

APPENDIX 2.19

(See paragraph 2.091)

Specifications and Instructions

All material shall comply with the specification laid down in the C.G. P.W.D., Specification I.S. Code & I.R.C. specification for Roads. It shall be collected, stacked and measured as provided in those specifications. Particular attention is drawn to the following :-

1. The contractor shall be responsible that the rules regarding quarrying, blasting, etc; contained in the C.G., W.D. Manual and Specification, are observed.
2. Except with the written permission of the S.D.O./E.E. materials shall be collected from the specified quarries only, if in any KM, material is found, which is proved to the satisfaction of the S.D.O./E.E., to have been brought from any other quarry, the S.D.O./E.E. may reject the whole of the material in that km. If, however, he decides at his option to accept the materials, it being of the specified quality, he shall pay lead for all the material in the KM as if it came from the nearer quarry.
3. Notwithstanding anything provided to the contrary in the contract, actual leads from the nearest quarries shall be paid, the lead being measured by the nearest cart-track route although the contractor may be permitted to bring some or all the materials by a longer route by lorry or by a shorter route across fields by head-load or on pack animals. Any route which can be or was actually used by a loaded cart is a cart-track route.
4. The S.D.O./E.E. shall have power to change quarries at his option. The contractor will be entitled to actual lead only.
5. Inferior materials or materials collected in excess of the quantities ordered, or delivered in localities or positions or at times other than those ordered in the contract or by the executive staff of the department, shall be rejected. The contractor will be required to remove all rejected materials forthwith. The department will not be responsible for the custody of such materials or its use by the road gangs or any other persons after it has been rejected. The S.D.O./E.E. shall have power, if he so wishes to remove rejected materials and the cost of removing the materials shall be recoverable from the contractor.
6. Unless expressly provided in the contract, the rates payable for the collection of materials include the cost of opening quarries, removing overburden, bailing out of water and all other expenses whatever connected with the work. They also include cost of repairs to cart-tracks, temporary bridges or any other incidental expenses.
7. In order to discourage hollow stacking the S.D.O./E.E. shall have the right to re-stack in the presence of the contractor or his agent any stack of metal /boulders selected at random and shall pay for all the materials in the km in the proportion that the re-stacked material bears to the original stack. To check the boxes of metal, moorum and sand, the measuring officer shall require the contractor to re-box with his own labour in the presence of the measuring officer certain selected heaps and shall pay for the whole quantity in the KM. in the proportion that re-boxed material bears to the original heap.

Measurements will ordinarily be taken only for completed 0.2Km.i.e. 0.2Km. in which collection of all materials have been completed and evenly distributed but it may not be refused merely because a small portion of sand or moorum collection has not been done. Decision of the E.E. shall be final.

APPENDIX 2.20

(See paragraph 2.095)

REGISTER OF CONTRACT AGREEMENTS

Register of contract agreements in the office

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S. No	Name of work	Amount of sanctioned estimate	Name of contract	Form of agreement	Probable amount of contract
(1)	(2)	(3)	(4)	(5)	(6)

Stipulated date of completion of contract	Amount of security and the method of recovery	Authority accepting the contract, letter, number and date	Final payment voucher number and date etc.	Remarks
(7)	(8)	(9)	(10)	(11)

APPENDIX 2.21

(See paragraph 2.100)

REGISTER OF APPROVED CONTRACTORS

S. No	Name of contractor, Father's name and address	Authority for registration	Date on which the amount of fees was credited in the cash book
(1)	(2)	(3)	(4)

Solvency certificate/Security Deposit		Class of Contractor	Remarks
Date	Amount		
(5)	(6)	(7)	(8)

APPENDIX 2.22

(See paragraph 2.103 to 2.116)

SECTIONS OF THE LAND ACQUISITION ACT

Sections of the Land Acquisition Act, 1894 (No.I of 1894) and the Instructions issued under the Act, by the C.G. Government for the Guidance of Officers of the W.D. (Amendments issued form time to time also to be taken in to consideration).

PART –I

The Land Acquisition Act , 1894 (I of 1894) as amended by Acts Nos XXXVIII of 1923 and XXVII of 1939. An act to Amend the Law for the Acquisition of Land for public purpose and for Companies.

Whereas it is expedient to amend the law for the acquisition of land needed for public purposes and for companies and for determining the amounts of compensation to be made on account of such acquisition; it is hereby enacted as follows:-

PART 1-PRELIMINARY

1. **Short title , extent and commencement.-** (1) This act may be called the Land Acquisition Act, 1894 (No. I of 1894).

(2) It extends to the whole of India ; and

(3) It shall come into force on the first day of March, 1894.
2. **Definitions.-** In this Act, unless there is something repugnant in the subject or context,-
 - (a) the expression “Land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth ;
 - (b) the expression “ Person interested” includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act ; and a person shall be deemed be interested in land if he is interested in an easement affecting the land :
 - (c) the expression “Collector “ means the collector of a district, and includes a Deputy Commissioner and any officer specially appointed by the (appropriate Government) to perform the functions of a Collector under this Act;
 - (d) The expression “court” means a principal civil court of original jurisdiction unless the appropriate Government has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act;
 - (e) The expression “Company” means a company registered under the Indian Companies Act, 1956 (I of 1956) or under the (English) Companies Act, 1862 to 1890, or incorporated by an Act of Parliament or of the Governor

General in Council or by Royal Charter or Letters Patent and includes a society registered under the Societies Registration Act, 1860 (XXI of 1860), and a registered society within the meaning of the Co-operative Society Act, 1912 (II of 1912) ;

- (f) The expression “Appropriate Government” means in relation acquisition of land of the purpose of the Union, the Central Government, and, in relation to acquisition of land any other purpose the state Government;
- (g) the expression “Public Purpose” includes the provision of village sites in district in which the Provincial Government shall have declared by notification in the official Gazette
that it is customary for the Government to make such provisions; and

Note.- In notification No. 3108-1293-XII, dated the 11th September 1928, it has been declare that it is customary for Government to make provision for village sites in all districts.

- (h) the following persons shall be deemed persons “entitled to act” as and to the extent hereinafter provided (that is to say)-
trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the person beneficially interested could have acted if free from disability; a married women, in case to which the English Law is applicable, shall be deemed the person so entitled to Act, and whether of full age or not, to the same extent as if she were unmarried and of full age ; and the guardians of minors and the committees or managers of lunatics or idiots shall deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted ;

Provided that-

- (i) no person shall be deemed “entitled to act” whose interest in the subject-matter shall be shown to the satisfaction of the Collector or court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;
- (ii) in every such case the person interested may appear by a next friend, or, in default of his appearance by a next friend, the Collector or court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;
- (iii) the provisions of Chapter XXXI of the Code of Civil Procedure (XIV of 1882), shall, mutatis mutandis apply in the case of persons interested appearing before a Collector or court by a next friend, or by a guardian for the case, in proceedings under this act; and
- (iv) no person "entitled to act" shall be competent to receive the compensation-money payable to the person for whom he is entitled to act unless he would have been competent to alienate the land and receive and give a good discharge for the purchase money on a voluntary sale.

PART II-ACQUISITION

Preliminary Investigation

4. Publication of preliminary notification and powers of officer thereupon: -
- (1) Whenever it appears to the State Government that land in any locality is needed or is likely to be needed for any public purpose, a notification to that effect shall be published in the Official Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality.
 - (2) Thereupon it shall be lawful for any officer, either generally or specially authorized by such Government in this behalf and for his servants and workmen,-
 - to enter upon and survey and take levels of any land in such locality;
 - to dig or bore into the sub-soil ;
 - to do all other acts necessary to ascertain whether the land is adapted for such purpose;
 - to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;
 - to mark such levels, boundaries and line by placing marks and cutting trenches; and where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked to cut down and clear away any part of any standing crop, fence or jungle. Provided that no person shall enter in to any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.
5. **Payment for damage.**-The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and in case of disputes as to the sufficiency of the amount so paid or tendered he shall at once refer the dispute to the decision of the Collector or other chief revenue officer of the District, and such decision shall be final.

OBJECTIONS

- 5A. (1) Any person interested in any land which has been notified under section 4, sub-section (1), as being needed or likely to be needed for a public purposes or for a company may, within thirty days after the issue of the notification, object to the acquisition of the land in the locality, as the case may be.
- (2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard either in person or by pleader and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, submit the case for the decision of the State Government, together with the record of the proceedings held by him and a report containing his recommendations, on the objections. The decision of the State Government on the objections shall be final.

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

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

Declaration of intended Acquisition

6. **Declaration that land is required for a public purpose.**-(1) Subject to the provisions of Part VII of this Act, when the State Government is satisfied after considering the report, if any made under section 5-A, sub-section (2), that any particular land is needed for a public purpose, or for company, a declaration shall be made to the effect under the signature or Secretary to such Government or of some officer duly authorised to certify its orders
- (a) Different declarations may be made from time to time in respect of different parcels of any land covered by the same notification under section-4, sub-section (1) irrespective of whether one report or different reports has or have been made (wherever required) under section 5-A, sub-section (2).
 - (b) Provided that no declaration in respect of any particular land covered by a notification under section 4, sub-section (1), published after the commencement of the Land Acquisition (Amendment) and Validation) Ordinance, 1967 (I of 1967) shall be made after the expiry of three years from the date of such publication:

Provided further that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a company, wholly or partly, out of public revenues or some fund controlled or managed by a local authority.
 - (2) Every declaration shall be published in the Official Gazette, and shall state the district or other territorial division in which the land is situated, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.
 - (3) The said declaration shall be conclusive evidence that the land is needed for a public purpose, or for a company, as the case may be; and, after making such, declaration, the appropriate Government may acquire the land in manner hereinafter appearing.
7. **After declaration Collector to take order for acquisition.**- Whenever any land shall have been so declared to be needed for a public purpose, or for a company, the state Government, or some officer authorized by the state Government in this behalf, shall direct the Collector to take order for the acquisition of the land.
8. **Land to be marked out, measured and planned.**-The Collector shall thereupon cause the land (unless it has been already marked, out under section 4) to be marked out. He shall also cause it to be measured and (if no plan has been made thereof) a plan to be made of the same.
9. **Notice to persons interested.**- (1)The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the

Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

- (2) Such notice shall state the particulars of the land so needed., and. shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than 15 days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

- (3) The Collector' shall also serve notice to the same effect on the occupier (ft any) of such land and on an such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorized to receive service on their behalf, within the revenue district in which the land is situated.

(4) In case any person so interested resides elsewhere and has no agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address or place of business and registered under Part III of the Indian Post Office Act, **1866** (XIV of 1866).

10. **Power to require and enforce the making of statements as to names and interests.-** (1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interests in the land or any part thereof as co-proprietor, sub-proprietor mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.
- (2) Every person required to make or deliver a statement to under this section or section 9 shall be deemed to be legally bound to do So within the meaning of sections 175 and 176 of the Indian Penal Code (XLV of 1860).

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

11. **Inquiry and award by the Collector.-**On the day so fixed or on any other day to which the inquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 9, of the measurements made under section 8, and into the value of the land at the date of the publication of the notification under section 4, sub-section (1), and into the respective interests of the person claiming the compensation, and shall make an award under his hand of,-
 - (i) the true area of the land;
 - (ii) the compensation which in his opinion should be allowed for the land;
 - (iii) the apportionment of the said compensation among all the persons known or

believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

Taking Possession

16. **Power to take possession.**-When the Collector has made an award under section 11, he may take possession of the land, which shall thereupon vest absolutely, in the Government, free from all encumbrances.
17. **Special powers in cases of urgency.**- (1) In cases of urgency, whenever the State Government so directs the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub section (1), take possession of any waste or arable land needed for public purposes or for a company. Such land shall thereupon vest absolutely in the Government free from all encumbrances.
- (2).....
- (3) In every case under either of the preceding sub-sections, the Collector shall at the time of taking possession, offer to the persons interested compensation for the standing crops and trees, if any, on such land for any other damage sustained by them cause by such sudden dispossession and not excepted in section 24 and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damages shall be allowed for in awarding compensation for the land under the provisions herein contained.
- (4) In the case of any land to which, in the opinion of the State Government, the provisions of sub-section (1) or sub-section (2) are applicable, the State Government may direct that the provisions of section 5-A shall not apply, and, if it does so direct, a declaration may be made under section 6 in respect of the land at any time after the publication of the notification under section 4, sub-section (1).

PART - VI

Temporary Occupation of Land

35. **Temporary occupation of waste or arable land-procedure when difference as to compensation exists.**-(1) Subject to the Provisions of Part VII of this Act whenever it appears to the State Government that the temporary occupation, and use of any waste or arable land are needed for any public purpose, or for a company, the State Government may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.
- (2) The Collector shall thereupon give notice in writing to the person interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken there from, pay to them such compensation, either in a gross sum of money, or by monthly, or other periodical payments as shall be agreed upon in writing between him and such person respectively.

- (3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or **apportionment** thereof, the Collector shall refer such difference to the decision of the court.
36. **Power to enter and take possession and compensation on restoration.**-(1) On payment of such compensation, or on executing such agreement, or on making a reference under section 35, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.
- (2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation, for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:
- Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall *so* require, the State Government shall proceed under this Act to acquire, the land as if it was needed permanently for a public purpose or for a company
37. **Difference as to condition of land.**-In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with said agreement, the Collector shall refer with difference *to* the decision of the court.

PART- VIII

Miscellaneous

46. **Penalty for obstructing acquisition of land.**- Whoever willfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or willfully fills up, destroys, damages or displaces any trench or mark made under section 4, shall on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.
47. **Magistrate to enforce surrender.**-If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to Magistrate or (within the towns of (Kolkatta, Chennai and Mumbai) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.
48. **Completion of acquisition not compulsory but, compensation to be awarded when not completed.**- (1) Except in the case provided for in section 36 the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.
- (2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

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

49. **Acquisition of part of house or building.**-(1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be so acquired:

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

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

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

- (2) If in the case of any claim under section 23, sub-section (1), thirdly, by a person interested on account of the severing of the land to be acquired from his other land; the State Government is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.
- (3) In the case last herein before provided for no fresh declaration or other Proceedings under section, 6 to 10, both inclusive, shall be necessary; but the Collector shall without delay furnish a copy of the order of the State Government to the person interested, and shall thereafter proceed to make his award under section 11.

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52. **Notice in case of suits for anything done in pursuance of Act.**-No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing, of the intended proceeding, and of the cause thereof, not after tender of sufficient amends.

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

nearest police station.

Rule 2- The statement of objection should be in duplicated and should mention how the object is interested in the land.

Rule 3- (a) If a statement of objection is filled after the due or by a person who is not interested in the land it shall be summarily rejected

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

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

Rule 4- Before submitting his report to the State Government, the Collector may, if he thinks necessary, inspect the land proposed to be acquired and make any other inquiry he may deem necessary.

Rule 5- On completion of his inquiry the Collector shall submit the case for the decision of the State Government in the manner provided in section 5-A (2) of the Land Acquisition Act.

Rule 6- On a consideration of the objection and the Collector's report thereon, if Government decide that the land should be required, the declaration required under section 6 of the Act should be submitted by the D.C. of the district or D.Cs. of the districts concerned to Government for approval and publication in the official Gazette. If, on the other hand, Government decide to give up the acquisition a notification canceling the notification issued under section 4 shall be published.

PART II

Instructions under the Land Acquisition Act 1. of 1894 as amended by Act Nos. XXXVIII of 1923 and XXVII of 1939.

Circular No, I

B-Making the application for Acquisition

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

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

3. When the land is required by the W.D. the E.E. will submit the application referred to in paragraph 2 with a land plan in duplicate to the S.E. who, if satisfied that the acquisition is desirable and unobjectionable, will transmit the application to the D.C. who will deal with it in accordance with the instructions under head C of this circular.
4. The application shall specify the names of the villages in which the land is situated, and the approximate area of the land in each Village, and should be accompanied by a land plan in duplicate and a rough estimate of the cost of acquiring it. The D.C. of the district in which the property to be acquired is situated should be consulted in framing the original estimates, and his opinion as to the rates to be adopted should be given full consideration. Should it be found necessary to change the alignment during construction, the officer in-charge of the works should inform the D.C. of the change made and submit a revised land plan for the section altered. A fresh application ,or notification under Section 6 will not be necessary unless the land to be acquired lies in a Village which was not mentioned on the original application or notification .
5. Before submitting the application, the question whether the land can be more advantageously acquired by private negotiation or otherwise should be considered. Decision should be in favour of that course which to a good title will join the greatest rapidity and economy in the transaction. In cases where there is any doubt about the title to be acquired, it will be advisable to proceed under the Act rather than by private negotiation. In 'this connection it ,must be remembered that the Central Provinces Tanancy Act (I of 1920) imposes considerable restrictions upon the powers of alienation. If the land applied for is held under the conditions specified in Central Provinces Revenue Book Circular 1-6 or Berar Revenue Book. Circular 1-4,

compensation is payable in accordance therewith and the Land Acquisition Act need not be used. Rights in nazul land not acquired under the operation of that circular must be acquired under the Land Acquisition Act.

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

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

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

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

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

- (c) The S.E. is responsible that draft notification for acquisition of the land thus taken possession of area, is at the same time submitted to Government through the usual channel.

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

C-Forwarding the Application

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

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

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

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

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

When the draft notification under section 6 is submitted, it should be accompanied by a statement giving full particulars of any religious building, tombs or graveyards on the land. The Collector should, also prepare and submit confidentially to Government, through his official superior, a note dealing with the nature of, and weight to be attached to objections which have already been raised or are likely to be raised by persons directly or indirectly interested or 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.

(Government of India, Revenue and Agriculture Department letter No. 1-C-885-15, dated the 20th November, 1914).

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

12. When the application is made direct to the Commissioner under paragraph 2, the Commissioner shall follow the procedure laid down by the preceding rules for the guidance of the D.C. If it be to the State Government direct, it will be referred to the Commissioners of Divisions concerned for necessary action.
13. If the land is only required for temporary occupations, no notifications need be published. The procedure will be under sections 35 and 36 of the Act and under the following rules only so far as they are applicable.

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

D.-Procedure after Notification under section 4

14. After a notification under section 4 has appeared in the Gazette, the D.C. or the Assistant Commissioner or Extra -Assistant Commissioner who has the power of Collector under the Act, and to whom the D.C. makes the case over, shall, on receipt of a copy thereof, immediately cause the substance of it to be published in the locality concerned by posting a notice in Form II in a town at the police station and in a village at the chaupal or chauri or on some other conspicuous place near the land; and shall inform the department or company at whose instance the notification was published that it is at liberty to enter upon the land for the purposes **edified, in section-4 of the Act.**
15. The officers of the department or company so entering upon the land shall, in order to determine whether the land is suitable for the purpose for which it is sought, and to enable the civil department to estimate under paragraph 8 what the probable cost of acquisition will be, demarcate the limits and prepare a rough plan of the land, ascertain its area and record on a memorandum such information as to the value of buildings, trees, or crops standing on the land as may be forthcoming during such examination. If the land be under crop, the memorandum should further state whether it is necessary to take possession at once or if action may be postponed until after the crop is cut. Notice of entry into buildings and compounds as prescribed by the **proviso** to. section 4 of the Act must be given. The patwari, of the village should be required to attend during the demarcation and investigation.

In the case of land required for a railway, the detailed plans and schedule prescribed by the circulars of the W.D. on the subject will be prepared by the railway concerned.

16. Demarcation or the boundaries of the land should , as a rule, be made with posts not less than 1.2 meters in height. In the case of a road, railway or canal, plain posts should be' put down at intervals of 150 metres along the center of the track, and painted posts should be put down along the sides at intervals of 300 metres in order to show the width of land taken up and to enable the measurements, to be checked.
17. At the time of publication of the notice under Instruction 14, the Collector shall issue a notice under section 14 of the Act to all persons known or believed to be! interested in the land, requiring them to appear in person or by a pleader, and to lodge before the Collector within thirty days after the issue of a notification a statement in writing of their objections, if any, to the proposed acquisition. If for any reason summons cannot be served on such persons the public notice issued under section 4 (1) shall be considered to be a sufficient notice. Information should also be given to the departmental or other officer applying for acquisition of the date on which objections are to be heard and inquiry to be made. The date fixed for the hearing of the objections must not be earlier than 7 or later than 21 days from the date of receipt of the objections.
- 17-A. On the date fixed for the hearing or any subsequent date to which the proceedings may be adjourned, the Collector should (1) proceed to hear the objections of the parties interested in the land and the departmental or, other officer, if any on whose behalf the land is to be acquired; (2) make a brief memorandum of the evidence tendered by the parties; and (3) take such further evidence and make such further inquiry as he deems necessary. There is no provision in the Act defining the grounds on which objection to acquisition can be taken. It is therefore not intra vires to limit by rule the nature of the objections, when the statute itself provides no limit, but the Collector should be careful so far as possible to confine the enquiry to objections which raise really material issues, such as the following:-
 - (a) that the purpose for which the land is required is not a bonafide public purpose; or
 - (b) that the land notified is not the best adapted to the purpose, or that its area is greater than is necessary; or
 - (c) that the land contains religious buildings, tombs or grave yards the acquisition of which is objectionable.
- 17-B. The inquiry contemplated by section 5-A (2) shall be of a quasi-judicial nature and, when completed will be submitted to the State Government with a report dealing with the objections received and containing the final recommendations of the Collector through the D.C. and the Divisional Commissioner. Before submitting his report to the State Government, the Collector may, if he thinks necessary, inspect the land proposed to be, acquired and make other inquiries which he may deem necessary.
- 17-C. If, after the investigation made under Instruction 15, it is considered advisable to acquire, the land and if no objection to the acquisition has been raised under section 5-A(2) of the Act, the plan and memorandum prepared under that instruction shall be forwarded by the D.C. to the State Government with a draft notification of intended acquisition under section 6 of the Act in form II.

- 17-D. If, however, any objection is lodged under section 5-A(2), the papers of the inquiry made under Instruction 17-A shall be submitted by the Collector to the State Government through the usual channels, with the Collector's report on the objections and his final recommendations. The papers shall be accompanied by the plan, memorandum and draft notification referred to in paragraph 17-C.
- 17-E. The above will greatly increase the already lengthy procedure, and it is therefore essential that every effort should be made to confine objections to material issues and to complete the proceedings as expeditiously as possible.
- 17-F. If the State Government is satisfied that the objections heard are valid, the proceeding will be dropped. Care will be taken by the Collector to see that the notification issued under section 4 is formally cancelled. If, however, it appears to the State Government that the objections are groundless, the declaration under section 6(1) will be published, and the D.C. will be informed.
- 17-G. It must, however, be noted that as the period for hearing objections under section 5-A is fixed at 30 days, the declaration under section 6 and the public notice under section 9 will be considerably delayed. It has, therefore, been provided by section 17(4) of the Act as amended by Act No. XXXVIII of 1923, that when in any case the State Government has directed that the provision of sections 5-A shall not apply, the declaration under section 6 shall be issued, at any time, after the publication of the preliminary notification under section 4(1) of the Act. This declaration shall be inform II-A.

E.-Procedure after Notification under Section 6

18. After a notification under section 6 has appeared in the Gazette, and on receipt of a direction under section 7 of the Act to take order for the acquisition of the land the Collector shall cause the land (unless it has been already demarcated under paragraphs 15 and 16) to be carefully and conspicuously marked out. If the land is taken up for any department, the marking out will usually be done by or in the presence of, the officers of that department. If the land is for a railway the procedure prescribed by paragraph 16 will be followed. Notice of entry into buildings and compounds, as prescribed by the proviso to section 4 of the Act, must be given.
19. Areas given in the notification are only approximate, but it is essential that all villages should be mentioned so that all persons interested may have an opportunity of inspecting the plan. If, therefore, on demarcation, it is found that any village has been omitted, a draft supplementary notification should be at once submitted, giving the village and the area in it. The original notification cannot be legally amended after action has been taken on it.
20. The collector shall then, unless a cadastral survey has already been made, cause the land to be surveyed and measured, and shall cause a map of it to be made on a scale which shall not be less than in 4000 : 1 scale. The map should show every field.
21. When the cadastral survey referred to in paragraph 20 has been made, or if a cadastral survey has already been made of the tract within which the land to be acquired is situated, the D.C. will arrange through the E.E. to have the final alignment of all the land to be taken up demarcated on the ground, and as this demarcation proceeds, the alignment will be marked on the patwari's trace maps in the presence of a Works

Department subordinate and the patwari. The patwari and the Works Department official will then calculate the areas to be acquired compare their results and adjust any differences. These entries will be made in the first instance on the village map in pencil and will be inked over in red after check and attestation by the revenue inspector, who, unless there are special reasons to the contrary, should be required to be present at the time.

22. When the land to be acquired has been demarcated and marked off on the map, the patwari will prepare a statement of the plots to be acquired in form X for each village of his circle in which the land to be acquired falls. He will give a separate serial number to each field in addition to the numbers which it bears in the village statement. Special care must be taken that the soil and position of the land as entered in the settlement record are correctly recorded in the statement. When owing to the "land having been old follow at the last settlement, its soil was not classed, the patwari will class it, underlining the soil entry in red so as to draw the attention of the Collector to the fact that it has been newly classed.
23. When the survey and statement of the area to be acquired have been checked thoroughly by the revenue inspector of the circle and the Works Department subordinate officer, the patwari will prepare a trace of the map of the land to be acquired and a land acquisition jamabandi in Form XI. The revenue inspector and the Works Department subordinate will sign the map trace, the statement and the jamabandi and be responsible that they are correct. The land plans attached to the application for acquisition, which in the case of applications by the W.D. are in duplicate, will then be compared by the revenue inspector and the Works Department subordinate with the map trace and corrected, if necessary, the total area to be acquired in each village being marked on them. These plans, after all discrepancies have been reconciled in the manner provided in paragraph 26, will be signed by the above two officers and transmitted to the Collector.
24. The patwari will also prepare a statement in Form XII showing the numbers in statement Form X which were not occupied and were therefore unassessed at settlement. This will likewise be checked and signed by the revenue inspector.
26. On receiving the map and statements, from the land records staff, the Collector will usually find that in the case of land required for roads, irrigation tanks and railways, the total area entered in Forms X and XI does not agree with the total area computed by the theodolite survey previously made by the W.D. Any discrepancies which may appear may be neglected by the Collector, provided they do not exceed the following limits:
 - (1) Under 3 acres- 5 per cent;
 - (2) From 3 to 5 acres-4 per cent;
 - (3) From 5 to 7 acres-3 per cent and
 - (4) Over 7 acres- $2\frac{1}{2}$ per cent, or one guntha (.025) per acre.

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

F.-Inquiry into Value and Claims and Awards by Collector

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

In making the inquiry and award under section 11 of the Act, the Collector shall give sufficient notice to the departmental or other officer concerned on the day on which the inquiry is to be held. The Collector shall take into consideration any representation which such officer may make orally or by letter and before making the award he should allow such officer an opportunity of appearing in person or by agent and of producing evidence as to the value of the land. Further in order to protect the interests of Government it is incumbent on the Collector to refer to the departmental or other officer, or his representative all cases in which the award is likely to exceed the original estimates by more than 10 percent, or by more than Rs. 10,000. The Collector should make this reference through the D.C. stating therein the multiples which he proposes to adopt (vide paragraph 34). If the D.C. considers that the multiples are too high he will discuss the matters with the Collector. Before doing so he will take the orders of the Commissioner if the multiple proposed exceeds in the of the proposed exceeds in the L.P.30 for the calculation of the tenant's interest or in the case of Khudkasht or Malik Makbuza holding, 38 for the calculation of the proprietor's interest as occupier. If the result of the D.C.'s observations to the collector is such as to bring the estimated award within 10 per cent. or Rs.10,000 of the original estimate and if the Collector accepts the recommendations, the reference to the departmental officer will not be made. If the recommendations of the D.C. do not have the effect indicated above or if the Collector is unable to accept them, the D.C. will forward the reference to the departmental officer concerned with a statement of his own view. Such officer will then decide whether the acquisition should be proceeded with or dropped and should within one month of the receipt of the reference inform the Collector, through the D.C. of the decision. If no such decision is communicated within one month, it should be assumed by the Collector that there is no objection to the case being proceeded with and to the award being made.

If the award, as finally settled after objections have been heard, exceeds the original estimate by the more than 20 percent. or if the evidence of the value of the land is conflicting and such as to indicate a possibility that the civil court may give a sum exceeding the award the Collector should defer making it and inform the departmental officer of the facts through the D.C. Further action will then be suspended until such officer or the railway company has decided whether the acquisition should be proceeded with or not. In very petty cases, however, this

procedure will not ordinarily be necessary, but even in such cases the Collector must use his discretion and decide whether proceedings should be stayed for the purpose of such a reference.

32. When the proceeding for acquisition are complete, the Collector will in the case of land acquired for the W.D. send the duplicate copy of the land plan forwarded with the application for acquisition to the E.E. with the following certificate endorsed thereon:-

“Certified that this land 'plan correctly defines the boundaries of the land acquired under the C.G. Gazette, notification(s) noted below and that the following schedule of land drawn on this plan gives correct details of' the land acquired in revenue case No.,of 20.....decided on.

Schedule of land acquired;

District/Tahsil Or Taluq	Name and settlement Number of village	Area	Notification No& date
(1)	(2)	(3)	(4)

Land Acquisition Officer

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

L.-Taking possession of the Land

76. No officer shall take possession of the land acquired with out the permission of the Collector of the District. Ordinarily, though under section 16 of the Act, possession may be taken as soon as an award is framed, the Collector will take no action until the compensation has been paid or the amount deposited in court, as interest has to be paid under section 34 of the Act from the date of taking possession to the date of payment.
77. Under section-17 of the Act, the state Government has power to sanction possession being taken before the award is made. In such cases the Collector must, at the time of taking possession offer compensation for the standing crops and trees (if any) and for other damage caused by such sudden dispossession. In case of the offer is refused, the amount due on these accounts will be determined at the time of fixing the value of land.
78. After possession has been given the Collector should see that the necessary corrections are made in the patwari's (survey and village) records. Experience at settlement has shown that in many cases land has been acquired by Government and the fact has not been noted in the C.G. Khasra statement or the jama bandi statement of village, with the result that tenants or malguzars holding the land or the occupants of the land have been again recorded as entitled to it. The Collector must also see that all land acquired by Government is permanently demarcated by pillars directly it is made over to the department for which it is acquired.

L-(A).-Restoration of land temporarily acquired under Section 35 of the Act.

78: A. It shall be the duty of the department on whose behalf land has been acquired temporarily, to intimate to the Collector of the district, at least three months before the expiration of the term of occupation, that the land will be available for restoration to the persons interested there in, stating the condition of the land and specifying the areas that have been permanently damaged. On receipt of such intimation, the Collector shall arrange to have the land inspected and restored to the persons interested there in, in accordance with the provisions of section 36(2) or to proceed under the proviso thereto. In case the department concerned fails to give the required intimation, the Collector shall be held responsible for seeing that the land is restored to the persons interested therein, on the expiry of the period of temporary acquisition. An entry of the restoration should be made in the patwari's records.

N.-Record of Land Acquired

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

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

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

The Collector thus maintains a complete register of all Government land acquired under the Act for each department of Government, whose officers will be able if they want any information regarding the exact area acquired for them to obtain it from the Collector. At their annual inspections of district offices **Commissioners** should see that this register is correctly maintained and is up-to-dates.

APPENDIX – 2.22

FORM I

(See paragraph 9)

Form of Notification under section 4, Act I of 1894, as amended by Act Nos. XXXVIII of 1923 and XXVII of 1939.

Whereas it appears to the state Government that land in the village of in the.....tahsil of the district is needed or is likely to be needed for a public purpose, namely, for, the construction of the.. . . .
...notice is hereby given to all whom it may concern that, in exercise of the powers conferred by section 4 of the Land Acquisition Act, I of 1894, as amended by Acts Nos. XXXVIII of 1923 and XXVII of 1939, the State Government has authorized the officer of thefor the time being engaged on this undertaking, to enter upon and survey land, and to do all other acts required for the proper execution of their work, as provided for or specified in the said section.

Revenue Secretary to Government of C.G.

APPENDIX – 2.22**FORM II**

(See paragraph 9)

Form of declaration under section 6, Act I of 1894, as amended by Act Nos .XXXVIII of 1923 and XXVII of 1939.

Whereas by Revenue Department Notification No.....dated the.....it was notified under section 4 of the Land Acquisition Act, I of 1894, as amended by Acts, Nos.XXXVIII of 1923 and XXVII of 1939, that the land in village of.....in the.....tahsil/Taluk of the district was needed or was likely to be needed by thefor a public purpose, namely, for the.....It is here by declared, under section 6 of the Said Act, as amended, that the State Government is satisfied that the land described in the schedule below is needed for the public purpose stated above:-

District	Tahsil	Village	Approximate area of the the land
----------	--------	---------	-------------------------------------

The plan of the land may be inspected at the office of the Collector.

Revenue Secretary to Government
of C.G.

APPENDIX – 2.22**FORM-II A**

(See instructions 17-G)

Form of declaration under section 6, Act I of 1894, as amended by Act Nos. XXXVIII of 1923 and XXVII of 1939.

Whereas by Revenue Department Notification No.....dated the it was notified, under section 4 of the Land Acquisition Act, I of 1894, as amended by Acts, Nos. XXVIII of 1923 and XXVII of 1939, that land in Mauzain.....in the..... tahsil of thedistrict was needed or was likely to be needed for a public purpose, namely, for the.....

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

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

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

District	Tahsil	Village	Approximate area of the land
----------	--------	---------	------------------------------

The plan of the land may be inspected at the office of the collector.

Revenue Secretary to Government
of C.G.

APPENDIX 2.23

[See paragraph 2.107(5)]

REGISTER OF LAND

S. No.	Name of work for which land is acquired	District	Tahsil	Village	Registered number of land plan	Area applied in hectares	Number and date of E.E's latter sub-mitting draft notification.	Number of notification
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Date of C.G. Gazette	Area in hectare	Boundaries and description of land	Amount of award by the Collector or Court	Reference to number of voucher and month in which adjusted	Amount adjusted	Remarks
(10)	(11)	(12)	(13)	(14)	(15)	(16)

APPENDIX 2.24

(See paragraph 2.116)

Form of Sale Deed

This indenture made by way of conveyance this day of20.....between.....son of.....of..... mauzain the tahsil of the.....district (hereinafter called the vendor) of the one part and the Governor of C.G. as represented by the collector of the..... district (hereinafter called the purchaser) of other part.

Whereas the purchaser wants a piece of land in mauza..... for the use of the.....Department of the Government and the vendor has to sell and the purchaser has agreed to **by** the piece of land hereinafter described for the said purpose.

Now this indenture that in consideration Rs.....(in words.....) only the receipt whereof vendor hereby acknowledges, the vendor hereby conveys absolutely to the purchaser free from encumbrances the land measuringacres or there about particularly described. in the schedule below and delineated with the boundaries thereof on the plan attached, situated in mauza.....(settlement No.....) in the.....tahsil of the district. Possession of the land hereby conveyed has been given to the purchaser.

The vendor expressly agrees that he will do all such further acts and thing as may be necessary and required for assuring the title and peaceable possession of the said land to and by the purchaser and for indemnifying him against all losses, damage, expenses, claims and liabilities whatsoever if any, which he may sustain, incur, pay or be put to by reason or in respect of the transfer of the said land which the vendor hereby declares is free from any encumbrances.

The schedule above referred to.

Detail's of description and boundaries of the land.

In witness whereof the vendor hereto has set his hand the day and year above written.

Witness.....

.....
Signature of the vendor

Witness.....

APPENDIX 2.25

(See paragraph 2.121 (3))

**The Government Buildings Act, (No. IV of 1899) As
Amended by the Devolution Act (No. XXXVIII of 1920)**

1. An Act to provide for the exemption from the operation of municipal building laws of certain buildings and lands which are the property, or in the occupation, of the Government and situated within the limits of a municipality.
2. Whereas it is expedient to provide for the exemption from the operation of municipal building laws of certain buildings and lands which are the property, or in the occupation, of the Government and situated within the limits of a municipality.

It is hereby enacted as follows :-

- * * * *
3. Nothing contained in any law or enactment for the time being in force to regulate the erection, re-erection, construction, alteration or maintenance of buildings within the limits of any municipality shall apply to any building used or required for the public service or for any public purpose, which is the property or in the occupation, of the Government, or which is to be erected on land which is the property, or in the occupation of the Government :

Provided that, where the erection, re-erection, construction or material structural alteration of any such building as aforesaid (not being a. building connected with defence, or a building the plan or construction of which ought, in the opinion of the Government, to be treated as confidential or secret) is contemplated reasonable notice of the proposed work shall be given to the municipal authority before it is commenced.

APPENDIX 2.26

(See paragraph 2.133)

WORKS SLIP**Notes**

1. A report on this form should be made by the E.E. to the S.E. immediately on its becoming **apparent** that, whether from excess of certain rates or from departure from a design or any other cause, the estimated cost of a work or sub-head of a work is likely to be exceeded.

..... Sub-Division

..... Division

Name of work

Month.....20.....

Name of Work -----

WORK SLIP

As per estimate				As executed				Explanation for deviation excess, etc.	
Sub-head	Quantity	Rate	cost	Quantity	Rate	Actual cost to date	Approximate quantity	Rate	Probable cost
		Rs.	Rs.		Rs.	Rs.		Rs.	Rs.
	Total of estimate								
	Add-suspense accounts								
	Materials								
	Contractors advance								
	Payments								
	Secured advance								
	Other transactions								
	Labourers								
	Total booked outlay up to date further expenditure as per entries (A) above			Total charges against final heads.		Probable further expenditure (A)			
	Deduct.---- suspense accounts recoverable					Remarks			
	Total anticipated expenditure on the work								

Work commenced in 20

D. A.

E. E.

Present state of progress in general terms

Dated

Dated.....

Appendix 2.27

[see paragraph 2.176 (iii)]

DETAILED COMPLETION REPORT

P.W. Account From 44

..... Division

Name of work

Amount of estimate Rs.....

Expenditure Rs.

Excess

Percentage of excess.

Date of commencement

Date of completion

Name of contract Agency :-

Name of engineers and subordinate by whom the work was supervised.

Name	Period of incumbency	
	From	To
Explanation of Excess Name of work :- Major Head :- Minor Head :- Detail head of classification :- Reference to last schedule Docket submitted :- Authority :-		

As estimated				As executed		Differences				
Sub heads of estimate	Quantity	Rate	Amount	Quantity	Rate	Amount Rs.	Quantity	Rate	Amount	Reference to para- graphs overleaf explaining excesses.
			Rs.							

Excess to be entered in red ink , and saving in black ink.

D.A.

Dated the 20

E. E. Division

APPENDIX 2.28

[See paragraph 2.176 (iv)]

P .W. A. Form No. 45

Completion Statement of Work and Repairs Completed During the Month of 20 . The Outlay on which has not been Recorded by Sub-heads and the Actual Expenditure on which is in Excess of the Sanctioned estimate by an Amount Greater than which the E.E. is Empowered to pass.

Item No.		Name of Estimate			Sanction				
		Authority	No.	Date	Amount of estimate	Expended	Excess	Percentage of excess	Remark (Explanation if the excess is over 5 percent).
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

D. A.
Dated the 20
Division

E E.

APPENDIX 2.29

[See Paragraph 2.178 (1) (E)]

Completion Certificate of Original Works

.....Division

Name of work

Authority.....

Estimate No.

Plan No.

Certified that the above mentioned work was completed on

.....and taken over on

..... and that I have satisfied myself to best of my ability
that the work has been done properly.

Date the 20

Departmental officer

Forwarded tofor signature

and return, as this office No. dated

..... 20

Documents accompanying

E.E.

..... Division

Returned to the E.E. Division , duly
signed , with the above mentioned documents.

Departmental officer.

APPENDIX - 2.30

**STATEMENT OF FINANCIAL AND MISCELLANEOUS POWERS
EXCERCISED BY OFFICERS OF THE W.D. IN RESPECT OF MATTERS
OTHER THAN ESTABLISHMENT (PROPOSED PROVISION)**

Item No.	Particulars	Powers of (in Rs.)					Authority	Remarks
		E-in-C	C.E.	S.E.	E.E.	S.D. O.		
1	2	3	4	5	6	7	8	9
1.	To accord administrative approval (i) for survey & investigation of works/projects (ii)Preparation of DPR of roads and bridges including major bridges, minor bridges, culverts, over bridges and roads.	Rs. 20.00 Lakhs Rs. 20.00 Lakhs	Rs. 10.00 Lakhs. Rs. 10.00 Lakhs.	Rs. 5.00 Lakhs. Rs. 5.00 Lakhs.	Rs. 1.00 Lakh. Rs. 1.00 Lakh.	- -	- -	1. Survey estimates shall not be split up into sub-estimates to avoid obtaining approval of competent authority. 2. Expenditure to the made from Lump sum budget provision of such items provided under "survey sub head".
2.	To accord administrative approval to estimates for the investigation of preliminary feasibility proposals for the improvement of existing works irrespective of what the cost of the work is likely to be.	Rs. 1.00 Lacs	Rs. 50,000	Rs. 10,000	-	-	-	Expenditure can be debited to annual maintenance if there is no specific budget provision for the existing works.
3.	To accord administrative approval to estimates for works of modification, addition and alteration relating to Govt. buildings (non residential building)	Full power	Rs. 75,000	Rs. 50,000	-	-	W.D. Mnl. Para 2.019	-
4.	To accord administrative approval to estimates for additions and	Rs. 1.00 Lakhs	Rs. 75,000	Upto Rs. 50,000	Upto Rs. 10,000	-	-	I. Subject to availability of funds. II. Class of building should not change due to addition and alteration.

	alteration to residential buildings in the book of works department							
5.	To accord administrative approval to special repair works. (a) Other than building repair works (b) To the Govt. Building	upto Rs. 20.00 Lacs upto Rs. 5.00 Lacs	upto Rs. 10.00 Lakhs upto Rs. 1.00 Lakh	upto Rs. 2.5 Lakhs upto Rs. 50,000	upto Rs. 10,000 upto Rs. 5,000	upto Rs. 50,000 -	- 	Subject to the availability of funds
	SANCTION TO ESTIMATES							
6.	To accord technical sanction to estimates for new works and deposit works, including survey and investigation	-	Full Powers	Rs. 2.00 Crore	Rs. 50.00 Lakhs	Rs. 50,000	-	If the amount of the estimate exceeds the amount for which administrative approval is given by more than 10% revised administrative approval must be obtained before the estimate is sanctioned.
7.	To, sanction the execution of deposit (contributonal) work by W.D. (The limits represent the cost of the work exclusive of the percentage charges)	upto Rs. 10 Lakhs	Rs. 5.00 Lakhs.	Rs. 2.00 Lakhs.	Rs. 50,000	-	W.D. Mnl. Para 2.165	Administrative department will have full power.
8.	To accord technical sanction estimates for ordinary repairs to building, roads and bridges.	-	-	-	Full Powers within his budget allotment	-	-	-
9.	To accord technical sanction estimates for special repairs to building, roads and bridges.		Full Powers	Rs. 10.00 Lakhs.	Upto Rs. 1.00 Lakhs.	-	W.D. Mnl. Para 2.041 & 2.057	Change of type of roof viz. from AC sheet / GI sheet / tiled roof to RCC roof shall be within the scope of special repair.

10.	To classify expenditure on minor additions and alterations to non-residential buildings/ external services as petty works expenditure and debit it to repairs.	-	-	upto Rs. 50,000	upto Rs. 10,000	-	-	-
11.	To classify expenditure on minor additions and alterations to residential buildings as petty works expenditure and to debit it to repairs.	-	-	Upto Rs. 25000 in any one building in any one year.	-	-		provided that funds are available from the annual repairs grant.
12	To debit to "repairs" the cost of petty and miscellaneous items of work in respect of a road work.	upto Rs. 5.00 Lakhs in any one case	upto Rs. 2.5 Lakhs in any one case.	upto Rs. 1.00 Lakh in any one case.	upto Rs. 25,000 in any one case.	-	-	-
13	To sanction estimates for purchase (ordinary) tools and plants including mathematical instruments.	-	Full Powers	Rs.25.00 Lakhs in a year	Rs. 50,000 in year	-	-	Provide the instrument or plants does not fall under the subject of new instrument of survey.
14	To sanction estimates for repairs to (ordinary) tools and plants including mathematical instruments.	-	-	Full Power	Rs. 25,000 in a year	Rs. 1,000 in a year	-	
15	To sanction the estimate for repair to (ordinary) tools and plants used for water supply and sanitation scheme	-	-	Full Powers	upto Rs. 50,000 in a year	upto Rs.50 00 in a year		-

16	To sanction estimates for office furniture for newly created office.		Full Powers as per scale/ amount fixed for his office.	Full Powers as per scale/ amount fixed for his office.	Full Powers as per scale/ amount fixed for his & SDO's offices .	-	-	Scale of furniture/ amount shall be fixed by the Government.
17	To sanction estimates for "Losses on stock" under the minor head "civil" works.		-	upto Rs.25,000	upto Rs. 2500	-	-	-
Excess over Estimates :-								
18.	To pass excesses over estimate, after obtaining the revised administrative approval where necessary.	-	Full powers	Full powers	Full powers	-	W.D. Mnl. Para 2.176	With in the limit of his financial power of technical sanction of revised amount.
19.	Powers to split up sanctioned estimate for purpose of calling tenders awards of contract to issue works orders, piece work etc.	-	Full powers for estimate (technical) sanctioned by him	Full powers for estimate (technical) sanctioned by him	Full powers for estimates (technical) sanctioned by him.	-	-	For roads - Tender for part length and or for item of works - (viz. earth work, GSB, WBB, BT, etc.) shall not be treated as splitting.
20.	To accept the tender for works						As per W.D. Manual para 2.094	
21	To sanction the payment of lump sum for any item of work	-	Full power	Upto Rs. 5,000	Upto 5,000	-		NOTE:- 1.No lump-sum payment may be made for any item which is susceptible for measurement not withstanding that such provision exists in the sanctioned estimate. 2.An S.E. an E.E. or an S.D.O. would not submit to the higher authority a tender which is within his power of acceptance but which contents one or more lumpsum items the payment of which

								requires the sanction of a higher authority. In such case the S.E. or The E.E. may accept the tender but separate sanction of the competent authority should be obtained for payment of the lump-sum items. 3. Any item included as lump sum and costing more than Rs. 5,000/- a suitable rate be fixed and make it as "Deemed SOR Item" Item for the purpose of this tender and included this item as such in the tender with the note as above and Annex the as such in the schedule of items.
22.	To accept contracts for plying ferries and tolls on bridges	-	-	Full powers	Upto and Rs. 2.50 lakhs.			
23.	Power to award works on piece work agreement for the works taken up departmentally.	upto Rs. 20 Lakhs	upto Rs. 5.00 Lakhs	upto Rs. 2.50 Lakhs.	upto Rs. 50,000			NOTE:- 1.Unregistered contractors may be allowed to execute the works upto Rs.50,000 under this system. 2. Authority to sanction piece work shall be the authority competent to accord administrative sanction of the whole work. In case other department works Govt. has the power to accord sanction of piece work order. 3. Any rate above SOR shall be required prior approval of authority sanctioned piece work order

APPENDIX - 2.31

(See Paragraph 2.006)

POWERS OF TECHNICAL SANCTION IN RESPECT OF IRRIGATION WORKS

S. No.	Particulars	Powers of				Remarks
		C.E.	S.E.	E.E.	A.E.	
1.	Design and estimate of Head works.	Full powers	Full powers in respect of projects with C.C.A. less than 1000 ha.	Full power in respect of projects with C.C.A. less than 200 ha.	..	
2.	Design and estimate of approach road and the structures there of.	Full powers	Full powers in respect of all minor Irrigation projects.	Full powers in respect of projects with C.C.A. less than 500 ha.	..	
3.	Estimates of residential and non-residential buildings of medium projects.	-	Full powers	NIL	..	
4.	Estimates of residential and non-residential buildings of minor schemes.	-	Full powers	Full powers	..	
5.	Design and estimates of earth work and structures of main canals.	Full powers	Full powers up to 10 cumecs capacity	Full powers up to 1 cumec capacity	..	
6.	Design and estimates of earth work and structure of distributary and minors	Full powers	Full powers up to 3 cumec capacity.	Full powers to half cumec capacity.	..	
7.	Estimates of earth work and structure of water courses and field channels.	-	-	-	Full powers	