and II of paragraph 6-D.
- (d) (d) When the transfer is from a non-commercial department to a commercial department there should be a debit to the latter and a credit to the transferring department in accordance with the instructions contained in Schedules I and II of paragraph 6-D.

**6-B. Award in case of Government land included in a notification under the Land Acquisition Act -** Where land owned by Government is included in a notification issued

under the Land Acquisition Act, the award shall deal with the Government land in the same manner as if it were privately owned, except that in the award statement no cash payment will be shown the transaction being recorded as a payment by book-transfer.

**6-C. Transfer of land from a commercial department – valuation to be accepted by the department to which the land is transferred** - Where land is taken up for a commercial department by transfer, the transfer applied for will not be sanctioned until the valuation made by the Deputy Commissioner, has been accepted by the department to which it is proposed to be transferred. When sanctioning the transfer the sanctioning authority will inform: (i) in the case of land transferred from the Railway, Canal or Colonization Department, the Chief Accounts Officer or the Chief Auditor of the Railway concerned or the Accountant-General and (ii) in the case of other land the Accountant-General and Deputy Commissioner concerned. The Accounts Officer will raise necessary debit and credit to the heads specified in paragraph D. The value of the forest land, whether under the control of Forest Department or of the Deputy Commissioner will not be credited to the Forest Department, but to V-Land Revenue but the timber on the land to be transferred if not previously disposed of should be separately valued and its value debited to the transferee department concerned and credited to the Forest Department. It will usually be preferable to arrange for the Forest Department to dispose of the timber before transfer where it is possible to give sufficient time for this to be done.

Government of India letter Nos. 538-A, dated 19<sup>th</sup> September, 1912 and 379-A, dated 16<sup>th</sup> April, 1913, Punjab Government letter No.79 (Forests), dated 17<sup>th</sup> February, 1911.

**6-D. Heads to which sale proceeds of land should be credited** - The following Schedules show the heads to which the sale-proceeds of Government land and buildings are creditable.



**Schedule I.—Sale-proceeds of land, etc.****Head to which creditable**

- (i) When the cost of the land was originally debited to the capital account or to the revenue account of any project for which regular capital and revenue accounts are kept. The capital or revenue account of the project, as the case may be (as recoveries of expenditure).
- (ii) When the cost was originally debited to a capital expenditure head outside the revenue account even though no regular capital and revenue accounts are kept for the work covered by the capital expenditure. The capital expenditure head originally debited (as recoveries of expenditure).
- (iii) When the cost was originally debited within the revenue section of the accounts to any service of revenue department for which no capital and revenue accounts are kept. The receipt head relating to the department concerned or, in the case of department not having a corresponding receipt head “XXXV—Miscellaneous—Miscellaneous.”
- (iv) When the cost was not so debited—  
    (a) the rights of Government in agricultural land not covered by clause (b). V-Land Revenue.  
    (b) Nazul lands in the Uttar Pradesh, the Punjab and Madhya Pradesh and lands in the Punjab equipped at the cost of provincial revenues for resale for building purposes. XXXV—Miscellaneous—Sale of lands and houses.

\*NOTE:- In the case of land acquired by Government on payment for Companies, Railways or Government lands made over to such Railway by other Government Departments or Railways where the cost was originally debited to “subsidized companies land” or “guaranteed companies land”, the sale-proceeds are creditable to “subsidized companies” on receipt sides.

- (c) All other items-- XXXV—Miscellaneous—Miscellaneous  
Head to which Creditable.

Schedule II—Sale-proceeds of buildings including the actual area occupied by or auxiliary to a building—

- (a) When the cost of the building was originally debited to the capital account or to the revenue account of the project for which regular capital and revenue accounts are kept. The capital or revenue accounts of the project as the case may be (as recoveries of expenditure).
- (b) When the cost of the building was originally debited to a capital expenditure head outside the revenue accounts even though no regular capital and revenue accounts are kept for the work covered by the capital expenditure. The capital expenditure head originally debited (as recoveries of expenditure).
- (c) When the sale affects irrigation, navigation, drainage and embankment works for which capital accounts are not kept. XIV – Irrigation, Navigation, Embankment and Drainage Works for which no capital accounts are kept.
- (d) When the sale is of building the cost of which was originally debited within the revenue section of the accounts to any service or revenue department for which no capital or revenue accounts are kept. The receipt head relating to the department concerned or, in the case, of department not having a corresponding receipt head “XXXV—Miscellaneous-Miscellaneous”.
- (e) In all other cases --
- (i) If sold in the Public Works Department, Army Department, Indian Marine or Military Engineer Services. XXX—Civil Works  
XXXVI—Army;  
XXXVII—Marine;  
XXXVIII—Military Engineer

(ii) If sold by civil agency.

Services, respectively;

XXXV—Miscellaneous sale of land and houses.

*NOTE:-*Any special and non-recurring receipts unconnected with expenditure previously debited to a capital head falling under Schedules I and II of this rule may be credited to the Major Head “XI—Extraordinary Receipt” if the State Government desires to distinguish them from the ordinary revenues of the year, provided that the amount involved is so large as to justify this special treatment.

**6-E. Loaning of land to Government Department** - In some districts the practice exists of taking over lands required for heads or channels of inundation canal “or for other specific purpose, e.g. construction of Schools, Hospitals, Seepage, Drains, etc.” without payment on the condition that when the land is no longer required for the purpose mentioned, it shall be restored to the former owner. In such cases it is only necessary to obtain a written agreement from the owner of the land being loaned to Government rather than acquired. “A Model form of the agreement is at appendix C”.

## **B. PROCEDURE FOR ACQUISITION OF LAND FOR PUBLIC PURPOSES**

7. **Site Selection:** When it is necessary to provide land for a public purpose the acquiring department shall explore the possibility of utilizing available surplus Government lands and carry out a detailed exercise with reference to record of public properties available in the department as well as with the department of Revenue. The assistance of the Deputy Commissioner concerned may be obtained for this purpose. The department shall also draw up a list of its own properties in the concerned district-both vacant and under occupation and examine how much of this has been fully utilized and why the remaining cannot be utilized instead of proceeding with fresh acquisition.

**8. Two ways of acquiring land** - In case it is found that acquisition of land is imminent for a public purpose the following two options will be available with the concerned department :--

- (i) (i) Acquisition by private negotiation.
- (ii) (ii) Compulsory acquisition under the provisions of the Land Acquisition Act, 1894.

Decision to acquire land by private negotiation or by compulsory acquisition shall be taken at the level of Administrative Secretary of the department. For negotiations part 'C' of the Standing Order may be referred to. For compulsory acquisition the procedure is laid down in the succeeding paras of this order.

**9. Preparation of data for notification u/s 4 :--** When it is decided to acquire certain land by compulsory acquisition, an officer of the acquiring department not below the rank of the district head shall prepare the following information :-

- (i) (i) Name of the village Hadbast No. Tehsil and District.
- (ii) (ii) Details of Khasra Nos. with area and classification of land as shown in the jamabandi such as Chahi, Barani, Nehri, Pahar, Ghairmumkin abadi, Ghairmumkin Nadi etc..
- (iii) (iii) Copies of latest jamabandi regarding these khasra Nos.
- (iv) (iv) 'Aks Shajra' of the land proposed to be acquired. This 'shajra' should give details of village 'abadi' within 'lal lakir', roads and canals including any bridges. Size of 'karam' in inches should invariably be indicated in one corner of the Aks Shajra.
- (v) (v) Site Plan of the land to be acquired showing structures/fixtures of high value including buildings, tubewells, mature/valuable trees particularly fruit bearing trees etc.
- (vi) (vi) A site plan of the surrounding area showing location of the land with reference to major roads, cities, village abadis/sub-urban areas and

other important features. The scale of the site plan should invariably be indicated.

- (vii) (vii) Acquiring department shall also provide a list of its properties in the district-both vacant and under occupation alongwith area in each case. Justification will also be provided as to why the land available with the department cannot be used for the purpose.

**Simultaneously the department shall proceed to issue Notification u/s 4 of the Land Acquisition Act, 1894. It shall not be necessary to obtain an N.O.C. before issuing this notification.**

**10. Preparation of a notification under section 4.**

- (i) The notification under section 4 shall be prepared by the officer of the acquiring department in the form given below :--

“Notification by Government under section 4, Act I of 1894.

Whereas it appears to the Governor of the Punjab that land is likely to be required to be taken by the Government at the public expense for a public purpose, namely for:-

-----  
-----  
-----

-----, it is hereby notified that land in the locality described below is likely to be required for the above purpose.”

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Governor of Punjab, is pleased to authorize the officers for the time being engaged in undertaking

with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within thirty days of the publication of this notification file an objection in writing before the Collector of \_\_\_\_\_.

**(SPECIFICATION)**

District	Tehsil	Locality/Village	Khasra number with area

**Note:-**

(ii) The draft notification shall be accompanied by a ‘Shajra Aks’ of the area prepared on the same scale as the scale adopted by the Revenue Authorities. The boundaries of the area proposed to be acquired should be clearly demarcated on this ‘Shajra Aks’ which shall , however, not be required to be sent with the gazette notification.

(iii) The draft notification should be accompanied by a statement giving full particulars of any religious buildings, tombs and graveyards on the land. This procedure may, however, be dispensed with under the orders of the State Government in any case in which, owing to the large area involved or any other cause, the preparation of the necessary statement would cause excessive delay.

(iv) The departmental officer will refer the draft notification to the Collector of the District in which the land is situated with a view to having the entries therein (e.g. the name of the tehsils, Revenue Estate, Hadbast No., Khasra numbers etc.) checked. The Collector will check the major points of description, but need not verify areas or refer the notification to the tehsildar or patwari. After check the departmental officer will forward the notification through his departmental superiors to the Secretary to Government

concerned for publication in the Gazette; and in two daily newspapers circulating in the locality wherein land is situated of which at least one shall be in regional language.

The notification must be typed and not in manuscript, it must be in duplicate and the duplicate copy must be unsigned.

As soon as the notification has been approved by Government in the department concerned, it shall be published in the manner set forth in Section 4 of the Land Acquisition Act, 1894. A copy of this notification alongwith the 'Aks Shajra' shall be pasted at the office of the District Collector and Land Acquisition Collector, at the tehsil office, Patwar Khana and a prominent public place in the village(s) concerned.

## **11. Issue of No Objection Certificate (NOC):**

### **11.1 11.1 Authorities competent to issue N.O.C. :**

The State Level Land Acquisition Board (SLLAB) shall be the competent authority for issuance of No Objection Certificate for the following class of cases :--

- (i) All cases of land acquisition under the Land Acquisition Act, 1894 involving an area of more than 25 acres;
- (ii) Cases of acquisition of area more than 5 acres in and on the periphery of all Municipal Towns.
- (iii) All cases of acquisition under the Land Acquisition Act, 1894 involving an area declared surplus under the Punjab Land Reforms Act, 1972.

The cases of acquisition of land under the Land Acquisition Act, 1894 for construction of drains for the purpose of flood control or anti-water logging operation are exempted from the requirement of 'No Objection Certificate' from the State Level Land Acquisition Board.

11.2 In all cases which are not referable to the State Level Land Acquisition Board the competent authority for issuance of N.O.C. shall be the Deputy Commissioner concerned.

11.3 Constitution of State Level Land Acquisition Board (SLLAB)

The State Level Land Acquisition Board shall consist of the following:-

1. Financial Commissioner, Revenue .. Chairman
2. Financial Commissioner and Secretary to Government,  
Punjab, Agriculture Department  
..Member
3. Principal Secretary, Town and Country Planning  
Department .. Member
4. Principal Secretary, P.W.D. (B & R)  
.. Member
5. Principal Secretary, P.W.D. (PH)  
.. Member
6. Principal Secretary, Finance  
.. Member
7. Principal Secretary, Irrigation and Drainage  
.. Member
8. Principal Secretary, Housing and Urban Development  
.. Member
9. Principal Secretary, Local Government  
.. Member
10. Director Land Records/Acquisition  
.. Member
11. Deputy Commissioner of concerned district  
.. Member



12. Spl. Secy. Rev./Addl. Secy. Rev./Joint Secy. Rev.  
.. Convener

**Note:** The Secretary of the Acquiring Department, if he happens to be the Secretary of a Department other than those constituting the SLLAB, shall be co-opted as a member of the Board for purpose of consideration of the proposal of that department.

## **12. Scrutiny for N.O.C. by DC/ SLLAB.**

12.1 On receipt of reference for issuance of N.O.C. Deputy Commissioner shall examine the proposal and consult the Chief Agricultural Officer, Divisional Town Planner, Superintending Engineer P.W.D. (Buildings), Superintending Engineer P.W.D. (Roads), Superintending Engineer (Drainage), Superintending Engineer (Irrigation), Superintending Engineer(Public Health) and also make such inquiry as he may consider necessary. In particular, he shall satisfy himself that the:

- (i) (i) Area proposed to be acquired is the minimum required for the scheme and possibility of constructing multi-story buildings has been considered.
- (ii) (ii) Acquiring department does not have surplus unutilized land available within the district which can be used for the purpose.
- (iii) (iii) No other Government land is available in the district which can be appropriately used for the purpose.
- (iv) (iv) No genuine religious place of worship, shrine, tomb, graveyard, Wakf or, any immovable property attached to any such institution, the boundaries of which are contiguous to the site of the same is being

acquired. If so, the acquiring department has consulted at least four legislators of the community concerned before taking action. Where, however, the number of such legislators is less than four, he/they should be consulted.

- (v) (v) The cultivated land particularly irrigated land and orchards are acquired only to the extent absolutely necessary.
- (vi) (vi) No surplus area declared under the land reforms legislation is being acquired unless it is absolutely necessary.
- (vii) (vii) The area owned by small landowners (owing less than 5 acres) is acquired only to the minimum extent necessary.

12.2 If the case falls within the competence of D.C., he shall, keeping in view the opinion of the said authorities and matters mentioned above, either issue 'No Objection Certificate' or suggest any practicable alternative in the Scheme or suggest an alternative site or may express his reservations to the acquisition giving reasons. If the alternative proposed by the Deputy Commissioner is to be rejected by the acquiring department then cogent reasons shall be recorded before acquisition is further proceeded with.

12.3 If the case falls within the competence of SLLAB, Deputy Commissioner shall send his detailed report to A.D. for submission to SLLAB. An advance copy of this report shall also be sent to the Revenue Department. Apart from information listed at para 9 and 12.1 above, the SLLAB may require the acquiring department to submit reasonable details of the project to ensure that the financial tie-up exists and that the land is not excessive and shall not be left un-utilized indefinitely. The acquiring department shall be required to render an account of utilization of its own land within the district. The SLLAB may also require the acquiring department to indicate utilization of its land elsewhere in the State as in the case of acquisition relating to Industrial Estates and

Housing Estates. The Board may require the department to satisfy about the manner in which the cost of acquisition is proposed to be funded.

12.4 The Deputy Commissioner or the SLLAB should issue N.O.C. within a period of three months from the date of receipt of proposal complete in all respects. In case the proposal is not found defective or incomplete but the decision is not taken within the above said period, it should be presumed that the Deputy Commissioner or the SLLAB as the case may be, has no objection to the acquisition of the proposed land.

### **13. Constitution of District Land Price Fixation Committee (DLPFC)**

For the determination of market price there shall be a Standing Committee at the District level by the name of District Land Price Fixation Committee. The Committee shall consist of—

- |    |  |             |
|----|--|-------------|
| 1. | Deputy Commissioner  | .. Chairman |
| 2. | 2. M.P. of the area;   |             |
| 3. | 3. M.L.A. of the area;   |             |
| 4. | 4. <i>(For rural area)</i>   |             |
|    | (a) (a) Chairman, Block Samiti and where there is no Chairman the Block Development and Panchayat Officer; |             |
|    | (b) (b) Sarpanch of the village concerned  |             |

*(For urban area)*

Mayor/President of Municipal Corporation/Municipal Committee/Nagar Panchayat. Where there is no Mayor/President, the Commissioner of the Municipal Corporation or the Executive Officer, as the case may be.

- |    |                              |             |
|----|------------------------------|-------------|
| 5. | 5. District Revenue Officer; |             |
| 6. | 6. Sub-Divisional Magistrate | .. Convener |

Where the land to be acquired falls in more than one district, the Commissioner of the Division shall chair the meeting of the District Land Price Fixation Committee and in case the land falls in two or more Divisions then the meeting shall be chaired by the Commissioner who is senior amongst them. Even in that case the main responsibility for guidance and coordination shall rest with the Deputy Commissioner in whose district the major portion of the area to be acquired is situated.

District Land Price Fixation Committee shall also associate the district level representative of the acquiring department/Public Sector Undertaking concerned with every meeting of the Committee as also with the site visit, if conducted.

#### **14. Procedure for District Land Price Fixation Committees.**

The proceedings regarding issue of N.O.C. by DC/SLLAB and fixation of market price by District Land Price Fixation Committee shall run simultaneously. The list of factors that should weigh with DLPFCs while determining the market price of land can at best be illustrative and not exhaustive. All data listed for presentation to SLLAB shall also be placed before the DLPFC. In addition data in relation to sale transactions in the area during one year preceding the notification under section 4 of the Act shall also be furnished as per details below :--

Serial No.	No. & date of Registration of the sale	Area Class-wise	Consideration	Remarks
(i) Data of sale transactions in the village during the year preceding the Notification u/s 4 of the Act (Give Sl.No. of transactions date				

wise.)				
(ii) Date of sale transactions in the vicinity of the land acquisition (Give distance of the vicinity and name of village, Hadbast etc.)				
(iii) Average rate per acre of various kinds of land as worked out from the transactions in S.No.(i) above.				
(iv) Average rate per acre for various kinds of land as worked out from the transactions mentioned in S.No. (ii) above.				
(v) Particulars of award, if any, announced in the village during last 5 years.	Date of Award	Date of notification under Section 4	Rates per acre for various classes of land	Remarks
(vi) Particulars of Award, if any, announced in the vicinity during the last five years (name of village Hadbast No. distance from acquired land)	-do-	-do-	-do-	
(vii)Particulars of Court decisions, if any, announced in the village during last 5 years.	Date of decision	Date of notification under section 4	Rates per acre allowed	
(viii) Particulars of Court decisions, if any announced in vicinity during the last 5	-do-	-do-	-do-	

years. (name of village, hadbast No. distance from acquired land)				
(ix) Present land use of area proposed to be acquired.		Agri-culture Horti-culture  Forest/ other trees  Dairying  Poultry  Fisheries	Total area          Other allied Activities  Residential  Commercial etc.	Remarks  Any special fruit trees and approx. Nos., Any special variety e.g. katha khair approx. Nos.,  No. of cattle heads etc.  No. of units birds  Approx. value -do-
(x) Whether any part of land has any special features such as nearness to abadi or main road to justify higher price ? (Also refer to 'Shajra Aks' and site plan and site plan of surrounding area).				
(xi) Whether there were any special feature in the land sold during the past one year				

which may justify approval of rates lower than the average rates ?				
(xii) Video film, if any, of the area taken after notification under section 4.				

- (xiii) While considering the market value of the land provisions of Section 23 and 24 of the Land Acquisition Act, 1894 may also be kept in view.

**15. Guidelines for District Land Price Fixation Committee** - As would be seen from para 14 above, the list of factors which can be considered relevant while arriving at the market price of land can at best be illustrative and can never be exhaustive. Just as in partition cases a mode of partition is framed in consultation with the parties and certain clauses are listed as relevant/crucial to decision making, in the same manner after the initial scrutiny of the data members of DLPFC should list out important considerations that should determine the price of the area and also list out factors which need to be ignored. They may even prioritize these factors and visit the site, if considered necessary. This would give an idea regarding the factors which would be relevant for price fixation in the circumstances peculiar to that particular area.

Over the years due to rapid urbanization and the land becoming a scarce commodity, locational factors like proximity to a road, a town, an urban agglomeration and even the direction in which a city is expanding have assumed far greater importance in determining the market price rather than whether a land is 'chahi' or 'barani' or even 'banjar'. Rather, such a distinction primarily based on kind of land may leave unwarranted discretion in the hand of the Land Acquisition Collector. For determining market price, therefore, the distinction between various classes of land such as 'chahi' and 'barani' can no longer be considered relevant at the time of acquisition unless there are strong reasons to act otherwise. Thus, a distinction may have to be made if the land is rocky or there are steep hills or deep depressions of sand dunes which in the normal

course would fetch very low market price and its land use would be very restricted and the cost of development would be high; share of khewatdars in 'Nadis' would also fall in this category. There may even be a case for recommending higher rates on the basis of locational advantage e.g., for fields along the main road irrespective of whether the land is 'chahi' or 'barani' as compared to irrigated/chahi fields in the interior.

As per provisions of the Land Acquisition Act, the market price is to be determined on the date of notification under section 4 and not on the date on which the recommendations are made by the DLPFC. Therefore, the Committee must insist upon the department to furnish the details of transactions strictly for the period prior to the date of notification under Section 4 of the Act.

DLPFC shall conclude its proceedings in a manner to allow adequate time for taking decision regarding issue of declaration under section 6 and not later than six months from the issue of notification under section 4 of the Land Acquisition Act. Since these recommendations are to substitute the Collector's rates as per the earlier Standing Order, they shall be detailed and self-speaking and also contain reference to any difference of opinion expressed by the department. They should specifically mention the rates recommended earlier for any other area in the districts, make comparisons and justify variation and also mention any recent enhancement in Award made by the Courts in district, vicinity, village or locality.

The onus for conducting meetings of the DLPFC in a purposeful manner will be of the Deputy Commissioners and it will be their duty that all material data is presented to the Committee and their recommendations are justified fully on the basis of facts and figures. A lumpsum amount will only be proposed if it represents a negotiated price. Even then it shall be clarified whether it includes solatium, interest etc. or not.



## **16. Valuation of fixtures/structures, trees etc.**

As soon as possible after a notification under section 4 is issued, the Land Acquisition Collector shall obtain report from competent technical officers regarding exact number and valuation of structures, trees, wells, tubewells etc. on the land to be acquired. For this purpose, the Land Acquisition Collector shall ensure that the meetings of the various Technical Committees are held promptly after notification under section 4. Their rough assessment must be made available prior to notification under section 6 to enable the Administrative Department to make up its mind. In case of buildings, XEN, PWD (B&R), in case of tubewells XEN, PWD (Public Health), in case of fruit bearing trees Deputy Director, Horticulture, and for other trees Divisional Forest Officer shall be competent technical officers. In case of buildings, wells, tubewells and other installations falling under jurisdiction of Irrigation Department, Executive Engineers of the Irrigation Department will also be competent technical officers.

The Administrative Department/Public Sector Undertaking may, however, associate its own technical staff with the competent technical officers concerned, and this staff may submit a separate report in case they differ with the recommendations being made by the competent technical officers. To add to the reliability of this data cataloguing /video filming/photography of important structures, fixtures, afforested area or cluster of valuable trees/fruit bearing trees may be resorted to in the presence of a representative of the department and an Executive Magistrate designed by the Deputy Commissioner immediately after the notification under section 4. For large tracts of land e.g. urban estates, and industrial projects, even aerial photography may be resorted to. The cost of this exercise shall be borne by the acquiring department. This cost will have to be provided by the department even though at certain stage it chooses not to proceed with the acquisition of the land. Standard per acre cost can be worked out and accordingly the Administrative Department should place funds at the disposal of Land Acquisition Collector, in the very beginning.

**17. Procedure for the concerned department – Approval of market rate :**

The representative of the acquiring department who was associated with the deliberations of the DLPFC shall independently send his observations to his administrative department, if he so desires.

In case the recommendations of the DLPFC are acceptable to the Administrative Department these shall be transmitted to the LAC. In case the market rates recommended by the Deputy Commissioner/DLPFC are found to be unrealistic the acquiring department may refer them back to the committee for re-consideration stating the grounds necessitating it. After the matter is reconsidered by the Committee and their revised recommendations are still found to be unacceptable, the matter may be referred to the SLLAB together with reasons for difference of opinion and the entire data relevant for decision making. It must be ensured that the needful is done prior to issuing a notification under section 6 of the Act.

The LAC shall not have power to vary the market rates more than 10% on either side after taking into consideration the other evidence produced before him in case he decides to differ with the market rates transmitted to him.

The Land Acquisition Collector will also report to the Administrative Department the objections filed by the landowners and other interested parties.

Based on position emerging from paras 14, 15, 16 above, the Administrative Department shall proceed to decide whether a notification is to be issued under section 6 of the Act or not, or whether it is to be modified in any manner or any area is to be left out of the acquisition proceedings. Rough cost estimates of compensation payable for structures and fixtures must also be made available for the same purpose.

**18. Rate to be finalised before notification under section 6** - It is reiterated that each department is expected to ensure that the Collector's rates are available before

proceeding with a notification under section 6 of the Act, as the financial requirements have an important role in decision-making. There is no bar to a department arriving at a negotiated price with the land owners at any stage in the acquisition proceedings prior to the announcement of the Award. The procedure is laid down in paras 20 to 27 of the Standing Order. The procedure is specially effective where drains are dug up under urgency provisions of the Act. Similarly where structures are to be raised as in the case of Sewerage Treatment Plants and transformers/Power houses of the Electricity Board, and urgency provisions of section 17 have been invoked, negotiations must be attempted immediately. The services of DLPFCs should be utilized by the Departments if there is any hesitation on its own part to attempt these negotiations single handedly. In any case there is no point in leaving the exercise of price fixation in such cases till the last minute since land cannot be abandoned once it is put to use.

19. **Administrative department competent to examine the record of Land Acquisition Collector** - Although the decision on quantum of compensation is considered quasi-judicial, this does not preclude the Administrative Department from exercising appropriate supervision over its Land Acquisition Collector. As per Section 15(A) of the Act the appropriate Government may at any time before the Award is made by the Collector under Section 11 call for any record whether by way of inquiry or otherwise for the purpose of satisfying itself as to its legality and propriety etc. This provision gives the Government power to examine cases where it is considered that any irregularity or illegality by LAC will lead to announcement of Award for a substantially higher amount. The department should, therefore, satisfy itself not only about the propriety and quantum of Collector's Rates but also about the quality and quantum of recommendations/assessment made by the Technical Committees. With proper supervision at this stage it should be possible for the department to avoid manipulation of data and inflated Awards. Video filming/aerial photography has already been provided for in para 16.

For purpose of section 11 and 15-A of the Land Acquisition Act the word ‘appropriate Government’ shall mean Government in the Department concerned and ‘authorised officer’ shall imply the Administrative Secretary concerned.

## **B (I) PROCEDURE OF COLLECTORS AFTER ISSUE OF NOTIFICATION UNDER SECTION 4**

**19-A(a) Act XXXVIII of 1923- The disposal of objections.** Any person interested (*see* note under paragraph 17, *supra*) in any land which has been notified under section 4 sub-section (I), may within 30 days from the date of publication of the notification, object to the acquisition of the land or of any land in the locality, as the case may be. Every such objection must be made to the Collector in writing ; and the following procedure is to be observed for the disposal thereof :-

- (i) (i) When the Collector receives an objection he shall fix a date for hearing it and shall give notice of the date to the objector and to the officer of the department, or to the local body, on whose application the notification under section 4 has been issued.

It will generally be convenient to hear all objections after the limit of thirty days has expired.

- (ii) (ii) On the date fixed for hearing, if the objector appears either in person or by any person authorised by him or by his pleader, that Land Acquisition Collector shall give him adequate opportunity of making representation in support of his objection and producing evidence that he wishes to produce. If the objector fails to appear in person or by any person authorised by him in this behalf, the Collector may, if he thinks fit, make, an *ex parte* enquiry regarding the objection. In either case, he shall without unnecessary delay , report his opinion as to the validity of each ground of the objection.

(iii) (iii) The Collector shall forward his report together with the record of his proceedings direct to the Secretary of the corresponding Department of the State Government, if the acquisition is for a department of the Central Government or a Central Government undertaking and to the Secretary concerned when it pertains to a State subject.

(iv) (iv) No costs shall be allowed.

(b) If the State Government after consideration of the report of the Collector decides to withdraw from the acquisition proceedings, the notification under section 4 of the Act shall be cancelled without delay.

NOTE:-THE LAST OF THE DATE ON WHICH THE NOTIFICATION UNDER SECTION 4 IS PUBLISHED IN THE GAZETTE OR THE TWO NEWSPAPERS OR IN THE LOCALITY WILL BE TREATED AS DATE OF PUBLICATION OF THE NOTIFICATION.

**19-B. Deleted.**

### **C. C. Acquisition by Private Negotiation**

20. **Advantages of Acquisition by private negotiation** - When the preliminary estimate has been sanctioned by competent authority it is to be determined whether the land should be acquired,—

- (1) (1) by private negotiation; or
- (2) (2) compulsorily under the Act.

The advantage of purchase by private negotiations is that the 30% of the market price which has to be paid as solatium for acquisition under the Act is saved. The risk of a higher price having to be paid subsequently as a result of decisions by the Courts is also eliminated. In some cases purchase by private negotiations may also be speedier than by acquisition under the Act. On the other hand, under the statutory procedure there is perhaps less risk of an extravagant valuation and compliance with the necessary

formalities ensures the vesting of the land absolutely in the Government free of all encumbrance. Where there is the faintest doubt regarding the title of the person in possession or where there is any reason to fear that the land may be encumbered to an unknown extent, private negotiation is out of the question. In other cases, decision to purchase land by private negotiations should be taken at the level of the Head of Administrative Department concerned. If it is decided to purchase the land by private negotiation, the negotiations should be conducted by the officers of the Department concerned. The Deputy Commissioners will, however, supply them with preliminary estimate of value and the Collector's rate just as they would do in a case in which it is proposed to acquire land under the Act.

NOTE:- The State Government will not undertake any acquisition of land by private negotiations for any department of the Government of India or any other State Government.

**21. Initial proceedings when acquisition is by private agreement** - Even where land is proposed to be acquired by negotiations it is desirable that preliminary notification under section 4 is issued so that in the event of failure of negotiations the land can be acquired under the Land Acquisition Act without further delay.

**22. Duties of Deputy Commissioners when acquisition is by private agreement** - The Deputy Commissioners shall render to officers of other Departments conducting private negotiations preliminary estimates in the manner described in part B of this order. But a Deputy Commissioner shall not carry out private negotiations for any other Department unless the department acquiring the land has itself failed to acquire land by such negotiations and has requested for D.C.'s help in the matter.

**23-I. Abstract of title to be obtained** - The Officer conducting the negotiations must in each case obtain from the vendor a complete abstract of title extending over the full period of limitation for suits relating to immovable property (twelve years) supported by

all documents of title on which the vendor relies, and accompanied by strict proof of all matters and facts forming a link in the chain of his title.

**23-II. Original documents to be examined** - It is not sufficient to obtain mere copies of documents of title; it is of the prime importance to examine such documents in original where title rests upon that.

**23-III. Precautions to be taken in the case of minor vendors** - If the vendor is a minor he can act only through his guardian and the competence of the guardian should be scrutinized particularly in the case of Muslims. If there is no guardian, competent to alienate the minor's rights one would have to be sought from the civil court.

**24. Procedure for concluding a bargain by private negotiation-** The procedure to be followed in concluding a bargain by private negotiation is as follows :-

- (a) (a) **Agricultural land** - When agricultural land is to be acquired, and the jamabandi entries for 12 years show an undisputed title, and the value of the land does not exceed Rs.2,000 a Deputy Commissioner, may, with the sanction of the Commissioner of the Division acquire the land. In reporting the matter for sanction, the Deputy Commissioner should submit copies of the jamabandi entries and the draft deed of sale.
- (b) (b) **Other cases** - In other cases the officer concerned must submit to the head of his department a report with full details showing the nature of the land, the persons interested in it, and the nature of their claims. The report must be accompanied by the proof of title described in paragraph 23-I above and a draft of sale.
- (c) (c) A model form of sale deed is annexed as appendix A; but Commissioners and Heads of Departments should submit the draft sale deed to the Legal Remembrancer for approval in every case where a

special condition is to be agreed upon and in every other case of doubt. If the special condition is to be performed before the deed is executed, the officer concerned should see to its actual performance before he executes the deed; and the fact that the condition has been performed, should be recited in the first appropriate blank space in the model form. Other types of conditions, e.g., restrictive covenants by the vendor where he retains other land adjoining the actual land sold will be unnecessary because the model form conveys all easements, etc., but even in such cases the existence of such a easement, etc., could with advantage, be recited and even emphasized as “special conditions”.

When incorporating any special condition in the model form the circumstances of the proposed condition should be inserted in the space left for the purpose in the recitals and operative portion respectively so as to bring them clearly to the notice of the Legal Remembrancer. Further, the conditions should be defined where necessary in a plan or schedule or both.

These remarks apply *mutatis mutandis* to covenants undertaken by the President as vendee.

**25. I Conclusion of negotiation** – On receipt of the Commissioner’s sanction or the sanction of the head of the department as described in the preceding paragraph, the officer concerned will inform the vendor of his readiness to conclude the transaction on the vendor’s-

- (a) (a) handing over possession of the land sold and all former title deeds relating to it, and
- (b) (b) executing and causing to be registered and delivered to such officer a valid deed of sale, on proper stamped paper in the form supplied by such officer at the time and that on the vendor’s complying with those



requirements, the purchase money will be paid to him. (Government of India, Home Department - Judicial, No. 485-501, dated the 28<sup>th</sup> March, 1895).

**25-II-A Signatures of Deputy Commissioner, when necessary** - A conveyance in favour of Government ordinarily only requires execution by the vendor. If the instrument in any case contains stipulations binding on Government in favour of the vendor then the signature of the Deputy Commissioner is necessary.

**26.I Statement required at the time of payment** - At the time of making payment to the vendors, the officers concerned shall draw up a statement in the form given below :-

Date of statement\_\_\_\_\_

Name of work for which land has been bought\_\_\_\_\_

No. and date of letter of head of department sanctioning opening of private negotiation : No.\_\_\_\_\_dated\_\_\_\_\_

Date of letter sanctioning purchase No.\_\_\_\_\_dated\_\_\_\_\_

Statement showing the price settled by the parties for a plot of land situated in the village of\_\_\_\_\_No. in tehsil \_\_\_\_\_district acquired by private negotiation :-

1.	2.	3.	4.	5.	6.	7.	8*
Serial No.	Name of person to whom payments due	Area of land	Khasra and jamabandi numbers of land	Abate-ment of land revenue	Total amount due to each person	No. and date of Voucher <hr/> No. Date	Date on which possession was taken

\*To be filled in by the auditing office.

Officers acquiring the land are requested to note at the foot of the statement the harvest from which the abatement of land revenue is to have effect.

**26-II.** With reference to column 5 of the above statement, it must be remembered that the statement showing the reduction in the land revenue (*vide* paragraph 79 *infra*) is to be submitted whether the land is acquired by private negotiation or compulsorily.

**27. Payments how to make** - Payments should be made in accordance with the entry in column 6 of the above statement and receipts or an acquittance roll taken from the vendors in the same way as in the case of acquisition under the Act (*see* paragraph 75 *infra*). The officer purchasing the land will forward the statement prepared under paragraph 26 *supra* and receipts or acquittance roll to the audit officer with whom he is in account (*see* para 76 *infra*) when forwarding to him the account of the month in which payments are made.

**27-A. Payments –when to make** - In order to avoid any possible claims for interest, payments must be made before or immediately after taking possession. If for any reason this course is impracticable, the circumstances of the case are to be reported through the Commissioner and Financial Commissioner for the information of the Government in the acquiring department.

#### **D. Compulsory Acquisition under Act I of 1894**

**28. General instructions** - Where action is taken under this part, i.e., the land is acquired compulsorily it is essential to conclude the transaction with as much expedition as is compatible with accuracy. When the Collector of the district knows that a notification under section 6 is likely to issue, he should have all preparations complete as regards acquiring officer, establishment forms, etc. so that on issue of the notification the proceedings may begin at once. Under ordinary circumstances the transaction should not

take more than six months after issue of the notification under section 6. When necessary the service of a special officer should be applied for (*vide* paragraph 32 *infra*).

**29. General Instruction** - All correspondence should be marked “Land Acquisition” urgent so that the least possible delay be caused in dealing with it in the different offices.

**30-I Notification under section 6** – A notification under section 6 must issue in all cases in which it is intended to put Act I of 1894 in force. As in the case of a notification under section 4, it will be prepared by the departmental officer, in the form given below, and sent by him to the Collector of the district for check and should similarly be accompanied by a statement giving full particulars of any religious buildings, tombs, and graveyards on the land. As in the case of a notification under section 4 this step may be dispensed with under the order of State Government in any case in which owing to the large area involved or any other cause, the preparation of necessary statements would cause inordinate delay. The check will be of the same nature as that described in paragraph 17-III, *supra*. After it has been checked the draft notification will be drawn up in duplicate exactly in the same way as a notification under section 4.

**30-II. Form of Notification** - After check the notification will be returned to the departmental officer concerned and forwarded by him to the head of his department for submission to the Secretary to Government concerned for publication in the Gazette.

The notification will be in the following form: -

Notification by Government in Gazette under section 6, (Act I of 1894).

Whereas it appears to the Government of the Punjab that land is required to be taken by Government on the public expense for a public purpose, namely, \_\_\_\_\_ and \_\_\_\_\_ it is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of\_\_\_\_\_, is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Collector of\_\_\_\_\_district and of the Executive Engineer,\_\_\_\_\_,Division\_\_\_\_\_  
\_\_\_\_\_.

### **SPECIFICATION**

District\_\_\_\_\_, Mauza\_\_\_\_\_  
Tehsil\_\_\_\_\_, Area in Acres\_\_\_\_\_

### **DIRECTIONS AND BOUNDARIES**

North-----belonging to-----son of-----son of-----of-----  
East-----belonging to-----son of-----son of-----of-----  
South-----belonging to-----son of-----son of-----of-----  
West-----belonging to-----son of-----son of-----of-----

NOTE:- The law requires that the description of land should be specific. Thereafter, small areas required for hospitals, schools etc. may be described by their khasra numbers. But in the case of bigger schemes like the building and roads of irrigation projects, a broad description should be given followed by the demarcation of site which should be completed within 15 days after the issue of the notification. In such cases the description should, however, be specific and definite and not too general.

**II.A. Report of Collector w.r.t. objections** - The Collector should also prepare and submit confidentially to Government in the acquiring department through his superior

officer, 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.

**31-I Explanation to accompany the draft notification:** - The Land Acquisition Collector while sending the draft declaration under section 6 to the Head of acquiring Department should certify that he has adequate staff to complete the proceedings within the time schedule prescribed by Government. He may indicate any short-falls in staff which it is essential to rectify for ensuring that the acquisition proceedings are completed according to the prescribed time schedule. It will be accompanied by a certificate that private negotiations are considered inexpedient or have been unsuccessful.

**31-II (a) Departments to whom the notifications are to be sent – *Acquisition of land for State Govt. Department:*** - Heads of Departments will forward the draft notifications direct to the Secretary to Government in the Department concerned primarily with the public purpose for which land is to be acquired and who is responsible for the provision of funds for the acquisition of land. They should be careful to ensure that notifications for the acquisition of land are forwarded to the proper department of Government as for instance the notifications relating to the works under the management and control of the Public Works Department, Buildings and Roads Branch, shall be forwarded for disposal to the Secretary to Government, Punjab, Public Works Department, Buildings and Roads Branch. Similarly, all notifications required for the purposes of works under the Irrigation Department shall be forwarded to the Secretary to Government, Punjab, Irrigation and Power Department. But as acquisition of the land for minor canals is governed by sections 44(3) and 45 of the Punjab Minor Canals Act, 1905, the notifications are issued in the Revenue Department of Government unless the canal in question is exclusively under the control of the Irrigation Branch of the Public Works Department.

The acquiring Department at the time of issue of declaration under section 6 should take necessary steps to get adequate staff provided to the Land Acquisition Collector concerned or to entrust the work to some other Land Acquisition Collector who may be able to complete the work in the prescribed time schedule.

(b) **Department to whom application are to be sent – Acquisition of land for Central Government departments** - For acquisition of land for a department of the Central Government, or another State Government, all notifications shall be forwarded to the Department under the Punjab Government corresponding to or doing work similar to that of the department under the Central Government or another State Government, as the case may be, which wishes to acquire land (Government Notification No.F-26(5)/57/J II, dated the 20<sup>th</sup> February, 1957) unless the Government of India have undertaken to acquire land themselves. Thus notifications relating to the Income-tax Department and Central Board of Revenue shall be forwarded for disposal to the Excise and Taxation Department for Defence Works to the Home Department for Railways to P.W.D. (B & R) for Food Corporation of India to Food and Supplies Department, etc.

The notification relating to the Indian Posts and Telegraphs Departments shall be forwarded to the Public Works Department, Buildings and Roads Branch.

**31-A Procedure in the acquiring Department – I** - The acquiring department shall consider the objections, if any, that may have been received under Section 5-A of the Act unless urgency provisions have been invoked and where it finally decides to acquire land, issue declaration under Section 6 of the Act. Before issue of this declaration the acquiring department should satisfy itself that—

- (i) (i) a realistic estimate of the compensation to be paid for the land proposed to be acquired has been made in consultation with the Deputy Commissioner concerned. The market price as indicated by the Deputy Commissioner concerned for this purpose will need to be enhanced by 12 per cent per annum till the date on which the award is likely to be made,

besides a solatium at the rate of 30 per cent in order to arrive at a realistic figure about the compensation likely to be payable; and

- (ii) (ii) adequate provision has been made in the budget for the payment of compensation. Where the decision to acquire land is taken after the finalization of the budget or the compensation could be paid in subsequent years, a clearance from the Finance Department may be obtained that the necessary funds would be provided for payment of compensation during the year in which compensation would become payable.

II. Since the Land Acquisition Collector will have to tender 80 per cent of the compensation for land estimated by him before taking possession under the urgency provisions, it will be necessary for the acquiring department to make necessary funds available to the Land Acquisition Collector simultaneously with the despatch of declaration under Section 6 for publication. Any delay in receipt of funds by the Land Acquisition Collector will not only delay the taking over of the possession but may also involve the risk of the declaration being struck down by the courts on the ground that if Government could delay taking over possession, it could also provide opportunity to the affected persons to file objections.

**31-B. Time limit for declaration under section 6** - The declaration under Section 6 shall be published in (a) the Official Gazette (b) two daily newspapers circulating in that locality of which at least one shall be in the regional language and (c) substance of such notification is to be notified at conspicuous places in the said locality. Under the Amendment Act, the declaration under section 6 has now to be issued within one year from the date of publication of notification under Section 4 (In case of notifications which were issued before commencement of the Amendment Act, viz., 24<sup>th</sup> September 1984, the limit is 3 years from the date of publication of the notification). The notification under Section 4 will thus lapse if declaration under Section 6 is not published within one year of the publication of Section 4 notification. In that case, a fresh notification under section 4 will have to be issued and the market price will be taken

afresh as on the date of the fresh notification. Since this involves higher amount of compensation, apart from delay in the execution of the schemes, it is essential that declaration under Section 6 is published before the expiry of this time limit. It may be noted that the last of the dates on which a declaration is published in (a) the official gazette, (b) two daily newspapers and (c) in the locality will be treated as the date of publication of the declaration. It has, therefore, to be ensured that the publication of the declaration in all these forms is completed before the expiry of the one year limit.

**32-I. Procedure after issue of notification under section 6** -When the notification under section 6 has been published in the Gazette, all further proceedings rest with the Collector or other officer specially empowered by Government to perform the functions of a Collector under section (3)(c) of the Act.

**32-II. When a special officer or additional clerical staff should be applied for** - When the area of land to be thus acquired is so considerable that the appointment of a special officer or additional staff for the work seems advisable, the collector of the district or head of the department concerned will apply to the Commissioner of the Division or Administrative Department in Acquiring Department, as the case may be who will take such steps for sanctioning of posts of Special Officer or additional staff. The special rules applicable to the special officer will be found in part F below.

**32-III. Results of negotiations to be intimated to the collector** - With a view to guarding against claims, there is no objection to the communication by the acquiring department to the acquisition officer of the results of any negotiations which the acquiring department may have entered into with the parties to be expropriated previous to the opening of proceedings under the Act.



**E—PROCEDURE OF COLLECTORS AFTER ISSUE OF A  
NOTIFICATION UNDER SECTION 6**

**33. Procedure of acquiring officer empowered under section 7** - When the Collector or other officer invested with the powers of a collector has received a direction under section 7 of the Act to take order for the acquisition of the land, he will proceed in accordance with the provisions of section 8 et. Seq.

**34-I. Land to be marked out** - Under section 8 of the Act the acquiring officer will send to the tehsildar (if necessary through the Collector of the district) a copy of the notification under section 6, and have the land marked out and measured. At the time of marking out and measuring the land an officer of the Department for which the land is to be acquired should, if possible, be present, and see that the boundaries are correctly aligned.

**34-II. Treatment of discrepancies in measurement** - Proceedings should not be stayed merely, because when action is taken under section 8, it is found that there is a discrepancy between the land to be acquired and the description or measurements of the land given in notification, provided the notification describes the land with approximate correctness and the owners in this and other areas have had due notice of Government's intention to acquire the land, the acquisition should be completed, and no revised notification need be issued.

**35. Form of notice under section 9** - The notice to persons interested in the land, required to be served under section 9 of the Act, shall be in the form given below:--

Notice to persons interested in land to be acquired under Act I of 1894.

Whereas the under mentioned land is about to be taken up for a public purpose, namely, \_\_\_\_\_ under notification of the Punjab Government No. \_\_\_\_\_ published in the Punjab Gazette

This notice is issued under section 9 of Act 1 of 1894.

North	East	Extent
South	West	
Dated	20	Collector

**36-I. Statement of values and owners** - In order to facilitate the enquiry into the value of the land and into the claim of persons interested the acquiring officer will cause statement in the form given below to be prepared by the tehsildar or other competent revenue officer, as noted in paragraph 471, Land Administration Manual.

[illegible]

1	2	3	4	5	6	7	8	9	10	11
Sr. No.	Jamabandi and Khatauni number	Names of owners, etc.	Names of occupancy tenants	Khasra number, whole or part	Total area of land in holding taken up (in acres)	Classes of land taken up	Crops, trees, wells or houses on land taken up	Value of crops, etc. shown in column 3	Revenue payable on the land taken up	Remarks

FORM (ii)

**36-II. Report giving data for estimate of market value** - These statements will give in a tabular form most of the information necessary to come to a decision as to the compensation to be awarded. Statement No.1 will give details for each khasra number while statement No.2 will merely give the totals for each holding.

**36-III. Copy of field map to be filed with the proceedings** - Care should be taken that a copy of the portion of the settlement field map, in which the land taken up is situated with the boundaries of the land marked on it is filed with the patwari's papers and with the proceedings of the case.

**37. Report when to be completed** - The statement and the report should be completed and checked before the date fixed in the notice issued under section 9 for the attendance of parties and enquiry into claims.

**38. Notice to departmental officer** - The acquiring officer must give at least 15 days previous notice of the date fixed under section 9 to the departmental officer acting on

behalf of the department for the acquisition of the land, in order that he may have an opportunity of making in person, by agent or by letter, any representation regarding its value, which he may think necessary. The notice shall be accompanied by a copy of the statements and report prepared under paragraph 36 supra or in cases in which the file is too bulky for copies to be conveniently prepared, the notice shall inform the departmental officer that this is the case and that the file is open to inspection by him or by any other officer named by him, on a day not later than two days before the date fixed in the notice issued under section 9. In the latter case, however, a note of the value of the land, house, etc., arrived at in the report shall invariably be forwarded along with the notice.

**39. Opportunity to be given to the departmental officer to make representations to acquiring officer** - Due consideration shall be given by the acquiring officer to any representation the department officer may make in reply to this notice, whether made in person, by agent or by written statement. It will rest with the department concerned to decide whether there is ground for making any such representation. The officer acquiring the land is only required to see that due opportunity for doing so is afforded, and that the representation, if made, is duly considered before an award is made under section 11 of the act.

**40.** Para 40, 40-A, 40-B, 40-C deleted.

## **F- APPROVAL OF AWARDS**

**41. Authorities competent to approve the award** - (1) Section 11 (1) of the Land Acquisition Act, 1894 inter alia lays down that no award shall be made by the Collector under this sub-section without previous approval of the appropriate Government or of such officer as the appropriate Government may authorize in this behalf. For the purpose of section 11 and 15 (A) of the Land Acquisition Act, 1894, the “appropriate Government” shall mean Government in the Department concerned and “authorised officer” shall imply the Administrative Secretary concerned. The authorities to accord approval to the award have been declared by the Government as under: -

<b>Sr. No.</b>	<b>Name of Authority</b>	<b>Class of cases for which competent to accord approval</b>
1.	District Collector	All cases where the total amount of award is upto Rs. 50 lacs.
2.	Administrative Secretary	All cases where total amount of award exceeds Rs. 50 lacs.

2. In case of building structures, wells, tubewells and other installations falling under the jurisdiction of Punjab Irrigation Department, Executive Engineers of the Irrigation Department will also be competent Technical Officers.

#### **42. Deleted**

**42-A. Acquiring department to decide whether to acquire the land or abandon acquisition** - The Acquiring Department on the receipt of the reference will have to examine whether in view of the higher cost of the land they would like to reduce the area of land to be acquired or abandon acquisition and select an alternative site. They should send directly to the authority competent (i.e. Administrative Secretary/Collector) to approve the award their decision in this regard. If the acquiring department decides to abandon the acquisition, necessary notification for the purpose should be issued by it and copies sent to the authority competent (i.e. Administrative Secretary/Collector) to approve the award and the Land Acquisition Collector. Where it decides to reduce the area to be acquired, it should indicate the revised area of land to be acquired along with khasra numbers to the authority competent (i.e. Administrative Secretary/Collector) to approve the award and the Land Acquisition Collector so that the award is then announced in respect of the area proposed to be acquired. The acquiring department may also supply to the authority competent (i.e. Administrative Secretary/Collector) to approve the award any information in their possession which it may consider relevant for the purpose of determining the compensation.

#### **42-B Deleted**

**42 C. Land Acquisition Officer to report to Collector of the District -** The Land Acquisition Collector will report every award made by him to the Collector of the district in which the land, the subject of the award, is situated. The report will show the area, kind of soil, rate per acre, and total amount in each case.

The Land Acquisition Collector will indicate in the award at the time of announcement that it has been made with the previous approval of the District Collector, or Financial Commissioner, Revenue, Punjab, as the case may be, in cases where the awards require such approval.

**43. Deleted.**

**43-A. Points to be examine by the authorities approving the award -**

- (a) (a) Whether the price of land proposed to be allowed for various categories of land are reasonable;
- (b) (b) Whether the compensation on account of structures, wells, tubewells, trees, etc. are in accordance with the rates recommended by the technical officers concerned or where these are proposed to be departed from the revised rates, are reasonable; and
- (c) (c) Whether the change in classification of land as compared to the entries in the Jamabandi proposed by the Land Acquisition Collector are reasonable.

The Land Acquisition Collector and the District Collector while forwarding the draft awards for approval will therefore, indicate clearly the reasons for the proposals in regard to the above-mentioned points in the award. Where the rates for land in the awards are based on the Collector's rates, which were not approved by the authority

approving the draft award, the basis on which Collector's rates were approved may also be indicated.

**44. Collector's powers in cases to be referred to him before awards** - The Collector of the District shall have the power of requisitioning all cases to be referred to him before an award is given whether it is proposed to exceed the original estimate or not.

**Government of India, Circular No.10, dated the 12<sup>th</sup> June, 1913** - While it is open to the State Government to cause, the proceedings of the officer framing the award under Section 11 of the Land Acquisition Act to be laid before a superior authority before the award is actually made, and while it is open to that superior authority to give the Land Acquisition Officer any information which it may have as to the proper valuation of the land, or instructions as to the information which the Land Acquisition Officer is to take into account in framing his award, the superior authority is not competent to direct the Land Acquisition Officer to award any particular amount as compensation. Such action would virtually result in the award being made by some authority other than the officer holding the inquiry under section 11 of the Act. But when the Land Acquisition Officer, after considering all the information placed at his disposal, either in the course of the proceedings under section 11, or extra judicially by Government or other authority superior to him has finally decided the amount of the award to be made, the only alternative open to Government is :

- (i) (i) either to withdraw from the acquisition proceedings, or
- (ii) (ii) to allow them to proceed on the basis of the Land Acquisition Officer's award.

**45. Rules for the payment of compensation** - The rules for the payment of compensation by special officer are given in part L.

**46. Acquiring Officer an agent of Government and not a judicial officer. – Government of India Circular No.9-292, dated the 28<sup>th</sup> June, 1906** - In framing his award, the first essential point for an acquiring officer to remember is that he is acting as an agent of Government and not as a judicial officer. He need not therefore, be reluctant to receive any evidence not brought before him judicially. It has been held that the enquiry and valuation made by the Collector are departmental in their character for the purpose of enabling Government to make a tender through him to the persons interested, and that it is open to him, in making his award as to the compensation to be offered, to consider all available information on the question.

**47. Opportunity of withdrawal to be given to acquiring department** - A second and equally important point is that in certain cases the department for which the land is being acquired be allowed an opportunity of withdrawing from the transaction. It is imperative that such opportunity should be given before possession has actually been taken, as indicated in section 48(1) of the Act, and it is to be observed that this permits withdrawal even after the award has been announced and compensation paid provided only that possession has not passed. Once the possession has passed, the Collector's award becomes binding on Government. It follows that Government's power of withdrawal must be exercised at some previous stage of the proceedings. Such stages would be:-

- (1) (1) When the draft award is referred to the acquiring department for comments, --*vide* para 42 above; and
- (2) (2) before the possession is taken and if the award of the Land Acquisition Collector appears to the acquiring department to be excessive or a reference has been made to the court under Section 18 of the Act and there is strong possibility of higher amount of compensation being allowed by the court.

Consequently possession should not ordinarily be taken by the Collector until the time within which an application for a reference to the court must be made under Section



18 of the Act has elapsed without an application being made except where the acquiring department has ordered the possession to be taken forthwith.

In the interest of Government departments acquiring land, the Collector is further required to inform the departmental officer of the facts, before announcing the award, if his award as finally settled after objection petitions have been heard and draft award approved by competent authority where necessary exceeds by more than 20 per cent of the preliminary estimate of the cost of acquisition prepared before the issue of notification under section 6 of the Act or if the evidence is so conflicting such as to indicate the possibility that a civil court may award a sum of similarly exceeding that estimate. Further action for payment of compensation and taking of possession must then be postponed until the proper authority in the acquiring department has decided whether the acquisition should be proceeded with or not.

A new provision has been added by the Land Acquisition (Amendment) Act, 1984 by which a land owner who has not made an application for reference of the Collector's award to the civil court may make an application to the Collector for re-determination of amount of compensation payable to him, if the civil court allows to any other landowner whose land had been acquired under the same notification and who may have applied for such reference compensation at a higher rate, within 3 months of the judgement of the civil court. The acquiring department will, therefore, have to consider the possibility of the price for the entire land getting increased as a result of the award of the court even if the landowners owning only a part of the land to be acquired may have filed an application for reference.

## **G – THE AWARD**

**48. Land acquired for a local body or company** - Under Section 25 of the Act as substituted by the Land Acquisition (Amendment) Act, 1984 the amount of compensation to be awarded by the Civil Court shall not be less than the amount awarded by the Land Acquisition Collector. The provision in the Act enabling a reference to be made by the

State Government against the award has thus now become infructuous. When a local body or company utilizes under Section 50 of the Act the Services of Government agency, similar considerations apply.

**49. Procedure of acquiring officer on hearing claims for compensation -(I)-** The award must in all cases be made by the acquiring officer himself and recorded with his own hand. On the date fixed in the notice issued under section 9 he will cause those persons who are interested in the land to be acquired to appear before him. He will then prepare two lists, the one showing the names of persons present, the other the names of the absentees. Unless it appears to him that there is sufficient reason for adjourning proceedings to later date, the case will be conducted *ex parte* so far as absentees are concerned.

**49-(II) Matters to be considered by the acquiring officer in compensation -** The statements of the persons interested shall then be recorded as to whether they accept the measurements given in the report furnished under paragraph 37 supra and agree to the rates of compensation proposed for the various qualities of land, for trees, houses, standing crops, etc., and to the apportionment thereof. If a holding or field is jointly owned or is mortgaged, the officer acquiring the land will also enquire as to the shares of the compensation to be paid to the several owners and to mortgager respectively. These points are important and the officer should in no case fail to take them into consideration. Where compensation is payable on account of standing crops, the amount of compensation awarded should be at the market value of the crops less the amount of land revenue and cesses payable on the land, since under paragraph 82 infra the land revenue will be reduced from the harvest during which the land has been taken up.

**50. Price – how to be fixed- (I)-**The Collector will pay special attention to the directions given in sections 23 and 24 of the Land Acquisition Act. The chief matter for determination is the market value of the land at the date of the publication of the notification under section 4, sub-section (1). The officer acquiring land may consider the prices paid for the land recently acquired under the Act in the same neighbourhood, if

any, or prices paid in private transactions and recorded in registered deeds or judicial proceedings or the letting value of the Land, and the amount of the Government revenue, if any. His main data, however, will be, of course, the original estimate framed by the Collector of the district in accordance with paragraph 12 *supra*. He is not bound to follow this estimate closely but the reasons which lead him to make any important departure from it must be carefully weighed.

**50-II.** In all cases, however, when the point arises he will do well to take into view the third head in section 23(I) of the Act. Compensation for damage in consequence of severance is a matter of importance and difficulty. In the case of Railways or canals with crossings at considerable distances, the compensation may often be unavoidable high. If land upon acquisition will be severed from its source of irrigation, and the department acquiring the land does not undertake to grant irrigation facilities equal to those previously enjoyed, the difference between the market value of irrigated and non-irrigated land must be taken into consideration for estimating the value of the land so severed. The provisions of sub-section (2) of section 9 of the Act should, however, be borne in mind in cases in which exorbitant claims are made on account of severance (see also paragraph 478 of the Land Administration Manual).

**51. Persons who may claim compensation on the ground that his land is injuriously affected** - It should be noted, however, that under the present Act no person can claim compensation unless some land has been taken in which he claims an interest, or over which he has an easement. He cannot claim compensation on general grounds that his land is injuriously affected by the acquisition if no part of it is taken under the Act.

**52. Treatment of revenue assignments - (I)**-In cases where the Government revenue has been alienated in favour of any one, the value of the loss of revenue to the assignee must be estimated as noticed in paragraph 489, Land Administration Manual.

**52-(II) Reduction in Revenue to be made from rent roll** - In shared villages reduction in revenue due to the acquisition of land for the State should be made from the Khalsa rent roll unless this course is impossible owing to the method of the division of the shares, or for other sufficient reasons.

**52-(III) Treatment when assignment is petty or where considerable** - Where jagir or muafi land taken up is insignificant in amount and reduction cannot be made from the Khalsa rent roll, compensation must be awarded in cash, in accordance with the directions given below. But when the amount of jagir or muafi on the land taken up is more than Rs.100 per annum or when such amount is more than one fifth of the total land revenue enjoyed by the assignee, and the reduction cannot be charged to the Khalsa rent roll, the State Government is willing to receive proposals through the Financial Commissioner for the grant of a pension or of a new assignment in lieu of the cash compensation otherwise payable for the assignee's interest in the land. Such proposals should not be made as a matter of course, but only when clearly indicated by the circumstances of the case. When such proposals are not made the matter will be dealt with according to the rules for cash compensation. Where jagir or muafi land is taken up for union purposes, compensation in lieu thereof must be paid in cash, in accordance with the directions given below.

**53. Cash Compensation how to be calculated** - In cases where cash compensation is awarded the following rules shall be observed. If the assignment is for more than one life, or in perpetuity, the compensation is to be calculated at 20 years purchase of the Government revenue assessable on the land. If the assignment be only for life, the value is to be calculated (excluding months and days) according to the scale laid down by Government for buying out pensions by which a fixed graduated value is given with reference to ages. The amount thus calculated is to be paid to the encumbrancer and his right is thus extinguished. Where nazrana is paid annually by the jagirdar, this is really a deduction from the revenue of jagir. In such a case a proportionate amount of the nazrana should be remitted and the amount of the compensation must be calculated after deducting the nazrana proportionate to the amount of the assignment extinguished. If the

assignment be for the terms of settlement; compensation must be calculated with reference to the number of years the settlement has yet to run; provided that in no case more than twenty years purchase the limit for perpetual grants be allowed.

**54. How the award is to be drawn up-** When all statements have been recorded, the acquiring officer shall draw up his award, which will indicate the total area of the various qualities of land taken up, the rate and the amount of compensation to be paid on account of land of each quality, the total amount of compensation to be paid on account of crops, trees, houses, etc. the proportion of the compensation to be awarded to mortgagees, and decision on the objections that may have been raised by interested persons. The extra 12 per cent per annum awarded under Section 23(1.A) and solatium at the rate of 30 per cent under section 23(2) of the Act for compulsory acquisition should not be included in the rates awarded per acre but should be added to the total compensation and shown separately. It should be noted that Section 23(I) (A) and Section 23(2) of the Act provide for the grant of extra compensation on the market value of the land acquired and not on the total award. Land as defined in Section 3(a) of the Act would include land, trees and buildings. But the extra 30 per cent or the extra 12 per cent per annum is not to be added to compensation awarded in consideration of the matter specified in clauses (2) and (6) of Section 23(1). Nor is it to be added to the capitalized value of jagir revenue granted under paragraph 52 and 53 supra.

**55. Statement showing compensation for each holding -** Below the general award he shall have drawn up a statement showing the compensation awarded on account of each holding. This will be in the form given in illustration below: -

1	2	3	4	5	6
SN	Jama-bandi and khatauni Nos	Names of owners, tenants etc. with shares	Khasra Nos. out of which land has been taken up	Area in acres of land taken up	Quality of land
	2/7	Khuda Bakhsh, son of Gulam Muhammad, and	17 25	10.5	2 acres sotar barani

		Izimo, son of Piru, equal share owners Partap Singh 2/5 and Harnam Singh 3/5 occupancy tenants Section 5.  --Hussaina, son of Sadiq	min.  1092		7 acres nahri  1.5 acres banjar qadim 1 Acre sotar barani
--	--	---	------------------	--	--

7	8	9	10	10-A	11	12	13
Compensation for land	Number of trees, houses etc. on the land or area of standing crops	Compensation for trees, houses etc.	Total of columns 7 and 9	Amount under section 23(1.A) of the Act	Compensation under section 23(2) of the Act	Total compensation (Column 9, 10-A & 11)	Remarks
Rs. 160.00 700.00	1 Kikkar Nil	Rs. 4.00 Nil	Rs. 900.00		Rs. 135.00	Rs. 1,035 of which owners Rs.646.25 np. tenants Rs.388.12 np. 92.00	
301.00 800.00	1 hut Nil	6.00 Nil	80.00		12.00		

Value of life annuity of one rupee per annum

Years	Rs. nP.	Years	Rs. nP.
Under 10	13.00	45 to 49	9.00
10 to 19	12.50	50-54	9.00
20-24	12.00	55-59	8.00
25-29	11.50	60 to 64	7.00
30-34	11.00	65 to 69	6.00

35 to 39	10.50	70 or above	5.00
40 to 44	10.00		

**56. Announcement of the Award** - The award shall then after obtaining approval of the competent authority referred to in paragraph 41 supra where necessary, be explained to the persons present, and those interested in each holding shall be informed of the amount of compensation to which they are entitled. Notices of the award shall also be sent to all persons interested in the land who are not present in court. It will be noted that the Act requires immediate notice to be sent. The notice should be in the following form:

Form of notice under sections 12(2) and 31(1) of Act I of 1894.

_____La		
nd Acquisition case No.	Object	Gazette notification

Notice is hereby given that in the above case, in which you have been treated as a person interested, an award was made by me on the \_\_\_\_\_ of \_\_\_\_\_ 20\_\_\_\_ under section 11 of Act I of 1894. The sum payable to you is Rs. \_\_\_\_\_. If you are willing to accept it, you should appear before me personally or by authorised agent on or before \_\_\_\_\_. Interest will not be payable in case of failure to appear.

**57. Proceedings under separate notifications-** Separate proceedings must be taken as to land acquired under separate notification and separate awards should be drawn up on account of each village in which land is acquired.

**58. Compensation in form of land in lieu of cash** - In all cases an award of each compensation must be made. It, however, not infrequently happens that either (a) the person from whom the land is being acquired asks that Government land no longer required for public purposes may be given to him in lieu of cash compensation or (b) it would be convenient to Government to award compensation in the form of land instead

of cash. All land no longer required must, however, be disposed of in accordance with the provisions of paragraph 87 *infra*. It follows firstly that no land to which any person has any claim under that paragraph can be awarded to other persons as compensation for land acquired from them; and secondly that no departmental officer can have private negotiation or otherwise acquire land for a public purpose and give in exchange for it other land no longer required. All land not required must be handed over to the Collector of their district. If it is proposed by any departmental officer to relinquish land and to acquire other land in the neighbourhood he must treat the two transactions as entirely separate. All he can do is to hand over the land to the collector of the district and represent to him that, if possible, the land should be given as compensation for the other land to be acquired. If the acquiring officer after having satisfied that no person has any claim to the land under paragraph 87 *infra* proposed to award it as compensation he will award cash compensation as usual, but will record in the award and in the award statement A (vide paragraph 73 *infra*) note to the effect that it is proposed to give land in lieu of cash. The question of the land to be awarded will then be dealt with in a separate file.

**58-A. Treatment of such cases** - Land may be allowed in compensation instead of cash if desired, by landowners whose land is being acquired subject to the following conditions:-

- (a) (a) that land is available for the grant; and
- (b) (b) that the land acquired from any person-
  - (i) (i) bears a reasonably large proportion to the amount of land still left to him, or
  - (ii) (ii) affects in an appreciable degree the possibility of his making livelihood out of the land, or
  - (iii) (iii) exceeds Rs.4,000 in value.

Every case will be considered on its own merits with reference to above considerations.



It must, however, be clearly understood that the above instructions refer to agricultural land proper and do not apply to urban lands or save in exceptional circumstances to land in the close vicinity of a town or mandi.

This paragraph does not affect the instructions in paragraph 58 the conditions to which the letter is applicable.

**59. Collector's power to award land in lieu of cash-** Under the provisions of sub-section (4) of section 31 of the Act the Collector may come to any agreement with the parties as to the method of payment but except in the cases provided for by sub-section (3) of that section the Collectors cannot force a party to take land in lieu of cash. Where, however, the interest of a party is so limited as in the case of a trustee of a waqf property as to make it extremely difficult, if not possible, to arrive at an adequate cash estimate of its value or where from the circumstances of the case it is impossible to place the parties concerned by a cash compensation in the name or nearly the same position as before acquisition, sub-section (3) enables the Collector to arrange to award land (subject to the same limitation of interest) in lieu of cash.

**60. Value of such land how to be adjusted-** In cases in which 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 exchange and the capitalized value of the abatement of land revenue should be charged against advances of funds (*vide* paragraph 77 *infra*) made by that body.

## **H. H. REFERENCE TO THE COURT**

**61. Reference under section 19 now made -** When action is taken under section 19 of the Act, the acquiring officer should be guided by the following considerations in

deciding whether to make a separate reference on account of each holding included in the award, as to which an application has been filed under section 18, or to make a single reference covering several holdings. In all cases there must be a separate reference on account of each village. If the persons interested in a number of holdings in the same village object to the award on the same grounds one reference may be made as to all the holding; if, however, the person interested in any holding objects to the award on grounds which apply only to that holding, then a separate reference must be made as to that holding. References to the court should, of course, be made only in the case of persons interested who have objected to the award, remaining owners being settled with/without a reference to the court. The sections of the Code of Civil Procedure on the subject of misjoinder of cause of action and of parties should be consulted in this connection.

**62. Departmental Officer to be informed** - The officer should at once inform the departmental officer concerned of any reference to the court made under section 19, and should forward to him a copy of the grounds on which the objection to the award is taken [section 18(2)]. When a notice is served under section 20(c) the acquiring officer should immediately forward copy to the departmental officer.

After the reference is decided by the Civil Court, the Acquiring Officer should ensure that the acquiring department is kept informed from time to time in cases where the parties interested go in appeal, till the proceedings are finally disposed of and closed.

**63. Representation of Government in court-** The proceedings before the court under Part III of the Act are of a regular judicial kind and the provisions of the Civil Procedure Code and of the Indian Evidence Act are applicable. Reference to civil courts under the Act fall within the definition of 'suit' as defined in the suit rules (*vide* note I below para 15.1 of the Punjab Law Department Manual). The Collector should, therefore, proceed in the manner provided for the defence of civil suits as laid down in the suit rules contained in chapters 13-15 of the manual. The sanction of the Controlling authority to the defence of the award should be obtained by the Land Acquisition Officer or the Head of the Department concerned under intimation to the Deputy Commissioner, having obtained this sanction he should forward to the Legal Remembrancer the

necessary papers including the award, petitioner's objections, and referring order to enable the Legal Remembrancer to instruct suitable counsel on behalf of Government. Facts must be proved in a legal manner, and all evidence, whether oral or documentary, on which the case is to be decided, must be produced in court. If the Collector is not represented before the court the case will be decided *ex-parte* and Government will be prejudiced if it is found necessary to present an appeal.

**64. Deleted.**

**64-A.** Under Section 28-A of the Act as incorporated by Land Acquisition (Amendment) Act, 1984 where the court allows amount of compensation in excess of the amount awarded by the Collector, the persons interested in all the other land covered by the same notification under section 4 and who are also aggrieved by the award of the Collector may apply to the Land Acquisition Collector within 3 months from the date of award of the court that the amount of compensation payable to them be re-determined on the basis of amount of compensation awarded by the court, even though they may not have made an application to the Collector under section 18 of the Act. It is, therefore, necessary that the references before the Civil Court are defined properly as the financial implications of an award of the court allowing higher compensation will not be confined only to the landowners who had submitted the application for the reference but will extend to all the land covered by the same notification.

**64-B.** On receipt of an application under section 28-A of the Act the Land Acquisition Collector has to make an award re-determined the amount of compensation payable to the applicant. Any person who does not accept this award can again require the Collector to refer the matter to the Civil Court. The provisions of paras 61 to 64 above would apply equally to references that may be made against this fresh award under section 28-A(3) of the Act.

## **K - TAKING POSSESSION**

**65. When possession may be taken** - Possession must not ordinarily be taken until the lapse of the period named in section 18(2) of the Act, unless the acquisition of the land appears to be absolutely necessary. Cases of special emergency are dealt within section 17 of the Act, and it is to be noted that proceedings under the section can be taken only in respect of land and not of building sites and that it is necessary (1) that a payment of eighty per centum of the compensation for such land as estimated by the Collector is tendered to the persons entitled thereto (2) that a notice under Section 9(1) should issue (3) that the previous sanction of the State Government should be obtained before the Collector takes possession of the land and (4) that compensation for damages should be offered at the time of taking of possession.

**66. Liberal treatment in cases of sudden dispossession** - Whenever the Collector deprives an owner suddenly of his land, he should meet liberally the exceptional expense to which the owner may be put.

**67. Possession before the award when permissible-** Although legal possession cannot be taken save as described above, the Collector of a district or other civil officer acquiring land may by agreement with the owners enter into and take possession of land after issue of notifications, but before the declaration of the award. Such action should only be taken in cases where early possession is of great importance, and the officer is ensured that no exorbitant demand for compensation for the land acquired will be raised by the persons interested. In every case in which possession is taken before the declaration of the award efforts should be made to conclude the award as soon as possible. At the time of taking possession an accurate note should be made of the crops standing on the land and their estimated value.

**68. Possession prior to notification when permissible-** Land required for the construction of the major and minor distributaries of canals and watercourses in cases in which zamindars who are interested in the early completion of the irrigation works

themselves invite the occupation of the land, may be taken possession of 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: -

- (a) (a) The irrigation officer, who wishes to avail himself of the permission granted by this rule, must apply to the Collector of the district concerned, who will depute his District Revenue Officer or other revenue officer to accompany that officer and assist him in ascertaining who have interests in the land in obtaining their consent to possession being taken at once, and in estimating the compensation due for standing crops, or for damage caused through the occupation of the land, and the interference of cultivation pending the acquisition of the land under the Act.
- (b) (b) The irrigation officer will then obtain from the owners and cultivators of the land a written application assenting to the occupation of land and shall forward it in original with a rough sketch and area details of the land to the Collector of the District not later than the date on which possession is taken.
- (c) (c) It will be for the Superintending Engineer to see that notification as to the land so occupied are at the same time promptly submitted to Government through the usual channel.

**69. Avoid taking possession prior to the award** - It is most important, therefore, that officers should avail themselves of the provisions of section 17 of the Act, and of the concession made in paragraphs 67 and 68 supra only in cases of necessity and strictly in accordance with the provisions of the Act and of this Standing Order. When land is taken possession of prior to the award, it is, in the first place, difficult for the Collector afterwards to assess compensation for the standing crops, trees, etc. and in the second place it will be more difficult to carry out the orders for withdrawal from the acquisition proceeding when the demand is exorbitant.

**70. Collector alone may take possession** - Under sections 16 and 17 of the Act, the Collector alone is entitled to take possession of the land acquired (see paragraph 484 of the Land Administration Manual)

**L. PAYMENT OF COMPENSATION AFTER AWARD BY THE  
COLLECTOR**

**71. Payment of compensation when made** - As soon as the award has been announced the acquiring officer will proceed to pay the compensation awarded to those persons who are present and who accept the award. Sufficient notice should be given to enable all payees to assemble at the place where they will receive their dues but no time should be wasted in useless endeavours to secure the attendance of absentees. A note shall be made of the names of those persons who refuse to accept the amount awarded or who accept it under protest. Much trouble will be avoided if the principle that payment of compensation should be made at the time of award, is strictly observed. Most of the persons interested will then be present and immediate payment will save them the necessity of making frequent journeys to the tehsil. It will usually be found of advantage to draw in advance a sum sufficient to cover the probable amount of the award and to make payments against this especially when the award is announced at a place distant from the headquarters.

**(a) (a) Provision of Funds**

**72 Provision of Funds when land taken up by Collector of district,** (*See Government of India resolution No.2209-A, dated 10<sup>th</sup> May 1896, paragraph 8.13 and 15*)- **(I)** - When land is taken up by the Collector of a district or other civil officer not specially employed for the work, such Collector or civil officer draws money for payment due under his award from the civil treasury, but no amount of land compensation charges should be drawn until the officer is actually about to proceed to the place where he will disburse them. The Treasury Officer has no concern with the award or with the award

statement; he makes the payments on the authority of the civil officer assessing compensation, who may either draw money in advance for direct payment or make payments in any of the other ways described in paragraph 75 infra. The receipt sent to the treasury as described in paragraph 75 infra will be the Treasury Officer's vouchers for the payments and will be forwarded by him with the accounts of the month to the Accountant General.

**72-II. Provision of funds when land is acquired by special officer for Public Works Department** - Officers who are specially employed for this work, being invested with the powers of a Collector under the Act, and placed at the disposal of the Public Works Department, are regarded as Public Works disbursers, the expenditure being accounted for under the rules in the Public Works Account Code.

**(b) Procedure in making payments**

**73. Statement to be forwarded to the Accountant General** (*Government of India resolution No. 2209-A dated 10<sup>th</sup> May 1895, Paragraph-4*) When an award is made under section 11 of the Act, the acquiring officer shall have a statement prepared in the following form marked "A" 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 him to the Accountant General or other audit officer, with whom he is in account and the Deputy Commissioner concerned simultaneously with a certificate that the land has been taken possession of and mutated in favour of Government giving the number and date of the attested mutation. On the basis of this certificate, the Deputy Commissioner may forward a proposal to the Financial Commissioner for sanctioning reduction of land revenue under paragraph 79 infra. 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. Subsidiary statement in form AA below, 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 auditing officer 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 the statement in form A will be made in the auditing office on receipt of the statement in form AA.

**FORM A**

No. and date of statement

Date of award

Name of work for which land has been acquired

No. and date of declaration in

Page.	Gazette	viz., No.	dated
-------	---------	-----------	-------



Statement showing compensation awarded by \_\_\_\_\_ under  
section \_\_\_\_\_ Act I of 1894, to all the persons interested \_\_\_\_\_ in the  
plot of land situated in the \_\_\_\_\_ village of \_\_\_\_\_ in  
estate No. \_\_\_\_\_ on revenue roll of the District of \_\_\_\_\_.

1	2	3	4	5	6	7	8	9	10
SN	Name of persons to whom Pay- ment is due under the award	Area of land	Abate- ment of land revenue	Valu- ation of any build- ings that may be taken up on 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 acquisition of the land.	*Distri- bution of the amount in column 6 taken from the sub- sidiary statement in form AA	Remarks	No. and date of voucher  No. date	DATE ON WHICH POSSE- SSION OF THE LAND WAS HANDED OVER TO THE DEPART - MENTAL AUTHO- RITIES FOR WHOM IT IS ACQUI- RED REFERENCE TO THE REPORT STATING THE DATE
			Rs. nP	Rs.nP.	Rs. NP.	Rs. NP.			Date

\*To be filled up in the Auditing Office

Note1: Each award statement should be confined to the lands to be taken under declaration i.e. the awards given for lands acquired under more than one declaration should not be incorporated in one statement but as many statements submitted as there are declarations.

Note2: Regarding column 7 see note to statement in Form AA

Note3: Acquiring Officers are requested to note at the foot of the statement the harvest from which the abatement of land revenue entered in column 4 is to take effect.

Note4: When no reduction of Khalsa revenue is required, the fact should be noted,---vide note to statement in paragraph 79 infra.

#### FORM AA

Particulars regarding the acceptance by the persons concerned of amounts entered in award statement no. \_\_\_\_\_ dated \_\_\_\_\_ 200\_.

Name of work for which land has been acquired \_\_\_\_\_ No. and date of declaration in \_\_\_\_\_ Gazette, viz., No. \_\_\_\_\_, dated \_\_\_\_\_ 1968 \_\_\_\_\_ page \_\_\_\_\_

1.	2.	3.
----	----	----

#### PARTICULARS OF AMOUNT ENTERED IN COLUMN 6 OF THE AWARD STATEMENT

Serial No. in the statement award under section 11 of the Act	Name of person to whom payment is made under the award	(a) Amount accepted without protest	(b) Amount accepted under protest	(c) Amount deposited in Court		Amount undisbursed owing to non-attendance and the treasury in which it is deposited
				Amount Reasons depositing	Court for	
		Rs. P.	Rs. P.	Rs. 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 the statement.

**74. Methods of making payments** - There are five methods of making payments :-

- (1) (1) By direct payments, see paragraph 75(I) *infra*.
- (2) (2) By order on treasury, see paragraph 75(II) *infra*.

- (3) (3) By Money Order, see paragraph 75(III) *infra*.
- (4) (4) By cheque, see paragraph 75 (IV) *infra*.
- (5) (5) By deposit in a treasury, see paragraph 75(V) *infra*.

**75 Direct payments-** (*Government of India resolution No.2209-A, dated the 10<sup>th</sup> May, 1896 paragraphs 8 and 14*) **-(I)-** For making direct payments the acquiring officer provides himself with money as described in paragraph 72 supra. In making the payments he shall take the receipt of each person to whom money is paid on a separate voucher in the Form marked C below, containing a reference to the item showing the amount due to that person in the statement prescribed in paragraph (73) supra. In cases where payments are made to a number of persons under a single award an acquittance roll in Form CC below may be substituted for separate receipts in Form C.

If the acquiring officer be a civil officer not specially deputed for this work, he shall send the receipt or acquittance roll, as the case may be, to the Treasury Officer, who will deal with it as shown in paragraph 72 supra; if he be an officer specially deputed for this work, he shall forward separate receipts of the payee or the acquittance roll to the Accountant General or to the Divisional Officer, if any, with whom he is in account when forwarding to him the account of the month in which the payments are made.

Amounts which ultimately remain un-disbursed shall, if over and above actual requirements, be refunded at once to the credit of Government; or if they relate to absentees, be credited forthwith to revenue deposit.

In no circumstances whatever should more than one month be allowed to elapse between the date on which the money is drawn from the treasury and the disposal of the undisbursed balance; and payees receipt for the amount actually paid should reach the audit office within that month.

FORM C

No. of voucher	Duplicate No. of voucher.
Name of work for which the land has been acquired	Name of work for which the land has been acquired.
No. and date of declaration in_____	No. and date of declaration in_____
Gazette, viz., No._____and date_____	Gazette, viz, No._____and date_____
Serial No._____, in award statement No._____dated_____	Serial No._____, in award statement No. _____dated_____
Name of payee_____	Name of payee_____
I,_____of_____tehsil_____zill ah_____do hereby acknowledge to have received Rs._____on account of cost of land taken up by Government as detailed on reverse.	I,_____of_____tehsil_____zillah_____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 Certified copy	Signature of the payee Locality Signature of Officer
Note:- The receipt should be in English; but when the payee is unable to write in English, he may give a receipt in regional language.	Note:-The receipt should be in English; but when the payee is unable to write in English he may give a receipt in regional language.
C. (Reverse)	D. C. (Reverse)
Details of land, etc., and its value village, Tehsil, Zillah.	Details of land, etc., and its value village, Tehsil, Zillah.
Land} Bighas, Biswas, Biswasi } Ghumao Kanal Value---Rs. nP.	Land} Bighas, Biswa, Biswasi } Ghumao, Kanal Value---Rs. nP.

## FORM CC

Consolidated voucher for payment made during \_\_\_\_\_19\_\_\_\_in accordance with award statement No.\_\_\_\_\_dated\_\_\_\_\_on account of land acquired for\_\_\_\_\_in the district of\_\_\_\_\_tehsil\_\_\_\_\_village\_\_\_\_\_

1	2	3	4	
Serial No. in award statement	Name of payee	Area of land Total	Amount paid Rs.      nP.	Signature of the payee and date of payment

Paid in my presence in cash to the above persons the total sum of rupees\_\_\_\_\_np. Only (in words) by cheque.

Dated the\_\_\_\_\_20\_\_\_\_\_

Signature of Officer

**75-II. By order on treasury** (*Government of India resolution No.2209-A, dated the 10<sup>th</sup> May, 1895 paragraph 15*) - The second method of payment, i.e. by order on a treasury is only admissible in the case of civil officer not specially deputed for the acquisition of land. In this case the officer instead of making direct payment as described in the preceding paragraph, should countersign the receipt in Form C and make it payable at the treasury to the payee, altering the words “paid in my presence in cash/by cheque” to “pay”. An advice list of the orders passed for payment should be sent to the treasury officer, who in turn should send weekly an advice or orders paid.

**75-III. Rules concerning payment by money orders** (*Government of India letter No.4166-A, dated the 4<sup>th</sup> September, 1897*)- In the case of petty payments, if the payee do not appear on the day fixed for payment and do not apply for a reference to the civil court under section 18, the officer shall issue notices to them informing them that, if they do not attend by a certain date, the compensation awarded to them will be remitted by money order, the amount of the money order fee being deducted. The following rules must be observed in making such payments by money orders :-

- (i) (i) No sum exceeding Rs.250 in each separate case may be paid by money order.
- (ii) (ii) No compensation due on account of land which is owned jointly by the proprietors of a village or sub-division of a village may be paid by money order.
- (iii) (iii) In each money order so issued, the purpose of the remittance should be briefly stated in the acknowledgement portion thereof in continuation to the printed entry "Received the sum specified above on", sufficient space being left below the manuscript entry thus made for the signature or thumb-impression of the payee. On receipt of the money order acknowledgement duly signed by the payee, it should be attached to the usual receipt in Form C in which the full amount of compensation and the deduction made therefrom on account of the money order fee should be clearly shown; the receipt will then be disposed of in the usual way. The Account Department will accept such voucher with the money order acknowledgement as a valid receipt for full amount entered therein.
- (iv) (iv) For the word "paid in my presence by cash/by cheque" in Form C the words "paid by money order" shall be substituted.

The Accountant General will accept in the case of compensation paid by money order, a receipt for the amount entered in the award statement less the amount of the money order fee as a valid receipt for the full amount entered in the award statement.

**75-IV. Rules concerning payments by cheque** (*Paragraph 11 of Government of India, resolution No. 2209-A, dated 10<sup>th</sup> May, 1895*) - Payment by Cheque.-- The Government may authorise any particular land acquisition officer to make all or any of his payments by cheques, provided no inconvenience is caused thereby to the payee. The use of cheque should be safeguarded by strict observance of the following rules:-

- (i) (i) Every cheque book should contain a certain number of cheques with consecutive printed numbers and each book should contain its own serial number.
- (ii) (ii) 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.
- (iii) (iii) The cheque book should be kept under lock and key by the Land Acquisition Officer himself.
- (iv) (iv) The cheques should be filled up by the Land Acquisition Officer with his own hand in words as well as in figures and cheques should be enfaced “under Rs .”
- (v) (v) 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.

**75-(V) By treasury deposit** (*Government of India resolution No.3469-A, dated the 12<sup>th</sup> August, 1896 - Payment by treasury deposit*).-- In giving notice of the award under section 12(2) and tendering payment under section 31(1) to such of the persons interested as were not present personally or by their representatives when the award was made, the officer shall require them to appear personally or by representatives by a certain date to receive payment of the compensation awarded to them, intimating also that no interest will be allowed to them if they fail to appear, if they do not appear and do not apply for a reference to the civil court under section 18, the officer shall after any further endeavors to secure their attendance that may seem desirable, cause the amounts due to be paid to the treasury as revenue deposited payable to the persons to whom they are respectively due and vouched for in the Form marked E below. The officer shall also give notice to the payees of such deposits, specifying the treasury in which the deposits has 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 deposit. The officer should, as far as possible, arrange to make the payments due in or near the village to which the

payee belong in order that the number of un-disbursed sums to be placed in deposits 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.

FORM E	FORM E
Name of work for which land has been acquired_____	Name of work for which land has been acquired_____
To the officer in-charge of_____treasury.	To the officer in-charge of_____treasury.
Please receive for transfer to credit of revenue deposit the sum of Rs._____ on account of compensation for land taken up for the above purpose payable as detailed below :-	Please receive for transfer to credit of revenue deposit the sum of Rs._____ on account of compensation for land taken up for the above purpose payable as detailed below :-

Serial number in award statement No.	Name of persons to whom due	Area of land	Amount payable to each	Remarks	Serial number in award statement	Name of persons to whom due	Area of land	Amount payable to each	Remarks
		Acres	Rs. nP				Acres	Rs. nP	

Total \_\_\_\_\_

Total \_\_\_\_\_

Land Acquisition Officer

Land Acquisition Officer

Dated\_\_\_\_\_

Dated\_\_\_\_\_

Received the above amount and credited to amount and

Received the above Revenue deposit credited to Revenue deposit

Treasury Officer

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.

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.

#### **(d) AUDIT BY ACCOUNTS OFFICER**

**76 (I) Audit** - The accounts officers charged with the audit of expenditure on account of land acquisition are:-

**Accountant General, Punjab**—If land is acquired for any purpose of the Public Works Department under a declaration of Government in the Public Works Department.

**Controller of Defence Accounts**—If the land is acquired for the Military Works Department.

**Chief Auditor, Northern Railway**—If the land is acquired for the Northern Railway.

**Accountant General of Posts and Telegraphs**—If the land is acquired for the Posts and Telegraph Department.

**Accountant General, Punjab**—If the land is for the Civil Department or for any local fund or other body financially independent of Government.

**76-II. Audit of Accounts** (*Government of India, resolution No.2209-A, dated 10<sup>th</sup> May 1896, paragraph 16—19*) - Whether the payment is made by a special officer or by the Collector of a district or other civil officer the audit of the Accountant General, Punjab shall consist in seeing that every payment is supported by a receipt in form, C, CC, D, or E (see paragraph 78 infra) and that the amount paid on such receipt is the amount payable

under the award as shown in the statement copies of which should have been received by him under the orders contained in preceding paragraphs. The Accountant General will also note in the last column of Form A the date on which possession is taken as reported to him by the Executive Engineer or other officer concerned.

**76-III. Procedure for the Accountant General** - The Accountant General will, as he receives the vouchers, fill in the entries in the appropriate column of the award statement (Form A and B, paragraphs 73 and 78 *infra*) and as he receives the report of possession he will fill in the entries in column 10 of the statement in Form A. When all the vouchers showing either payment to the payee or payment into the court on deposit and the reports of the possession have been received, he will forward the completed statements in Forms A, AA and B to the Deputy Commissioner. 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.

**76-IV. CDA to substitute for AG for Military works**-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 Controller of Defence Accounts being substituted for the Accountant General, Punjab.

**76-V. Accounts Officers to substitute for AG for other works**- When the land is acquired for and the cost is debitable to any other department than the Public Works Department or Military Works Departments, the procedure will also be the same, the accounts officers who will audit the payments being substituted for the Accountant General, Punjab.

## **AUDIT, ADJUSTMENT AND RECOVERY OF PAYMENTS ON BEHALF OF BODIES FINANCIALLY INDEPENDENT OF GOVERNMENT**

**77.** (*Government of India resolution No.2299-A, dated 10<sup>th</sup> May, 1885, paragraph 22*)- In any case in which land is acquired for a municipality or other body financially independent of Government, 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 of the district 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 rules, using the forms prescribed, and shall render his accounts to the civil 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 account and payments as prescribed in these rules, debiting the payments against the advances received from the municipality or other body.

### **M. PAYMENT OF COMPENSATION AFTER AN AWARD MADE BY A COURT**

**78. Payment for compensation** - The general rules for payment of compensation after an award by the Collector of the district or special acquiring officer has been made, apply also to payment after an award by a court. The following further provisions must also be observed: -

- (I) Payments of compensation after award by the court copy of court's decision to be sent to Accountant General,** (*Paragraph 5—Government of India resolution No.2209-A, dated the 10<sup>th</sup> May 1895*) - 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 the form marked B, below by the

officer acquiring the land as soon as the decision of the court is ascertained and a copy thereof forwarded to the Accountant General or other audit officer with whom he is in account. On receipt of this statement the audit officer will proceed to check the entries in columns 1 to 4 with the original award of the officer.

**Note:**--The attention of disbursing officers is invited to articles 87 and 88 of the Civil Account Code. Money should not be drawn from the treasury until it is required for immediate disbursement. When giving notice of the award, the Land Acquisition Officer should fix a period of one month (or such longer period as may seem necessary) a head for the representative to appear and receive payment of the compensation due to them. Money due to these who fail to appear on the day fixed for disbursement should be deposited in treasury without delay unless the Acquisition Officer has reason to believe that these persons are likely to appear to receive at an early date. The deposit of such sums in the treasury in no way prejudices the claims of the payees and it relieves the acquisition officer of responsibility for the custody of the sums in question.

#### FORM B

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.

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

**78-II Communication of charge in appointment** (*Paragraph 6, Government of India resolution No.2209-A, dated 10<sup>th</sup> May, 1895*) - Any change in the apportionment of the

Land Acquisition Officer's award made by a court under section 30 of the Act should similarly be communicated to the Accountant General for the necessary correction in the award statement. And if, under section 31(3) of the Act, it has been arranged to grant compensation otherwise than in cash, the nature of such compensation should be clearly specified in the column of remarks in the award statement.

**78-III Payments into court how made, paragraph 9, Government of India resolution No.2209-A, dated 10<sup>th</sup> May 1895** - All payments into court for deposits 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 D below 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 audit officer with the accounts of the month in which the payments are made, payments of the amounts, deposited shall be made under the rule for the payment of Civil Court deposits.

**FORM D**

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

**FORM D**

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

**FORM D**

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



Serial No. in award statement No.	Names of parties	Area of Land	Amount payable to each	Remarks	Serial No. in award statement No.	Names of parties	Area of land	Amount payable to each	Remarks	Serial No. in award statement No.	Names of parties	Area of land	Amount payable to each	Remarks
Acres Rs.P.					Acres Rs.P.					Acres Rs.P.				
Total					Total					Total				

Land Acquisition Officer -----	Land Acquisition Officer -----	Land Acquisition Officer -----
Dated_____20	Dated_____20	Dated_____20
Received the above for Credit to civil court deposits	Received the above for credit to civil court deposits	Received the above for credit to civil court deposits
Judge -----	Judge -----	Judge -----
Note:-This form should be used when the amount of compensation due are sent to a civil court for deposit.	Note:-This form should be used when the amount of compensation due are sent to civil court for deposit	Note:-This form should be used when the amount of compensation due are sent to civil court for deposit.

**78-IV Compensation in excess to be paid in the court**—(*paragraph 10, 0-qaGovernment of India resolution No.2209-A, dated 10<sup>th</sup> May 1895*) - When a court has awarded any compensation in excess of the acquiring officer's award, further payment due as entered in column 6 of the award, statement in Form B should be made into the court by means of a cheque, and the procedure described in the preceding paragraph should be followed. Form D being used with the necessary changes to give full particulars of the order of the court.

**78-V Payments when to be made by the Collector of the district**-(*Paragraph 12, Government of India, resolution No.2209-A, dated 10<sup>th</sup> May,1895*) - 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 payment due under the award shall be made by the Collector of the district, who will observe the same procedure as if the reference to the civil court had been made by himself as prescribed above.

**78-VI Investments**—(*paragraph 21, Government of India resolution No.2209-A, dated 10<sup>th</sup> May 1985*)- 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 Deputy Controller of the Currency and purchase of land should be effected under the court's orders through the Collector of the district or other revenue authority of the province. The Deputy Controller of the Currency will inform the court what sum should be remitted to enable him to make the investment, and this amount will be paid from the deposit in court.

## N. REDUCTION OF LAND REVENUE

**79. Yearly statement of reduction of revenue** - The Collectors of districts will by a date not later than May 1<sup>st</sup> of each year submit to the Financial Commissioner a statement in the following form showing the khalsa amount of reduction from the land revenue roll due on account of land acquired during the past financial year. The statement should be prepared by the Deputy Commissioner on the basis of the award statement and the certificate received by him under paragraph 73(i) supra. Copies of the award statement (returned after audit in accordance with paragraph 76(III)) will be retained in the Deputy Commissioner's office in order to check and ensure that the reduction proposal got sanctioned tallies with the audited statements. The audited statements will henceforth be destroyed in Deputy Commissioner's office in due course. In case of any discrepancy, the matter will be reported promptly by him to the Financial Commissioner.

Statement showing reduction in revenue of land taken up for requiring sanction of the Financial Commissioner.

			Yearly revenue of estate		Yearly revenue of land acquired		Reduction of revenue to be made in rent roll for			Future Jama	Amount to be remitted for harvests previous to incorporation of reduction in rent rolls	
Number	Estate ad tehsil	No. and date of notification	Khalsa	Jagir	Khalsa	Jagir	Khalsa	Jagir	Date of possession	Harvest and year from which reduction proposed.	Khalsa	Jagir

1	2	3	4	5	6	7	8	9	10	11	12	13
---	---	---	---	---	---	---	---	---	----	----	----	----

N.B.—If any reduction of Khalsa revenue is required the statement should be submitted whether the land is taken up by private bargain or under compulsion. Where no such reduction is required, the fact should be noted in the compensation statement and the district register and the reduction statement need not be in such cases be submitted,—vide note 4 to statement A in paragraph 73 supra.

Column 13 to 14 should show the actual amounts evolved, not neglecting fractions of a rupee (c.f. paragraph 10 of Standing Order No.31).

Dated-----,20 .

Collector

In case of land taken up for canals the Collector of the district will send a copy of the above statement to the divisional canal officer concerned.

**80. Reduction how calculated-** The reduction of land revenue to be granted must be calculated according to the amount actually paid to Government as land revenue on the plots taken up or if no specific amount is assessed on them, the settlement rate of the village for the particular class of land should be applied.

**81 (I) Revenue demand on acquired land when payable.**— (*Government of India Nos. 2055, dated 26<sup>th</sup> July, 1877 and 3510, dated 8<sup>th</sup> October, 1877*)- When land paying revenue to Government is taken up for a public purpose the revenue demand will be reduced if the work is chargeable to Central or State revenues. It shall be the responsibility of the Land Acquisition Naib-Tehsildar accompanying the Land Acquisition Collector to get the mutations entered by the Revenue Patwari in his presence, either at the time the award is announced or soon thereafter, when the necessary statements under para 55 showing the particulars of the land acquired are prepared and then attest such mutations on the spot. Entry of such mutations and their attestation should be completed by them within one month of the preparation of statement under para 55. However, the Circle Revenue Officers should not cease to be responsible for getting such mutations entered and attested in case the Land Acquisition Naib-Tehsildar or Tehsildar, for any reason, has been unable to do so. Such mutations must be decided

by the end of July at the latest so that reduction in the land revenue may be made in the Rent Rolls which are submitted before the Financial Commissioner in the month of September. Entries in the Dhall Bachh should also be corrected accordingly.

**81-II Land to contribute Revenue or exempted from the Revenue** – (*Government of India, Revenue and Agriculture Department No.613-134, dated 7<sup>th</sup> May, 1884*) - Land taken up for works chargeable to district or municipal funds falls under two heads viz :--

- (a) Land appropriated for markets, cart stands and similar objects from which income is raised, will continue to contribute their share of land revenue and cesses.
- (b) Lands taken up for roads, avenues, sites of hospitals, dispensaries, schools and the like, which yield no return to local bodies and are devoted to public purposes, will be exempted so long as the condition on which the exemption is made is fulfilled.

**81-III Land Revenue for lands acquired for PSUs** - When land yielding revenue to Government is acquired for an autonomous body or Board or Government commercial undertakings, capitalized value at 25 times the land revenue shall be charged.

**81-IV Land Revenue for lands acquired for a private body** - When land yielding revenue to Government is acquired for an individual or a private body, industry, company, institution, etc. land revenue demand shall not be reduced; even though a nominal sum is contributed by the Government toward the cost of acquisition.

All cases in which it is intended to exempt land from assessment should be referred for the orders of the Financial Commissioner.

**82. Reduction from which crop to be reckoned** - The reduction in the rent roll will be effected from the kharif harvest following the date of submission of the statement prescribed in paragraph 79. Collectors are competent to sanction in such cases the

remission of land revenue borne on the rent roll previous to reduction. If possession of the land is taken after the rabi crops usually begins, the land revenue will be remitted with effect from the kharif harvest, otherwise with effect from the rabi. The year-wise details of the amount remitted by the Collector as above should be entered in the remarks column of the statement.

## **O. TEMPORARY OCCUPATION**

**83 (I) Procedure for temporary occupation-** The temporary occupation of land requires no declaration in the Gazette but it requires the sanction of Government if action is to be taken under part VI of the Act. Application should be made to Government through the same channel as an application for the issue of a notification under section 6- -,vide paragraph 30 (supra). The Collector of the district will take action on the sanction of Government being communicated to him.

**83-II What land may be acquired temporarily -** Only waste and arable land can under section 35(I) be acquired for temporary occupation. Buildings sites cannot, therefore, be so taken up under the Act.

**83-III When by Private negotiations-** When land is temporarily taken up by private bargain and without recourse to the provisions of Part VI of the Act, the negotiations should be carried out and completed by the departmental officer. The Collector of the district will give the departmental officer any information he may require as to rent, etc., but he will not himself conduct the negotiations.

**83-IV - Copy of agreement to be sent to the Collector -** The departmental officer should send the Collector of the district a copy of the agreement arrived at with the owners and occupiers of the land.

**84. Now paid for -** For land temporarily occupied a yearly rent will ordinarily be paid. Such rent should be paid through the Collector of the district, and not by the

departmental officer direct, whether the land has been occupied under Part VI of the Act or by private agreement.

The amount of land revenue suspended under paragraph 85-III infra, should be deducted from the amount of compensation before it is paid to the owners and former occupants. The Collectors should ensure that this direction is one overlooked.

**85 -I Titles of owners and former occupants** - The owners and former occupants shall receive an extract from the field registers, describing precisely their tenure and the extent of the lands they will eventually be entitled to recover.

**85-II. Land revenue, how treated** - The temporary occupation will not interfere with the liability of the person settled with to pay land revenue, and no reduction of revenue will be sanctioned.

**85-III. Suspension of land revenue** - In cases where compensation is not paid to owners before taking over possession, the Collector should suspend the land revenue demand of the land temporarily acquired after taking over possession. If possession of the land is taken after the rabi crop has been cut and before the date on which the harvesting of the kharif crop usually begins, the land revenue will be suspended with effect from the kharif harvest, otherwise with effect from the rabi harvest. Care should be taken to ensure that the amount of such suspended land revenue is not remitted but is deducted from the amount of compensation before it is paid to the owners and former occupants.

## **P. ABANDONMENT OF LAND TAKEN UP PERMANENTLY OR TEMPORARILY**

**86. Procedure to be followed when lands temporarily occupied are abandoned** - Sections 36 and 37 of the Act provide for the procedure to be followed when lands temporarily occupied are abandoned.

**87. Deleted**

**87. ORDER**

In partial super session of the Financial Commissioner's Standing Order No.28 (Land Acquisition No.28) following amendments are hereby ordered with immediate effect:-

1. 1. The following shall be inserted as Para No.87 after the existing Para No.86 :-

“Where the land acquired for a public purpose under the provisions of Land Acquisition Act, 1894 becomes surplus and/or is not required by the Acquiring Department the same shall be disposed of in the following manner:-

- (i) (i) Transfer of any of the Departments of the Government of Punjab or State Public Undertaking at appropriate price;
- (ii) (ii) In case the disposal is not possible in the manner mentioned at (i) above, by sale through public auction.”

- II. II. The existing Para No.87-A shall be substituted as under:-

“Each District Collector in the State should every three years on 31<sup>st</sup> March, prepare and forward a statement to the Acquiring Department showing the lands that have been acquired in his district for public purposes but not utilised as such during the period under report. The Acquiring Department/Undertaking, thereupon, shall evaluate the scheme/project for which it was acquired. In case they do not require it or the same or a part thereof is found surplus, the procedure as laid down in Para No.87 shall be followed for the disposal of the said land.”

**BHAGAT SINGH**

Financial Commissioner and

Secretary to Government of Punjab

Chandigarh The 21<sup>st</sup> April, 2003 Department of Revenue and Rehabilitation

**88. Land owing department to comment on the rendition price -** The department by which the land is surrendered should be given an opportunity of criticizing the

rendition price to be demanded and of commenting upon any bid or tender before it is accepted.

**89. Collector to propose a assessment** - In every case, whether the terms offered are accepted or the rendition price is not subject to any objection, the Collector of the district should report for the orders of the Financial Commissioner, in the form given below, the assessment which he proposes to impose on the land. The assessment proposed should be framed according to the classification or description of the land at the time of relinquishment and at the assessment rates sanctioned for land of the same class or description in the vicinity at the previous settlement. Culturable land not actually under cultivation should be assessed until the next settlement at the rates, if any sanctioned for such land. "Care should, however, be taken that the land revenue imposed on such land does not raise the total assessment of the circle in which it is situated by more than one-fourth of the net assets of the circle. If the land forms part of an estate and is not excluded from the provisions of section 51(3) by section 51(4) of the Punjab Land Revenue Act, 1887, this object can in most cases be secured for all practical purposes by providing that the average rate of incidence on such land does not exceed the average rate of the estate in which it is included. Any case in which this is not suitable, as for example of especially valuable land, should be referred for orders. If, however, the land consists of a fresh estate, the rate of incidence of the assessment imposed thereon should not be such as to raise the existing average rate of incidence of the assessment circle beyond the limit prescribed in section 51(3)". It should be explained to the persons to whom the land is sold or restored that it is sold or restored subject for the period of the current settlement to assessment approved by the Commissioner.

Statement of proposed addition to the rent roll of \_\_\_\_\_ on account of land released from occupation by the \_\_\_\_\_ department.

1	2	3	4	5	6	7	8	9	10	11	12	13
Tehsil	Village	Khalsa or Jagir	Area of land released	Description of land released	Settle- ment rate per acre	Jama at settlement rate	Amount To be added to rent roll	Present Jama of village	Total proposed Jama	Harvest from which increase is to take place	Amount to be collected as fluctuating revenue for harvest previous to incorporation of increase in rent roll with details of harvest	Remarks
												State here(1) date of notifications or order under which the land was acquired ;(2) the condition of the land and the time; (3) the price per acre then paid;(4) the condition of the land at the time of relinquishment;(5) the present condition of the land;(6) the date of the order; if any, reducing the revenue on the land;(7) the terms on which it is proposed to restore it.



Note- Column 12 should show the actual amount to be collected. Not neglecting fractions of a rupee (c.f. paragraph 10 of Standing Order No.31)

**90. Sums realised from the sale, how dealt with** - Sums realised by the lease or sale of land, in accordance with these instructions will be credited by the Collector of the district to the department on account of which they were acquired. Collectors are directed to bring to the notice of the Financial Commissioner any case in which land previously occupied for public purposes is restored by the public officer or by the company incharge thereof otherwise than in the manner prescribed in these orders.

#### **Q. DISPUTES AS TO BOUNDARIES OF LAND ACQUIRED OR OCCUPIED FOR PUBLIC PURPOSES**

**91. Boundaries of Government lands to be demarcated and checked** - Officers in charge of lands acquired for Government are primarily responsible to ensure that the boundaries of all land belonging to Government are properly demarcated; that accurate land plan are maintained; and that the boundaries and the land plans are periodically checked to test their accuracy. In the case of land occupied by the Public Works Department, Government has ordered that land plans should be prepared in consultation with the Collector of the district concerned, the plans being prepared from the revenue records in possession of Executive Engineers being also consulted. Executive Engineers have also been ordered to verify the boundaries from the land plans once every two years.

**92. Disputes as to boundaries how to be settled-** When a dispute or doubt arises as to the correct limits of land owned by Government or occupied for public purposes, local officers should bear in mind that question of this nature can not be decided by them on their own authority. An officer cannot surrender land of which he is in-charge unless he has first obtained the proper departmental sanction to the surrender or is acting in obedience to the judicial order of competent authority; nor can he take possession of land merely because in his opinion the records of his office show that Government is entitled to it. When an officer has grounds for believing that an encroachment has been made on

land of which he has charge or for other reasons has doubts concerning the boundaries of such land, he should (after such reference to higher authority as may be required by the circumstances of each case) apply to the Collector of the district who will then cause the land to be demarcated according to the map contained in the revenue records.

**93. Who should institute suits against encroachers-** If any encroachment is found to have taken place, the Collector of district should warn the people guilty of it that proceedings will be taken against them if they do not vacate. It is, however, for the department in charge of the land and not for the Collector to take action under the suit rules contained in the Punjab Law Department Manual. The Collector should at the same time render the officers of other departments all reasonable assistance in the preparation of the report required by that rule.

## **R. SPECIAL RULES RELATING TO THE ACQUISITION OF LAND FOR RAILWAYS\***

(For general rules in paragraphs 8, 9, 11, 12, 13, 14, 30 and 47 of this Standing Order, read paragraphs 98, 99, 102, 103, 108, 109 and 110 of this section)

### **(a) (a) General Instructions**

**94. Temporary or permanent Acquisition -** All land for railway purposes, whether acquired temporarily or permanently, will ordinarily be taken up in the first instance as for permanent occupation and valued accordingly. In special circumstances, however, where land is needed for temporary purposes and where there is little likelihood of the land on the expiry of the term of temporary occupation being rendered unfit to be used for the purpose for which it had been utilised immediately before such occupation, temporary acquisition may be undertaken under section 35 of the Land Acquisition Act (Act 1 of 1894), provided that such procedure would result in economy. Waste or arable land can be occupied temporarily only for a period not exceeding three years from the commencement of occupation,--vide section 35(I) of Land Acquisition Act I of 1894.

**95. Classification of railway land,** (*paragraph 613 to 621 of the Indian Railway Code*) - With a view to determining what the disposition of the land will probably be on the completion of the work for which it had been acquired, the classification given below will be adopted. On railways constructed by Government, or by Companies not entitled to receive land free of cost under their contracts, land is divided into two classes, viz.,-

- (i)      (i)      **Permanent land, and**
- (ii)     (ii)     **Temporary land.**

(i)      Permanent land is land which will be required permanently after the railway is open for traffic and the work of construction is complete. Under this head will be included all land to be occupied by the formation of the permanent line of railway with side slopes of banks and cuttings, and the berms connected therewith; catch-water drains and borrow-pits or such parts of them as it is necessary to retain; the entrances to tunnels and shafts belonging to them; the sites of bridges, and protection or training works; station yards; in landing places for railway ferries; ground to be occupied by works belonging to the railway such as gas works, arrangements for water-supply, septic tanks, collecting pits, filter beds and pumping installation, etc., ground for the storage manufacture or acquisition of materials; land for sanitary zones, cemeteries, churches, plantations, gardens and recreation grounds; sites for stations, offices , workshops, dwelling houses and other buildings required for the purposes of the railway, or the accommodation of the staff, with the grounds, yards, roads, etc., appertaining thereto. Under this head will also be included land outside the permanent railway boundary, which will be required for the permanent diversion of roads or rivers, or for other works incidental to the construction of the railway, which are made for public purposes and will not on completion of the works be maintained by the railway authorities.

(ii)     Temporary land is land which is acquired for temporary purposes only, and which is disposed of after the work of construction is completed.

On railways constructed by Companies which are entitled to receive land free of cost, land is divided into four classes, viz.,--

- (i) (i) Class “A” land. (ii) Class “B” land (iii) Class “C” land (iv) Class “D” land.

---

\*A collection of the rules relating to the acquisition of land for railways are contained in Chapters VI—VIII of the Indian Railway Code for the Engineering Department and may be usefully referred to when necessary to supplement those of the rules which are reproduced in this section.

Class “A” land is land which the company receives for permanent occupation, free of charge under its contract or other arrangement with Government. Under this head is included all land required for works of the railways which are permanent and will be necessary for the line when opened, such as land for the formation of the permanent line with side slopes, berms, catch-water drains, etc. The occupation of this land by the Company will be so far permanent that it will cease only when the contract is terminated or surrendered and the whole lapses to Government .

Class “B” land is land which the Railways Company receives for temporary occupation free of charge under its contract or other arrangements with Government. Under this head is included all land essential for the execution of the permanent works of the railway but not required after the completion of the line in part or whole, such as land for spoil banks, for extra excavation to make banks, and for the storage of material held in stock by the Railway Company pending the construction of the line or their dispatch to the works.

Class “C” land is land which the railway company has to provide at its own cost. Under this head is included land which is required for the provision or preparation of materials, for purposes contingent on the actual execution of the works on the line, or for other miscellaneous objects which the Government recognizes as falling legitimately within the scope of the Railway Company’s operations, though not giving the Company a claim to the provision of land free of charge.

Class “D” land is land which though required in consequences of a Railway, does not come directly into the occupation of the Railway Company, such land will be provided by Government free of cost. Under this head is classed land required outside the Railway boundary for the diversion of the roads or rivers, and for the construction of roads which are made for public purposes and which will not afterwards be maintained by the Company.

**96. Paragraph 22 of the Indian Railway Code** - The above classification generally applies to Railway Companies that receive land free of cost. In some cases, however, where the condition under which Railway Companies receive land free of cost vary according, to the terms of their respective contracts (or other arrangements), it will be necessary to modify the classification to suit such conditions. For instance, where a Railway is entitled to receive land referred to in Class “C” above free of cost from Government, such land should be shown under class “A” or “B” according as the land is required permanently or temporarily.

When the transfer of land from one Class to another is contemplated, the approval of the Railway Board should be applied for to such transfer only when it involves a charge against State funds.

97. Cancelled.

#### **(b) (b) Procedure for the Acquisition of Land**

**98. Application for land-***(Paragraph 701 of the Indian Railway Code)*- Whenever land is required for Railway purposes, an application should first be made direct to the Revenue Officer in charge of the district in which the land is situated, for a statement of the value of the land and a draft declaration for acquiring it. The application should set forth clearly the purpose for which the land is required, and should be accompanied by the following documents specifying the extent of land and such other particulars necessary for its identification:

(a) (a) A complete set of land plans prepared in accordance with the instructions given in paragraph 120 *infra*.

(b) (b) A complete set of Schedules prepared in the forms given below or in such other form as may be prescribed by the State Government or Administration concerned.

**N.B.**—Every endeavour should be made to avoid interference with religious edifices, burial grounds or other places or objects which may be considered as sacred, and if the land applied for contains religious edifices, etc., the fact must be specially noted in the application.

### **FORM**

(For Revenue authorities)

### **Gonda – Azimgarh Railway**

### **AZIMGARH SECTION**

### **Schedule showing land required for railway purposes in the Bilaspur tehsil of the Banda district**

*Name of the village :-* Mandwal

<b>Reference to Plan</b>		Purpose for which the land is occupied	Area of land required (pink)
Set	Sheets		
Set-C Banda District	3	Main line from chainage 36, 627 to chainage 38,900. Land to be permanently occupied	Acres 4.6, 963
	3	Same length for side cuttings	3.1, 309
	3	Extra land for stocking material etc. at site of bridge No.57	9.5, 500
	4	Mandal Station yard	28.6, 961
	4	Approach road to Mandwal Station	2.7, 548

4	Site for temporary house and office for Assistant Engineer	5.5, 096
5	Brickfield to north of line opposite chainage 42,350, to be permanently occupied	11.2, 163
6	Main line from chainage 41,440 to chainage 42,728, land to be permanently occupied	2.4, 389
6	Same length for side cuttings	1.5, 243
	Total:	<u>69.5, 172</u>

**Azimgarh:**

\_\_\_\_\_  
General Manager

Executive Engineer

Engineer-in-Chief

\_\_\_\_\_  
Chief Engineer.

**99. Paragraph 702 of the Indian Railway Code-** When the work of acquisition extends to more than one district but lies within one division, application should be made to the Commissioner, when in more than one division to the Chief Revenue Authority of the State.

**100. Paragraph 703 of the Indian Railway Code -** For the better identification of land in cases where the areas to be taken up are extensive, the following further information should also be furnished by a Railway Administration to the State Government or Administration in applying for the acquisition of land:-

- (a) (a) The name of the railway.
- (b) (b) The copy of the order of Government, when necessary, sanctioning the construction of the railway.
- (c) (c) A brief general description of the route to be followed by the railway with the names of the more important villages or towns through or near which it is intended that the railway should pass.

(d) (d) A list of the civil districts in which the land will be required for the purposes of the railway with the approximate area in acres of the land required in each.

(e) (e) For each civil district, the name or description of the place or places at which the land plans for the district will be available for inspection by the public.

The State Government or Administration should also be furnished with a general index plan to a scale of 1 mile to 1 inch showing the route to be followed by the railway.

**101. Paragraph 705 of the Indian Railway Code** - Should any land be required for temporary occupation only under section 35 of Act 1 of 1894, it should form the subject of a separate application in which the fact that permanent acquisition is not required should be clearly stated.

**102. Estimates preliminary to putting Land Acquisition Act into force –** *(Paragraphs 706 and 707 of the Indian Railway Code)*- On receipt from the Railway Administration of the application for land drawn up in accordance with the procedure prescribed above, the responsible Revenue Official will forward to the Railway Administration a statement showing the nearest approximate cost of the land which can be obtained without a detailed valuation of the property and also a draft declaration under section 6 of the Land Acquisition Act on which it should be recorded that there is no objection to the acquisition of land on any general or specific grounds. In the case of large projects, in lieu of the statement prescribed above, the Revenue Authorities will furnish to the Railway Administration data in the form given in paragraph 12 *supra* showing the estimated average value per acre as near as may be for the different classes of land in the localities affected by the projects.

In no circumstances should the Local Revenue Authority be called upon to furnish data even rough approximations, before they are supplied with a sketch map (or detailed plans, if such have already been prepared), for each district traversed by the railway,



showing the exact course of the centre line of the land to be taken up, with reference to villages and towns, as a departure from the strict observance of this requirement throws upon the Revenue Authorities undue responsibility for the adequacy of the preliminary estimates. The sketch 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 the land near towns, or which for other reasons is likely to have 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.

**103. Paragraph 708 of the Indian Railway Code-** When the estimated value of the land exceeds Rs. 25,000 in any one district or one lakh in any division, it is necessary that the data should be countersigned by the Commissioner of the division in which the land is situated or the Chief Revenue Authority of the State, respectively.

**104. Paragraph 709 of the Indian Railway Code -** The statement or data received from the Revenue Authorities should be taken as representing the value of the land, inclusive of tenants rights but exclusive of the value of houses, trees, standing crops, etc. on the land, the approximate cost of which should be separately furnished by the Revenue Authorities. In addition to the data prescribed above, the Revenue Authorities should also give a rough estimate of the amount of such further items (if any as are likely to be included in an award based on section 23(I) of the Land Acquisition Act, including when necessary, and estimate of payments to be made direct to the proprietors of the area acquired in lieu of abatement of land revenue and charges for establishment and contingencies. Special care should be taken by the Revenue Authorities in furnishing as accurate data as possible, so as to prevent inaccurate estimating. With this information in hand, the Railway Administration should proceed to frame an estimate\* of the total cost of acquisition in detail, including (in cases where voluntary surrender is not probable) the

additional 30 per cent laid down in section 23(2) of the Land Acquisition Act, on the market value of the land under section 23(I), clause I of that Act.

**104-A. Form for preparing land estimates** - In preparing land estimates, it will be found generally convenient to adopt the following form:-

Value of land:--

Waste

Arable

Homestead

Bazar

\*In the reports and estimates submitted by Railway Administrations, it should be specially mentioned whether or not the land estimates have been prepared from data furnished by the Revenue Authorities.

Value of:--

- |     |     |                 |
|-----|-----|-----------------|
| (a) | (a) | Masonry houses  |
| (b) | (b) | Thatched houses |
| (c) | (c) | Trees           |
| (d) | (d) | Standing crops  |

Add additional compensation at 30 per cent under section 23(2) of the Act on the market value of the land including houses, trees and crops,

Add market value of Government land taken up.

Add damages under clauses 2 to 6 section 23 (I) of the Act.

Add cost of establishment (when necessary).

Add contingencies.

**105. Paragraph 711 of the Indian Railway Code-** Should the estimate so framed be within the powers of the Railway Administration to sanction and there be no objection to

the acquisition of the land on the part of the revenue authorities, the General Manager or any other Officer duly empowered to sanction the estimate will then accord sanction and allot the necessary funds and forward the estimate duly countersigned by the Accounts Officer together with the draft declaration and duly signed plans and schedules, to the State Government or Administration for taking necessary steps for the acquisition of the land. When it is decided to make reduction in the extent of the land which the State Government has already been asked to arrange to acquire prompt warning should be given to them to take steps to modify the declaration already issued, or to make necessary withdrawal from acquisition. If the sanction of the Railway Board is necessary to the estimated cost of the land, the Railway Administration should apply for and obtain that sanction before applying to the State Government or Administration for the acquisition of the land.

**105-A. Act XXXVIII of 1923 Notification under section 4-** After receipt of such an application the State Government or Administration Act XXXVIII of 1923, will issue a notification under section 4 whether a preliminary survey notification under section 4, or other Act provided for in section 4 is necessary or not. A copy of this notification shall be pasted at the Collectors Office and at the Tehsil and shall be served on all persons known to be interested who would be entitled to claim an interest in the land acquired under the Act.

Note: All owners, mortgagees and tenants whether occupancy or not, should ordinarily be included in the term “persons interested” for the purpose of this rule.

**105-B(a) (Act XXXVIII of 1923, Disposal of Objections)-**Any person interested in any land which has been notified under section 4, sub-section (1) may within 30 days after the issue of the notification object to the acquisition of the land or any land in the locality as the case may be. Every such objection must be made to the Collector in writing and the following procedure is to be observed for the disposal thereof: -

- (i) (i) When the Collector receives an objection, he shall fix a date for hearing it, and shall give notice of the date to the objector and to the

officer of the department or to the local body on whose application the notification under section 4 has been issued. It will generally be convenient to hear all objections after a limit of thirty days has expired.

- (ii) (ii) On the date fixed for hearing, if the objector fails to appear in person or by pleader, the Collector, may if he thinks fit make an *ex parte* enquiry regarding the objection, or he may at once report to the State Government the fact of the objector's failure to appear. In either case he shall without unnecessary delay, report his opinion as to the validity of each ground of the objection.
- (iii) (iii) The Collector shall forward his report together with the record of his proceedings direct to the Home Secretary to the Punjab Government.
- (iv) (iv) No costs shall be allowed.

(b) If the State Government after considering of the report of the Collector decides to withdraw from the acquisition proceedings, the notification under section 4 of the Act shall be cancelled without delay.

**106. Procedure in cases of urgency-** (*Paragraph 714 of the Indian Railway Code*) - In cases of urgency, Railway Administration are empowered to depart from the ordinary rule stated in the previous paragraph and sanction the acquisition of land prior to the preparation and sanction of estimates either for the work of the land, provided the total probable cost of the work is within the power of Railway Administration to sanction. Where it is anticipated that the estimated cost of the land or the work will exceed the powers of sanction of the Railway Administration, the reasons for urgency of acquisition and brief particular of the work for which it is required together with information regarding the probable cost of the land and of the work should be reported to the Railway Board and their sanction to the acquisition of the land applied for.

**107. Where land is granted free of cost, Government undertake to secure to the railway only empty possession-** (*Paragraph 717 of the Indian Railways Code*) - Where

land is acquired by Government and made over free of cost to a Railway Company, for the construction of a Railway, the Railway Company, in the absence of any express stipulation to the contrary, are entitled to dispose of, or use for the purpose of the railway and material, trees, buildings or other property that may be on the land when it is handed over to them, but Government are entitled, before handing over the land, to dispose of or stipulate for the disposal of, any such material, trees, buildings, etc. which they may have been obliged to acquire with the land and to apply the sale-proceeds in reduction of the cost of acquisition. Further, it is the business of the Railway Company to clear the land of all obstacles or obstructions and prepare it for the construction of the railway, Government undertaking to secure to them empty possession only free of encumbrances.

**(c) Procedure after the Act is put into force**

**108. After publication of declaration – (*Paragraph 718 of the Indian Railway Code*)-**

After the publication of the declaration under section 6 of the Land Acquisition Act, the State Government or Administration will direct the Collector, or other Officer specially appointed for the purpose, to proceed to acquire the land in the manner indicated in the Land Acquisition Act and all subsequent proceedings will be taken by the State Government or Administration. When the awards have been announced, the Railway Administration may enter into possession of the land, but before doing so, the authority of the Land Acquisition Officer to its occupation should be obtained. When possession is taken, the acquisition is completed and the land then vests absolutely in Government. Up to the moment of taking possession under the Act, Government is at liberty to withdraw from the acquisition but not afterwards. It should be noted that withdrawal from acquisition entails liability for payment of compensation for any damage suffered by the owner in consequence of the notice or any proceedings thereunder. [Section 48(2) of the Land Acquisition Act].

**109. Valuation for purposes of the award – (*paragraphs 719 & 720 of the Indian Railway Code*) -** A Land Acquisition Officer in any inquiry and award under section 11

of the Land Acquisition Act, will give notice to the Railway Administration or their chief local representative of the day on which the enquiry is to be held, and will take into consideration any representation which the Railway Administration or their chief local representative may make whether orally or by letter. Also before finally making the award, the Land Acquisition Officer will allow the Railway Authorities an opportunity of appearing in person or by agent and of producing evidence as to the value of the land. Railway Administration should take advantage of these opportunities for representing their views and protecting their interests. Further, in order to protect the interests of Government in cases where land is granted free of cost to a railway, it is incumbent on the Collector of the District, or should he himself not be making the award, the Land Acquisition Officer so authorised to refer to the Officer nominated as Government Director of the Circle or the General Manager of the Railway Administration or his representative, all cases in which the awards are likely to exceed the original estimates by more than 10 per cent or by more than Rs.10,000. The officer nominated as Government Director or the General Manager of the Railway should then decide whether it is advisable to be present, and if so, he should inform the Collector or the Land Acquisition Officer (through the Collector) to that effect within one month of the date of the receipt of the reference. If no such intimation is received by that date, it should be assumed by the Collector that the officer nominated as Government Director or the General Manager does not want to be present and that there is no objection to the award being then made. It is very important that the procedure herein above laid down is taken advantage of in order that the interests of the purchaser may be adequately represented.

If the award, as finally settled after objections have been heard in the course of proceedings, exceeds by more than 20 per cent the original estimate of the cost of acquisition or if the evidence as to the value is conflicting and such as to indicate a reasonable probability that the Civil Court will award a sum exceeding that estimate, the Land Acquisition Officer should defer the award and inform the Railway Administration concerned of the facts. Further action will then be suspended until the Railway Administration has decided whether acquisition should be proceeded with or not. Before communicating such decision the Railway Administration should, when the excess is

likely to exceed their powers of sanction, submit a report of the matter for the orders of the Railway Board, explaining at the same time whether the acquisition of the land is necessary or whether some plot of land other than that originally contemplated may not be taken up instead. It is incumbent on Railway Administration to endeavour to avoid the location of a railway line upon land the acquisition of which will entail either unnecessary expenditure to Government, or annoyance to the owners, if the object sought can be equally well attained by a slight alteration of the alignment or in some other manner.

**109-A. Taking possession** – *(paragraphs 721 & 722 of the Indian Railway Code)*-

Possession of the Land will be made over by the Local Revenue Authority or his representative and will be taken over by a representative not lower in status than a Sub-Divisional Officer of the Engineering Department of the Railway. The area on the ground should be carefully checked with that on the Plan, and if found correct, the permanent boundary marks should be affixed as soon as possible thereafter.

A certificate, atleast in duplicate, to the effect that the land has been on that day correctly made and taken over, will then be signed by both parties and recorded by the Revenue and Railway Authorities, respectively.

**110. Revised estimates** –*(Paragraph 723 of the Indian Railway Code)* - If during the proceedings under section 11 of the Land Acquisition Act, it becomes apparent to the Land Acquisition Officer that the cost of the land will exceed the amount of the sanctioned estimate, he should report the excess to the Railway Administration concerned and at the same time furnish fresh data for the revision of the estimate. The Railway Administration will then frame a revised estimate of cost in full detail and if the excess is within the powers delegated to the Railway Administration, sanction the estimate and allot the further funds necessary. Should the revised estimate, however, require the sanction of the Railway Board, such sanction should be applied for, in doing so, an explanation of the cause of excess should be furnished, where it exceeds the initial estimate by more than 10 per cent. It should be noted that the countersignature of

responsible Revenue Authorities should be obtained to the revised estimate as in the case of the original estimates.

**110-A. Completion Reports –** (*Paragraphs 724 & 725 of the Indian Railway Code*) -

When acquisition has been finally completed and awards made, a completion report showing the actual expenditure incurred on the acquisition should in the case of lines under construction, and of open line works costing Rs.20 lakhs and over, be submitted to the Railway Board, either separately or along with the completion report of the works for which the land has been acquired. These completion reports should be drawn up in details by the Railway Administration on the awards actually made. As regards land taken up for open line works costing less than Rs.20 lakhs, no completion report need be submitted to the Railway Board unless it is found that expenditure has been incurred over the original or revised estimate, in excess of the power of the Railway Administration.

**(d) MANAGEMENT OF LAND**

**111.** (*Paragraph 810 of the Indian Railway Code*) - A State Government may be offered the management of such areas of “available” land as it may agree to accept and if necessary may be permitted to retain a percentage (to be agreed upon between the Railway Administration and the State Government) of the gross receipts accruing from the lease etc. of the land. In such cases the following conditions will apply, viz: -

- (i) (i) That such transfer conveys no power to sell, exchange or give away the land without the sanction of the Railway Administration (i.e. the land will still remain in the “occupation” of the Central Government), and that the latter may impose such restrictions as it may consider necessary on the use or occupation of the land so entrusted.
- (ii) (ii) That the Railway Administration reserves the right to withdraw such land, without compensation after giving reasonable notice or on



payment of a fair price if resumption is made at such short notice as to preclude the gathering of any crop, indigenous to the locality, sown thereon.

- (iii) (iii) Receipts, less any percentage that may be agreed upon, will be credited to the Railway. Taxes, which would be leviable on the land were retained under the management of the Railway Administration, will continue to be a charge on the Railway.
- (iv) (iv) That on the resumption of the land by the Railway Administration or if under disposal on its sale, it should be handed over with a clear title, any steps necessary to preserve such title being taken by the State Government on behalf of the President.

Land made over for management to the State Government should be properly demarcated and accompanied by the necessary plans.

**112. Methods of Management** – (*Paragraphs 812, 813, 814 and 815 of the Indian Railway Code*): --To enable management to be conducted on commercial lines, Railway Administration are permitted to grant to outsiders or other Departments, under a lease or license, rights and facilities in respect of “available” land for such purposes, whether or not connected with Railway working, as they may deem suitable.

The leasing or licensing of “available” land agreeably to these rules, for purposes connected with the working of the Railway (e.g. Bulk Oil Installations; Warehouses, Wharfs or other premises for storing goods on receipt from the Railway after arrival or before being made over to the Railway for dispatch; Shops for Station Vendors; Schools for the children of railway employees, etc. etc.) does not require a reference to a State Government or other authority; but, in the case of land leased or licensed for other purposes, the State Government or other authority concerned should be consulted whenever the contingent circumstances are such as to render it relevant or advisable, particularly if the alienation is of a quasi-permanent nature.

The leasing or licensing of Railway land for religious or educational purposes or the granting of permission for the erection on railway land of new structures to be used for religious purposes or the modification or extension of existing structures, will require the sanction of the Railway Board. The General Manager of a Railway is, however, empowered to license plots of vacant railway land to railway employees for the purposes of “praying platforms”.

In addition to the lease or license of land itself, rights pertaining thereto, such as grass-cutting, grazing, fruit, fishing, mooring, etc. may be let out by Railway Administration.

**113. Paragraph 816 of the Indian Railway Code-** The method by which land is managed by a State Government will be decided by that authority, subject only to the conditions on which such management is undertaken.

#### (e) (e) **RELINQUISHMENT OF LAND**

**114. Paragraphs 801, 823 and 824 of the Indian Railway Code-** The instructions in this section are subsidiary to the land Transfer Rules issued by the Government of India and contained in paragraph 2 *supra*.

The general position is that under section 172 of the Government of India Act, 1935, relevant portions of which are reproduced below, all lands and buildings which vested in His Majesty immediately before 1<sup>st</sup> April, 1937, and which were then used (otherwise than under a tenancy agreement between the Central and State Government) for purposes which thereafter became purposes of the Central Government (e.g. for the purposes of Federal Railway) would automatically vest in the Central Government. Lands and buildings, which were not actually so used immediately before 1<sup>st</sup> April, 1937, even though formerly intended to be used for Central purposes, would vest in the

provinces, unless they are certified to have been retained for future use for Central purposes or to have been retained temporarily for more advantageous disposal by sale or otherwise. Under this section, therefore, Railway Administrations have the right to remain in undisturbed possession of only such lands in their occupation on the 31<sup>st</sup> March 1937 as were actually required for the effective discharge of their duties (of paragraph 825 *infra*).

“Section 172 of the Government of India Act, 1935—(1) All lands and buildings which immediately before the commencement of Part III of this Act were vested in His Majesty for the purposes of the Government of India shall as from that date:

- (a) (a) In the case of lands and buildings which are situated in a province vest in His Majesty for the purposes of the Government of that Province unless they were then used, otherwise than under a tenancy agreement between the Governor-General in Council and the Government of that Province, for purposes which thereafter will be purposes of the Federal Government or of His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States, or unless they are lands and buildings formerly used for such purposes, as aforesaid, or intended or formerly intended to be so used, and are certified by the Governor-General in Council, or, as the case may be, His Majesty's representative, to have been retained for further use for such purposes or to have been retained temporarily, for the purpose of more advantageous disposal by sale or otherwise.
- (b) (b) in the case of lands and buildings which are situated in a Province but do not by virtue of the preceding paragraph vest in His Majesty for the purposes of the Government of that Province, and in the case of lands and buildings which are situated in India elsewhere than in a Province, vest in His Majesty for the purposes of the Government of the Federation or for the purposes of the exercise of the functions of the Crown in its relations

with Indian States, according to the purposes for which they were used immediately before the commencement of Part III of this Act;

XX      XX      XX      XX      XX

- (5) (5) Any question which may arise within the five years next following the commencement of Part III of this Act as to the purposes for which any lands or buildings are by virtue of this section vested in His Majesty may be determined by His Majesty in Council.”

In regard to all railway land the policy of the Railway Board is to limit holdings to actual requirements, present and prospective. Every Railway Administration, should, therefore, be in a position to justify the retention of land occupied by them, and where unable to do so, should classify it as “eligible for disposal” and arrange for its disposal agreeably to the rules in the following paragraphs.

While land is not to be retained unreasonably, it is equally not to be disposed of and prices in commensurate with its value, nor surrendered free of cost.

**115. Paragraph 825 of the Indian Railway Code -** In deciding whether or not a certain area is eligible for disposal, Railway Administration should be guided by the consideration that land may be said to be required for the effective discharge of the duties of the Ministry of Railway, if it falls within one or the other of the following categories: -

- (a) (a) Land in the active occupation of a railway, i.e., land actually occupied by the permanent works of the railway, or required for their construction, maintenance or repair.
- (b) (b) Land not so occupied, but to the permanent alien control of which specific objections exist, i.e., land in the midst of or adjoining that in active occupation and to separate which from such area would be detrimental to railway interests.

- (c) (c) Land required in the interest of the health or welfare of the staff, or for the safety of railway property (e.g. sanitary or fire zones, etc.).
- (d) (d) Land required for such future development as may properly be contemplated.

**116. Paragraph 826 of the Indian Railway Code** - When it has been decided that a certain area of land is no longer required by any department of the railway and that it is, therefore, eligible for disposal. The following procedure should be observed: -

- (1) (1) If the land adjoins or is in the near vicinity of land belonging to any other railway or department of the Central Government it should first be offered to such railway or department. If one of these desires to acquire it, the land should on the terms being agreed upon, be made over by the responsible railway authority to an officer of the department or railway deputed for the purpose. A formal record of the transfer should be made and the State Government advised; or if willing, the latter may be entrusted with the work of transfer.
- (2) (2) If the land is not adjacent to or in the close vicinity of that held by other railways or departments of the Central Government or, though so situated, is not required by such railways or departments; it should be offered to the State Government. If the State Government is willing to purchase it, it should on the terms being agreed upon, be made over to the officer appointed for the purpose, the procedure laid down in paragraphs 109 and 109-A, *supra*, being followed *mutatis mutandis*.
- (3) (3) If the State Government is unwilling to purchase it, the land should be disposed of to the best advantage possible.
- (4) (4) If neither another railway nor a department of the Central Government nor the State Government, desire to acquire the land, and if no reasonable offer is

forthcoming from other parties, the land should be retained by the Railway Administration and managed in accordance with the procedure laid down in paragraph 807 of the Indian Railway Code for the Engineering Department, until such time as one or the other of the above contingencies eventuate.

**116-A. (Paragraph 827 of the Indian Railway Code)-** In the disposal of land under clause (3) of the preceding paragraph, the following procedure should be adopted :-

- (a) (a) The State Government may be asked to undertake the whole process of disposal, the Railway Administration merely concurring in the terms.
- (b) (b) If the State Government is unwilling to undertake negotiations for sale these should be carried out by the Railway Administration and the State Government requested to carry out by the final transaction on the terms arranged.
- (c) (c) If the State Government is unwilling to effect even the actual transfer, a formal deed of conveyance should be drawn up by the Railway Administration (ordinarily at the expense of the purchaser), submitted to the authority competent to execute it for signature, and registered, the land being thereafter made over, by the responsible authority to the purchasers.
- (d) (d) In any case the State Government should be consulted as to the manner of disposal, the conditions (if any) that should be laid down for the use of the land after sale, and the extent to which (if at all) the principles of the Resolution of the Government of India in the Department of Revenue and Agriculture No.13/44-13, dated 30<sup>th</sup> October 1896, reproduced below, should be applied: -

Resolution No.13/44-13, dated 30<sup>th</sup> October, 1896 of the Government of India in the Department of Revenue and Agriculture. The Government of India desire that whenever agricultural or pastoral land has been acquired for public purposes, whether by

private purchase or by compulsory acquisition, and is no longer required for such purposes, the disposal of it may be guided by the following general considerations:-

“In the first place all proprietary rights and all rights of occupancy which were extinguished by the acquisition should be first offered to the persons from whom they were acquired, or their heirs if discoverable; the former (where both kinds of rights co-existed) being made subject to the latter under the provisions of the Crown Grants (Act XV of 1895).

“In the second place of the price at which these rights are offered should be the amount of compensation originally paid for them, less the 30 per cent in excess of the value which will have been paid if the acquisition was compulsory. This price may be reduced, if necessary, on account of any deterioration that may have taken place in the fitness of the land for agricultural or pastoral purposes while it was in occupation of Government, but it should not be increased, except in the case stated below, on account of any rise in its market value during that period.

“In the case of plots which by reasons of their size or shape are practically of no value to anyone but the owners of the adjoining land of those owners are not entitled to the first offer as above, they ought nevertheless to receive the first offer; but in that case there is no objection to asking the market value, though the reasonable offer of a neighbouring holder should always have the preference over that of an outsider.

“The Superior Revenue Authority will, of course, always retain and exercise discretion in the application of the general rule about the charge of cost price. Special Cases will occur, and exceptions will be justifiable, as for example, when the persons first entitled are remote descendants or relations of the original holders, or when the rise in the market value of the land has been so exceptionally great as to take the case

out of the general rule. The Government of India lay down no hard and fast rule, but only a principle for general guidance.

“It will be observed that the above principles apply to agricultural and pastoral land only, and not to building sites or town lands.”

“2. It will be for Local Governments and Administrations to issue instructions adopted to local circumstances, in general conformity with the above considerations. Those instructions will be mere executive instructions; and the greatest care should be taken to avoid anything which might have the semblance of conferring a right, or affording a basis for any claim either as against Government or as between private parties, and to make it clear that the concessions in question are made as an act of grace, and are wholly within the pleasure of Government to grant or to refuse in any particular case.”

**117. Cancelled.**

**118. The terms of disposal -** (*Paragraph 828-830 of the Indian Railway Code*)-The terms on which railway land may be disposed of will, in the case of a State Government, be subject to the following conditions :-

- (1) (1) The Central Government themselves will be the judges of whether they require to retain any particular land or not;
- (2) (2) If the State Government desire to assume possession of the land, the option to do so should be exercised within six months of the date on which the Central Government signify their intention of surrendering the land;
- (3) (3) The amount payable for the land will in all cases be its market value at the date of transfer ; and



- (4) (4) When the State Government desire to assume possession of only a portion of the land surrendered they shall be entitled to do so only if the value of the land is not materially reduced by the division.

In the case of disposal of land to another railway or department of the Central Government, the amount payable will be the market value of the land and buildings thereon. In all other cases land will be disposed of at the highest offer which is considered reasonable.

In all cases of disposals of land mentioned above, conditions or restrictions of uses agreed upon by both parties may be embodied in the transfer of sale deeds. Where the estimated value of the land exceeds Rs. 1 lakh, a prior preference should be made to the Railway Board.

**118-A. Refund of capitalized value of Land Revenue –** *(Paragraph 831 of the Indian Railway Code)* - In case where railway land is transferred to a State Government and where the capitalized value of the land revenue had been paid to the State Government on acquisition, the amount payable by the State Government for the land should include the refund of the capitalized value. In the case of land disposed of to private parties the refund of the capitalized value of land revenue by the State Government will not, however, be necessary.

**118-B. Paragraph 832 of the Indian Railway Code -** The proceeds of all railway lands disposed of less any charges properly incurred in their disposal, will be credited as follows :-

- (a) (a) When the land was provided free of cost by the Government of India to Head XVI-Subsidised Companies.
- (b) (b) In all other cases, to the Capital account of the Railway. As in the case of acquisition, a State Government may be reimbursed the cost of special establishment employed in connection with disposal proceedings.

**119. Paragraph 833 of the Indian Railway Code-** As in acquisition, the process of disposal is not completed until possession of the land is made over (and in no circumstances should this be done until the terms of sale or transfer have been settled), and until sale or transfer is complete all rights in the land continue to vest in the Central Government, Ministry of Railway. After sale or transfer is complete, the railway boundary marks, land plans, etc., should be adjusted accordingly.

**(f) LAND PLANS AND SCHEDULES**

**120. Paragraph 640 of the Indian Railway Code -** To enable the revenue authorities to take action for the acquisition of land required for railway purposes, it is necessary\* that proper plans should be made for reference by all concerned. The scale for these land plans should under ordinary circumstances be 400 feet to 1 inch; but where this would not admit of sufficient detail being shown with clearness, the scale should be 100 feet to 1 inch. A scale of 50 feet to an inch may, however, be used in special cases for congested areas in large towns.

Note:- (a) This rule may be waived when the land to be acquired forms an addition to that already previously acquired. In such cases the plans showing additions may be drawn to the same scale as the original Plans.

(b) In cases where the existing Revenue maps are not on smaller scale than 400 feet to an inch they may with the consent of the State Government, be used for the preparation of land plans, where, however, the State Governments have prescribed separate scales of plans and sections in respect of acquisition of land for railway projects, such scales should be adopted.

\*See Land Acquisition Act, 1894, Sections 6 and 8.

**121.** Cancelled.

**122. Paragraph 641 of the Indian Railway Code** - The data for the preparation of the land plans should generally be obtained during the progress of the Survey for the location of the line, and the general instructions for the preparation of plans to accompany a project for a railway should be held to apply also to plans required for the acquisition of the land necessary for the constructions of the railway. The land plans should also give the additional information required under para 123 infra.

**123. Paragraphs 642-650 of the Indian Railway Code** - In the case of a railway to be constructed by Government or by a Company under the terms of whose contract land is divided into two classes, “permanent” and “temporary” the plans made out for the first acquisition of the land should show the outer boundary line and all land, for whatever purpose it may be required, should be taken up as for permanent occupation. This land should be distinguished on the land plans by being coloured pink.

**N.B.** This rule applies only to the copies of the plans made for the Revenue Authorities for use on the acquisition of the land, and is not intended to prevent Engineers from marking on their office copies the intended disposition of the land as “permanent” and “temporary” or any other information which may be found convenient for use during constructions, for the purpose of the estimate.

As early as practicable, after the line is opened and after it is known definitely, what land can conveniently be spared and disposed of, the original plans should be corrected (or fresh plans made) to show the boundaries of the land required for permanent occupation “permanent land”, and also those of the land to be disposed of ‘temporary land’. On these land plans, the two classes of land are to be distinguished by colour as follows :-

Permanent land	... Pink
Temporary land	... Yellow

In the case of railway constructed by a Company, by the terms of whose contract (or other arrangement with Government) land has to be taken up under special classes A, B, C & D as defined in paragraph 95 *supra* or under other conditions of a like nature, the

plans made out for the first acquisition of the land for use of the revenue authorities should show the outer boundary line and all land irrespective of the purpose for which required, will be taken up as for permanent occupation. This land should be distinguished in the land plans by being coloured pink. The plans retained by the railway authorities, however, will show clearly the boundaries of the land to be taken up under each of these classes.

As early as practicable, after the line is opened, the original plans should be corrected (or fresh plans made), to show the disposition of the land as determined after the work of construction is completed. On these land plans, the four classes of land should be distinguished by colour as follows :-

Class "A" land	.. Pink
Class "B" land	.. Yellow
Class "C" land	.. Purple
Class "D" land	.. Green

Detached portions of land should be referred to fixed point on one of the main sheets with distances and compass or other bearings, or such references to the published maps of the neighbourhood as will ensure a ready indentification of the land. A corresponding entry should in each case be made on the nearest main sheet to draw attention to the detached plot.

On all land plans, the position of the boundary of each class of land should be determined by dimensions written on the plan; these dimensions should be sufficiently complete to enable such boundaries being, at any time, readily ascertained or verified.

The name of villages to which the land belongs should in each case, be written on the plan alongside of the line indicating the village boundary. If the boundary line crosses the railway line, the names should be repeated on the other side of the railway line, and the chainage of the crossing point noted.

When boundary marks have been erected for the demarcation of railway land, the position and corresponding number of every detached mark should be inserted in the land plans.

The plans should in short be full and complete and should show all existing roads and buildings; and when the latter are known to be used for public purposes or by special departments, their purposes and ownership should be stated.

**124. Paragraph 651 of the Indian Railway Code** - The land plans should be made up in sets for continuous portions of land, each set being complete for a revenue district or charge of a Collector or Deputy Commissioner. On each end sheet (first and last) of every set of land plans, a sufficient portion of the continuation sheet of the next set should be repeated, to enable the two sheets to be connected or traced together, if required. For each set of land plans the sheets should be numbered consecutively throughout, and the name of the revenue district to which the set relates, is to be marked conspicuously on each sheet.

**125. Paragraph 682 of the Indian Railway Code** - The schedules showing details of the land acquired may be drawn up in the forms numbered 1 to 3 in Appendix IV of the Indian Railway Code for Engineering Department, but these are not prescribed as standard forms for adoption on all railways, as it is recognized that land tenures vary in different parts of India and that each State Government or Administration may desire land schedules to be prepared in a form and with particulars to suit local conditions and local land revenue procedure. Railway Administrations, should, therefore, prepare the land schedules in the forms that may be required by each State Government or Administration.

**126. Paragraph 653 of the Indian Railway Code** - The minimum number of sets of land plans and schedules required is two-one for the revenue authorities and one for the railway. Each set of land plans and schedules should be signed by the officer

immediately responsible for its preparation, and by the Chief Engineer or Engineer-in-Chief of the railway. In the case of land required for a line already opened, the General Manager should also countersign the plans and schedules before sending them on.

**127.** *Cancelled.*

**(g) (g) ADJUSTMENT OF CHARGES, ESTABLISHMENT AND  
CAPITALISED ABATEMENT OF LAND REVENUE**

**128. Incidence of cost of land taken up at the cost of a Railway Paragraph- 656 of the Indian Railway Code** - Unless otherwise provided for under the terms of its contract, the cost of all land taken up permanently for a railway which is not entitled to receive land free of cost, is debitable to the capital account of the line irrespective of the amount involved or whether required for capital or revenue works. In the case of railways worked by the Government, land required for the manufacture of materials as also for the acquisition of materials by quarrying, mining, boring or operations and payments for royalty, mining rights etc. connected with the same should not be included in land estimates, but may be dealt with as part of the cost of manufacturing operations, or if more convenient, charged off finally to the work concerned. In the case of other railways such charges are included or excluded according to the terms of the contracts. The compensation payable, for land acquired temporarily under section 35 of the Land Acquisition Act I of 1894, will be chargeable to work or purpose concerned.

Cost of land, which is supplied free to a railway Company by Government, prior to purchase and is booked under the head “15—C—Subsidized Companies’ Land” shall not be brought on to the Capital account of the line after purchase but merely noted at the foot of the Capital Statement (Form A 1210).

**129. Incidence of cost of the land taken up for railways entitled to receive land free of cost - Paragraph 657 of the Indian Railway Code-** In the case of Railway

constructed by a company or other body, under the terms of whose contract (or other arrangement with Government) land is granted free of cost by Government the cost of all land will be borne by Government and charged to the head “15—C—Subsidized Companies’ Land”. Where land is taken up under classes A, B, C, & D as defined in paragraph 95 supra, or under other condition of a like nature, Class C land will be acquired by Government at the cost of the railway concerned.

**129-A.** *Cancelled.*

**130. Legal procedure** -*Paragraph 751 of the Indian Railway Code* -When a point of law is at issue in connection with any land acquisition proceedings, the State Government or Administration should be consulted before legal proceedings are entered upon.

## S. REGISTERS AND RETURNS

**131.A Misalband Register** - A misalband register of cases under the Land Acquisition Act shall be kept up in the following form by the sadar wasil baqi nawis or other ahlmed (clerk) specially entrusted with the work. Each case shall be entered in this register as soon as it is instituted with a series of numbers for each year : -

Serial No.	Number of English office connected file	Date of institution	Village and tehsil	No. and date of notification	Area	Purpose of Acquisition	Date of dispatch of file	Officer to whom sent and purpose	Date of final order	Name of deciding officer	Abstract of order	Date of sending file to record room with initials of record keeper	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Cases of release from occupation and other miscellaneous cases shall be entered in a register in Form XIII laid down in para 3 of Standing Order No.55.

**132. Register of decided cases** - As soon as any case in which land is acquired, whether by a special officer or not is decided by the acquiring officer, it shall be sent to the sadar wasil baqi nawis and be entered by him in a register in the following form:-



### Compensation awarded

## Area

[illegible][illegible][illegible]

Where a case is taken to the civil court the final decision will be communicated to the sadr wasil baqi nawis who will amend the previous entries accordingly.

**133. Register showing land restored** - As soon as any case in which land is restored is finally decided it shall be entered by the sadr wasil baqi nawis or other ahlmad (clerk) in a register in the following form:-

No.	Department restoring	Tehsil	Village	Area restored	Amount recovered	Increase to assessment	Date of decision
1	2	3	4	5	6	7	8

**134. Extracts to be forwarded to offices concerned** - The above register shall be totalled on September 30<sup>th</sup> for the past year, providing material for the land revenue report statement No. XVII. Complete abstracts in the case of land taken up for and restored by railway during the past financial year shall be forwarded in the case of the Northern Railway to the Engineer-in-Chief, Northern Railway, and in the case of land taken up for the Canal Department to the Divisional Canal Officer, as soon as possible after March 31st in each year.

**135. Standard English & bilingual forms** - The following English and bilingual forms have been standardized in the office of the Financial Commissioner, and are obtainable on indent from the Controller Printing and Stationary, Punjab, Chandigarh, Form-L-A, 1,3,4,8,11 and 12 are also obtainable in the regional language.

Office	Reference	Paragraph	Subject
--------	-----------	-----------	---------

	No.	of Standing Order	
Financial Commissioner	L.A.-1	17	Notification under section 4
Ditto			
Ditto	L.A.-2	26	Statement of payment in acquisition by private negotiation
Ditto	L.A.-3	30	Notification under section 6
Ditto	L.A.-4	35	Notice to persons interested
Ditto	L.A.-5	36	Guide to value of land , form (i) (bilingual)
Ditto	L.A.-6	36	Guide to value of land, form(ii) (bilingual) Awards statement (bilingual)
Ditto	L.A.-7	55	Notice under section 12(2) and 31(1)
Ditto	L.A.-8	56	Form A. Statement showing compensation
Ditto	L.A.-9	73	Form AA. Statement showing acceptance Statement of reduction of revenue
Ditto	L.A.-10	73	Statement of addition to rent rolls
Ditto	L.A.-11	79	Form B. Statement of compensation awarded
Ditto	L.A.-12	89	Form C. Voucher for direct payment
Ditto	L.A.-13	78	Form CC. Consolidated voucher
Ditto	L.A.-14	75	Form D. Voucher for payment into Civil Courts
Ditto	L.A.-15	75	Form E. Statement accompanying payment into deposits
Ditto	L.A.16	78	
	L.A.-17	75	

**APPENDIX A**  
**(PARAGRAPH 24)**

Model form of sale deed to be executed when land is acquired for public purposes by  
private negotiations.

INDENTURE made this\_\_\_\_\_day of\_\_\_\_\_20\_\_\_\_ between  
(hereinafter together with their heirs, successors and assignees where the context so  
requires called the vendors) for the one part and the Government of Punjab (hereinafter  
called the purchaser) of the other part

WHEREAS the vendors are the absolute owners of the property hereinafter  
mentioned and hereby conveyed in the following shares i.e. to any Son  
of\_\_\_\_\_Shares\_\_\_\_\_

AND WHEREAS the land required by the Government for a public purpose-wide  
notification No.\_\_\_\_\_, dated\_\_\_\_\_, and it has been agreed that  
proceedings under the Land Acquisition Act, would cause unnecessary expense,  
inconvenience and hardship to the vendors and that sale by private negotiation is in the  
interest and for the benefit of the vendors who have agreed to the absolute sale  
accordingly to the purchaser for the sum of Rs.\_\_\_\_\_.

*Recitals of special conditions, if any:* Now these Present Witness that in  
pursuance of the above agreement and in consideration of the sum of Rs.\_\_\_\_\_paid  
by the purchaser to the vendor \_\_\_\_\_day of\_\_\_\_\_20\_\_\_\_(the receipt  
whereof the vendors do hereby acknowledge) the vendors do hereby as beneficial honour  
grant, shall convey and assign unto the purchaser ALL that piece or parcel of land  
situated \_\_\_\_\_ at \_\_\_\_\_ measuring \_\_\_\_\_ and \_\_\_\_\_ entered \_\_\_\_\_ as \_\_\_\_\_ Khewat  
No.\_\_\_\_\_Khatauni\_\_\_\_\_Khasra\_\_\_\_\_of the Jamabandi

of \_\_\_\_\_ in the tehsil of \_\_\_\_\_ district and more particularly described or delineated in the map or plan hereto annexed together with all trees, plants, liberties, privileges, easements and appurtenances whatsoever to the same, belonging or in any wise appertaining and all the estate, right, title, interest, claim and demand of the vendors in and to the same and every part thereof TO HAVE AND TO HOLD the same unto and to the absolute use and benefit of the purchaser and his successors and assigns in full proprietary right free from all encumbrances FOR EVER.

AND the vendors do hereby covenant with the purchaser that they now have good right, title and power to sell and convey the same to the purchaser in manner aforesaid free from encumbrance and that the purchaser may at all times hereafter peaceably and quietly possess and enjoy the same without any interruption claim or demand from or by the vendors or any person or persons lawfully or equitably claiming for or of any of them AND that special conditions the vendors shall whenever reasonably so required execute and do any such further act assurance or thing as may be deemed necessary by the purchaser IN WITNESS WHEREOF, etc. etc.

Note:- By virtue of section 29(c) read with proviso of section 3 of the Indian Stamp Act, no stamp is needed on this document.

## **APPEXDIX B**

**(See note under paragraph 2-XI)**

Government of India, Finance Department, letter No.D/2091-A, dated Shimla, the 5<sup>th</sup> August, 1929 is reproduced below :-

***Subject:* Notes on land transfer rules.**

I am directed to refer to the Government of India, Finance Department, resolution No.D/3428-A, dated the 10<sup>th</sup> December, 1925, prescribing the rules regulating the transfer of State lands and buildings between the Government of India and the local Government of any Governor's province. Orders have been issued from time to time

regarding the interpretation of these rules and the Government of India have for some time felt the desirability of bringing together all such orders for the purpose of convenient reference. They have accordingly prepared a complete list of interpretations so far issued and have put them in the form of a set of “Notes on Land Transferred Rules”. I am to enclose a copy of these notes for your information.

Notes on Land Transferred Rules promulgated with the Finance Department.

Resolution No.D/3428-A, dated the 10<sup>th</sup> December, 1925.

**Preamble:--**(1)All the rules in this resolution are applicable to lands as well as to buildings and have effect from the 19<sup>th</sup> November, 1925, the date of the Secretary of State’s dispatch on the subject.

(2)Adjustments between railway administrations and local Governments in the case of land transferred prior to 19<sup>th</sup> November, 1925, should be governed by the old rules then in force. The new rules will, however, be applicable to those cases in which though the transfers were effected prior to 19<sup>th</sup> November, 1925 the settlement of the pecuniary terms of the transfer has been deliberately kept in abeyance with a view to its determination under these rules.

**Rule 2 (a):-** The Government of India, and not the local Government should be regarded as having been in occupation on the 1<sup>st</sup> April, 1921, of any property used on that date for the discharge by a local Government of its functions as agents of the Government of India administering central subject.

**Rules 5 and 6:-** ‘Market Value’ means the market value on the date of transfer to the local Government and includes the capitalized value of the land at the time of its acquisition for the Central Government.

**Rule 7.(1)** The principles laid down in the resolution of the Government of India in the Department of Revenue Agriculture, No.13-44-13, dated the 30<sup>th</sup> October, 1896, may be observed in making recommendations to the Government of India for the disposal of land under this rule.

(2) Land sold by the Central Government to third parties becomes subject to the provisions of the provincial land revenue enactment except in certain cases where the capitalized value of land revenue has been paid to the local Government. In the latter class or cases, the Central Government is entitled to dispose of the land as a revenue free holding if the local Government does not repay the capitalized value of land revenue.

(See also notes under rule 8)

**Rule.8. (1)** The capitalized value of land revenue assessable on the land should be included in the payment to be made to a local Government for land required under this rule only in cases where the transfer of the land to the Government of India causes actual loss of land revenue to the local Government. Where lands are at the disposal of a local Government and the latter does not derive any land revenue therefrom, it can have no claim in equity to compensation for a loss which does not arise.

(2) A local Government cannot charge land revenue on land transferred to the Government of India as land which vests in the Crown and is at the disposal of the Government of India and cannot constitutionally be treated as liable to land revenue the ultimate reason being that the local Government could only effect recovery in the name of the Secretary of State in Council while recovery could only be effected from the Government of India under the same name.

(3) In cases where rights in the land required by the Government of India vest in part in a local Government and in part in private party, the expression 'costs of acquisition' means the market value of the land plus the outlay incurred by the local

Government in the land acquisition proceedings minus the market value of the rights extinguished by the land acquisition proceedings.

(4) Although the acquisition of land by a Provincial Government on behalf of the Central Government is function appertaining to the provincial subject of 'land acquisition' and cannot be treated as an agency function, a Provincial Government may be reimbursed the cost of any special establishment employed on the work connected with such acquisition.

(5) All waste lands not in the occupation of the Government of India in respect of which there are no rights adverse to the Crown may be regarded as being in the immediate occupation of a local Government.

**APPENDIX C**  
**(PARAGRAPH 6-E)**

Model form of transfer of land for public purposes without payment to be executed by owners on condition that the lands be restored to the owners when no longer required by Government.

This agreement made this \_\_\_\_\_ day  
of \_\_\_\_\_ 20\_\_\_\_\_ between \_\_\_\_\_

\_\_\_\_\_  
(hereinafter together with heirs, successors and assignees, where the contest so requires, called the owners) of the one part and the Governor of Punjab (hereinafter referred to as Government) of the other part.

Whereas the owners are the absolute owners of the property hereinafter referred to and hereby transferred in the following shares that is to say:-

Son of \_\_\_\_\_, share



Son of \_\_\_\_\_, share

Son of \_\_\_\_\_, share

Son of \_\_\_\_\_, share

And whereas the land is required by Government for a public purpose, viz., for heads or channels of inundation canals and **WHEREAS** it has been agreed that the said transfer without payment is for the mutual benefit of parties.

**NOW THESE PRESENT WITNESS** that in pursuance of the said agreement the owners do hereby as beneficial owners grant convey and assign into Government.

All the land or lands situate as \_\_\_\_\_ measuring \_\_\_\_\_ and entered \_\_\_\_\_ as \_\_\_\_\_ Khewat No. \_\_\_\_\_ Khatauni \_\_\_\_\_ Khasra \_\_\_\_\_ of the jamabandi of the \_\_\_\_\_ in the \_\_\_\_\_ tehsil of \_\_\_\_\_ district and more particularly described or delineated in the map or plan hereto annexed together with all trees, plants, liberties, privileges, easements and appurtenances whatsoever to the same, belonging or in anywise appertaining hereto and all the right, title and interest of the owners in and to the same.

**TO HAVE AND TO HOLD** the same unto and to the absolute use and benefit of Government subject to this condition that when the land transferred is no longer required for the purpose mentioned above it shall be restored to the owners in its former condition and proper deed executed **AND** it is mutually agreed that the decision of \_\_\_\_\_ as regards whether the land is wholly or in part required for the said purposes shall be final and binding on the parties **AND** that stamp duty, if any, on this Instrument shall be borne by Government.

**AND** the owners shall whenever reasonably so required do any further act assurance or thing that may be deemed necessary by Government.

In **WITNESS WHEREOF**, etc. etc.

**ANNEXURE – D**

**SCHEDULE FOR PROCEEDINGS OF LAND ACQUISITION UNDER THE LAND  
ACQUISITION ACT, 1894**

Pert Chart for ordinary cases

**Deleted**

**APPENDIX – E**

**TIME TABLE FOR PROCEEDINGS OF LAND ACQUISITION UNDER THE LAND  
ACQUISITION ACT 1894**

Pert Chart for Emergent Cases Under Section 1