



THE
BURMA LAND ACQUISITION
MANUAL, 1947

CONTAINING

THE LAND ACQUISITION ACT, 1894 (INDIA ACT I, 1894) WITH
THE RULES AND DIRECTIONS ISSUED THEREUNDER

(Corrected up to the 31st May 1934)



1960

SUPDT., GOVT. PRINTING AND STATY. UNION OF BURMA
RANGOON



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**THE LAND ACQUISITION ACT, 1894 (INDIA ACT I,
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PART I

The Land Acquisition Act, 1894 (India Act I, 1894).

**As amended by the Government of Burma (Adaptation of
Laws) Order, 1937 and the Burma Laws (Adaptation) Act—
Burma Act XXVII, 1940 (2nd November 1940).**

THE LAND ACQUISITION ACT, 1894 (INDIA ACT I, 1894).

(1st March 1894.)

An Act to amend the law for the Acquisition of Land for public purposes and for Companies.

WHEREAS it is expedient to amend the law for the acquisition of land needed for public purposes and for Companies and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

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

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

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

Short title, extent and commencement.

2. (1) The Land Acquisition Act, 1870, and section 74 of the Punjab Courts Act, 1884, are hereby repealed.

Repeal X of 1870, XVIII of 1884.

(2) But all proceedings commenced, officers appointed or authorised agreements published and rules made under the said Land Acquisition Act † shall, as far as may be, be deemed to have been respectively commenced, appointed or authorised, published and made under this Act.

(3) Any enactment or document referring to the said Land Acquisition Act or to any enactment thereby repealed shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

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

Definitions.

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

* Extended to Upper Burma (except the Shan States) by Revenue Department Notification No. 437, dated 29th September 1896.

† Regulation VII of 1896 enacts a similar provision concerning proceedings begun, etc., under the Upper Burma Land Acquisition Regulation, 1886.

- (b) the expression "**person interested**" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land:
- * (c) the expression "**Collector**" includes any officer specially appointed by the Governor to perform the functions of a Collector under this Act:
- (d) the expression "**Court**" means a principal Civil Court of original jurisdiction, unless the Governor has appointed (as he 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 constituted or registered by or under the law of the United Kingdom, British Burma or British India, and includes a society registered under the law of British Burma or British India relating to the registration of societies or co-operative societies:
- † (f) the expression "**public purpose**" includes the provision of village-sites in districts in which the Governor shall have declared by notification[‡] in the Gazette that it is customary for the Government to make such provision: and
- (g) the following persons shall be deemed persons "**entitled to act**" as and to the extent hereinafter provided (that is to say)
- trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability;
- a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and whether of full age or

* See Directions 17 and 28.

† See Direction 2.

‡ See List of Notifications at page 87.

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 be deemed respectively the persons so entitled to act to the same extent as the minors, lunatics, or idiots themselves, if free from disability, could have acted.

Provided that—

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

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PART II

ACQUISITION.

Preliminary Investigation.

*4. (1) Whenever it appears to the Governor that land in any locality [a] is needed or [a] is likely to be needed for any public purpose, a notification to that effect shall be

Publicatio
of prelimin
ary notific
tion and
power of
officers
thereof.

*See Directions 10-12.

[a]-[c] Inserted by Act No. XXXVIII of 1923.

published in the 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 authorised by the Governor 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 into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

payment
of damage.

5. 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 dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue officer of the district, and such decision shall be final.

Objections.

making of
objections.

15A. (1) Any person interested in any land which has been notified under section 4, sub-section (1) as being needed or likely to be needed for a public purpose or for a

* Revenue Department Notification No. 27, D. O. No. 1119 January 1905

In exercise of the power conferred by section 4, sub-section (2) of the Land Acquisition Act, 1894 (I of 1894) the Lieutenant-Governor is pleased to authorise all Executive Engineers of the Public Works Department, including the Irrigation Department, to do all or any of the acts described in that sub-section in any locality in respect of which a notification has been issued under sub-section (1) of the same section.

† Inserted by Act No. XXXVIII of 1923.

company may, within thirty days after the issue of the notification, object to the acquisition of the land or of any land in the locality, as the case may be.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the 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 inquiry, if any, as he thinks necessary, submit the case for the decision of the Governor together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the Governor 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.

Declaration of intended Acquisition.

*6. (1) Subject to the provisions of Part VII of this Act, when the Governor is satisfied, after considering the report, if any, made under section 5A, sub-section (2)^[a] that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect:

Declaration that land is required for a public purpose.

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

(2) The declaration shall be published in the Gazette and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

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

* See Directions 20—29.

[a]—[a] Substituted for the words "whenever it appears to the Local Government" by Act No. XXXVIII of 1923.

After declaration Collector to take order for acquisition.

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

Land to be marked out, measured, and planned.

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

Notice to person interested.

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

(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 (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

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

Power to require and enforce the making of statements as to names and interest.

§ 10. (1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than 15 days after the date of the

* See Direction 30.
† See Directions 31-32.

‡ See Directions 34-35.
§ See Direction 34.

requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any), received or receivable on account thereof for three years next preceding the date of the statement.

XLV of
1860.

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

Enquiry into Measurements, Value and Claims, and Award by the Collector.

* 11. On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8, and into the value of the land^[a] at the date of the publication of the notification under section 4, sub-section (1)^[a] and into the respective interests of the persons claiming the compensation, and shall make an award under his hand of—

Enquiry and
award by
Collector.

- (i) the true area of the land ;
- (ii) the compensation which in his opinion should be allowed for the land ; and
- (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information whether or not they have respectively appeared before him.

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

Award of
Collector,
when to be
final.

* See Directions 34—51.

[a]—[a] Inserted by Act No. XXXVIII of 1923.

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

Adjournment of enquiry.

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

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

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

XIV of 1882.

Matters to be considered and neglected.

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

Taking Possession.

Power to take possession.

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

Special powers in cases of urgency.

17. (1) In cases of urgency, whenever the Governor 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) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or access to any such station or whenever it becomes necessary for the War Office to acquire the immediate possession of any land for the use of the armed forces of the Union, the Collector may, immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the Governor, enter upon and take possession of

such land, which shall thereupon vest absolutely in the Government free from all encumbrances :

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

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

(4) ^[a] In the case of any land to which, in the opinion of the Governor, the provisions of sub-section (1) or sub-section (2) are applicable, the Governor may direct that the provisions of section 5A shall not apply, and, if he 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).^[a]

PART III.

Reference to Court and Procedure thereon.

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

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

[a]—[a] Added by Act No. XXXVIII of 1923.

* See Directions 58—65.

Provided that every such application shall be made,—

- (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award ;
- (b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, subsection (2), or within six months from the date of the Collector's award, whichever period shall first expire.

Collector's statement to the Court.

19. (1) In making the reference, the Collector shall state for the information of the Court, in writing under his hand,—

- (a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon ,
- (b) the names of the persons whom he has reason to think interested in such land ;
- (c) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation awarded under section 11 ; and,
- (d) if the objection be to the amount of the compensation the grounds on which the amount of compensation was determined.

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

Service of notice.

20. The Court shall thereupon cause a notice, specifying the day on which the Court will proceed to determine the objection and directing their appearance before the Court on that day, to be served on the following persons, namely :—

- (a) the applicant ;
- (b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded ; and,
- (c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

Restriction on scope of proceedings.

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

22. Every such proceeding shall take place in open Court, and all persons entitled to practice in any Civil Court in British Burma shall be entitled to appear, plead and act (as the case may be) in such proceedings.

Proceedings to be in open Court.

23. (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall taken into consideration—

Matters to be considered in determining compensation.

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

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

thirdly, the damage (if any) sustained by the person interested at the time of the Collector's taking possession of the land, by reason of severing such land from his other land ;

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

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

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

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

[a]—[a] Substituted by Act No XXXVIII of 1923 for the words " declaration relating thereto under section 6 "

Matters to be neglected in determining compensation.

24. But the Court shall not take into consideration—

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

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

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

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

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

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

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

Rules as to amount of compensation.

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

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

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

Form of awards.

26. (1) Every award under this Part shall be in writing signed by the Judge, and shall specify the amount awarded

[a]—[a] Substituted by Act No. XXXVIII of 1923 for the words " declaration under section 6."

under clause *first* of sub-section (1) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

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

V of 1908.

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

Costs.

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

28. If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation, is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of six per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court.

Collector may be directed to pay interest on excess compensation.

PART IV.

APPORTIONMENT OF COMPENSATION.

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

Particulars of apportionment to be specified.

† 30. When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable the Collector may refer such dispute to the decision of the Court.

Dispute as to apportionment.

* Added. Act No. XIX of 1921.

† See Direction 64.

PART V.
PAYMENT.

Payment of
compensation
in or
deposit of
the
Court.

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

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

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

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

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

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

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

Investment
of money
deposited in
respect of
lands belong-
ing to per-
sons incom-
petent to
alienate.

32. (1) If any money shall be deposited in Court under sub-section (2) of the last preceding section and it appears that the land in respect whereof the same was awarded belonged

* See Directions 53—55.

† See Direction 44.

to any person who had no power to alienate the same, the Court shall—

- (a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or
- (b) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the Court shall think fit ;

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

- (i) In the purchase of such other lands as aforesaid ; or
- (ii) in payment to any person or persons becoming absolutely entitled thereto.

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

- (a) the cost of such investments as aforesaid ;
- (b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested and for the payment out of court of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

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

Investment
of money de-
posited in
other cases.

Payment of interest.

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

PART VI.

TEMPORARY OCCUPATION OF LAND.

Temporary occupation of waste or arable land. Procedure when difference as to compensation exists.

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

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

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

Power to enter and take possession, and compensation on restoration.

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

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

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the Governor shall proceed under

this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

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

Difference as to condition of land.

PART VII.

ACQUISITION OF LAND FOR COMPANIES.

38. (1)^[a] The Governor may authorize any officer of any company desiring to acquire land for its purposes to exercise the powers conferred by section 4.

Company may be authorized to enter and survey.

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

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

Previous consent of Governor and execution of agreement necessary.

40. (1) Such consent shall not be given unless the Governor be satisfied^[a] either on the report of the Collector under section 5A, sub-section (2), or^[a] by an enquiry held as hereinafter provided—

Previous enquiry

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

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

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

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same

[a] The words "subject to such rules as the Governor-General of India in Council may from time to time prescribe in this behalf" were deleted by Act XXXVIII of 1920.

[a]—[a] Inserted by Act No. XXXVIII of 1923.

manner as is provided by the Code of Civil Procedure in the case of a Civil Court.

XIV
1882.

Agreement
with Govern-
ment.

41. *If the Governor is satisfied^[a] after considering the report, if any, of the Collector under section 5A, sub-section (2), or on the report of the officer making an inquiry under section 40^[a] that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, he shall † require the Company to enter into an agreement with the Government providing to the satisfaction of the Governor for the following matters, namely :—

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

Publication
of
agreement.

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

Sections 39
to 42 not to
apply where
Government
is bound by
agreement to
provide land
for Com-
panies.

43. The provisions of sections 39 to 42, both inclusive, shall not apply, to the acquisition of land for any Railway or other Company, for the purposes of which, under any agreement, the Government is, or was bound to provide land.

How agree-
ment
between
Railway
Company
and Govern-
ment may be
proved.

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

* The words " such officer shall report to the local Government the result of the enquiry and " were omitted by Act No. XXXVIII of 1923.

[a] - [a] Inserted by Act No. XXXVIII of 1923.

† The words " subject to such rules as the Governor-General in Council may from time to time prescribe in this behalf " were deleted by Act XXXVIII of 1920.

PART VIII.

MISCELLANEOUS.

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

Service of notices.

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

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

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address, or place of business and registered under the Indian Post Office Act, 1866, and service of it may be proved by the production of the addressee's receipt.

XIV of 1866.

46. Whoever wilfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or wilfully fills up, destroys, damages, or displaces any trench or mark made under section 4 shall, on conviction before a magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

Penalty for obstructing acquisition of land.

47. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate and such Magistrate shall enforce the surrender of the land to the Collector.

Magistrate to enforce surrender.

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

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

(2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

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

Acquisition
of part
of house or
building.

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

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

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or 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, subsection (1), *thirdly*, by a person interested on account of the severing of the land to be acquired from his other land, the Governor is of opinion the claim is unreasonable or excessive, he may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both

inclusive, shall be necessary; but the Collector shall, without delay, furnish a copy of the order of the Governor to the person interested and shall thereafter proceed to make his award under section 11.

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

Acquisition of lands at cost of a local authority or Company.

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

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

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

Exemption from stamp duty and fees.

52. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceedings, and of the cause thereof, nor after tender of sufficient amends.

Notice in case of suits for anything done in pursuance of Act.

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

Code of Civil Procedure to apply to proceedings before Court.

* 54. Subject to the provisions of the Code of Civil Procedure, 1908, applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to His Majesty in Council subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908, and in Order XLV thereof.

Appeals in proceedings before Courts.

XIV of 1882.

V of 1908.

* Substituted by Act No. XIX of 1921.

(Proposal to allow appeals to the Privy Council—see File 2A.21. 1914. Rules Manual.)

power to
make rules.

55. (1) The Governor shall ^[a] have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement:

* Provided that where the provisions of this Act are put in force for the acquisition of land—

(a) for the purposes of any railway or

(b) for such other purposes, connected with the administration of a central subject as defined in section 45A of the Government of India Act, as the Governor-General in Council may by notification in the *Gazette of India* declare in this behalf.

the power to make, alter and add to rules conferred on the Local Government by this sub-section shall be exercised subject to the control of the Governor-General in Council.

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

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

[a] The words "subject to the control of the Governor-General in Council" were deleted by Act XXXVIII of 1920.

* Inserted by Devolution Act No. XXXVIII of 1920.

PART II.

**Rules under the Land Acquisition Act, 1894
(India Act I, 1894).**

*** Rules under the Land Acquisition Act, 1894**

1. These rules may be cited as the "Land Acquisition Rules, 1932".

2. (1) On the issue of a notification under section 4, sub-section (1) in respect of any land, the Collector shall, unless the Governor has directed under section 17, sub-section (4), that the provisions of section 5A shall not apply, include in the public notice given by him under section 4, sub-section (1), a statement setting forth that any person interested in the land may make to the Collector in writing objection to the acquisition of the land or of any land in the locality and specifying the place at which such objection will be received by the Collector and the date on or before which it must, in accordance with the provisions of section 5A, sub-section (1), be made.

(2) In the same case the Collector shall also serve a notice containing a statement to the same effect on each occupier of any part of the land and on each such person known or believed by the Collector to be interested therein. The notice shall state the particulars of the land or of the portion of the land to which it relates. It shall be served in the manner prescribed in section 45.

(3) If any person so interested resides elsewhere and has no agent authorised to receive service on his behalf within the revenue district in which the land is situate, 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 Chapter VI of the Indian Post Office Act, 1898.

(4) In the case of land in which a company is known or believed to be interested notice shall be served at or sent to the registered office of the company.

3. If an objection is made under section 5A on any of the following grounds, namely :—

(1) in the case of land notified under section 4, sub-section (1), as needed or likely to be needed for a public purpose,—that the purpose is not a *bonâ fide* public purpose ;

(2) in the case of land notified under section 4, sub-section (1), as needed or likely to be needed for a

company other than a company referred to in section 43—that either the land is not needed for the construction of any work or the work for the construction of which it is needed is not likely to prove useful to the public ;

- (3) that the land is not the most suitable land in the locality for the purpose for which it is needed ;
- (4) that other land equally or better adapted to the purpose is available in the locality and can be acquired with less inconvenience, annoyance or hardship to individuals or to the public, or at less expense ;
- (5) that the area of the land is greater than is necessary for the purpose ;
- (6) that the land contains religious buildings, tombs or grave-yards, the acquisition of which might be avoided ;

the Collector shall, in addition to giving the objector an opportunity of being heard either in person or by pleader, also give him an opportunity of adducing such evidence in support of the objection and relevant thereto as he may desire, and shall record such evidence.

PART III.

**Directions under the Land Acquisition Act, 1894
(India Act I, 1894).**

*** Directions under the Land Acquisition Act, I of 1894.**

1. (i) These directions may be cited as the "Land Acquisition Directions."

(ii) In these directions :—

(a) "the Act" means the Land Acquisition Act, 1894, as amended from time to time :

(b) "section" means a section of the Act :

(c) "rule" means a rule made under section 55 of the Act :

(d) words and phrases defined in section 3 of the Act have the meanings therein assigned to them.

General.

2. The Act does not contain any general definition of the expression "public purpose" but guidance as to its scope is afforded by the proviso to section 6 (1). In addition to purposes incident to the administration of the Government the expression includes any purpose for which a local public body or authority is empowered by law to acquire land, e.g., sections 41 and 83 of the Burma Municipal Act, 1898, and section 55 of the Burma Rural Self-Government Act, 1921. The acquisition of land in order that a town may be laid out on sanitary and convenient lines is a public purpose, as is also the acquisition of land in order that it may be reclaimed and thereafter applied to a public purpose. Ordinarily the question whether any particular purpose is a public purpose presents little difficulty in practice. In case of doubt, a decision will be made by the Governor before the issue of a declaration under section 6.

As the Governor has declared that it is customary for Government to provide village sites in all districts in Upper Burma (*vide* Revenue Department Notification No. 256, dated the 15th July 1899) and in Lower Burma (*vide* Revenue Department Notification No. 49, dated the 30th January 1907), the provision of village sites is in these districts a public purpose under section 3 (f).

3. The questions whether the provisions of the Act should be applied to the acquisition of land and whether the conditions necessary for their application are fulfilled, as well as the proceedings under the Act, are dealt with

* Published with Financial Commissioner's Notification No. 90, dated the 2nd August 1932.

in the Revenue (Land Acquisition) Department. But the prior question whether and in what locality it is necessary to acquire land is a matter for the Department of Government or other authority concerned with the project for which the land is needed ; and on it rests the responsibility for obtaining the necessary administrative approval to the selection of the land, sanction to the acquisition and the expenditure involved thereby, and budget provision for the expenditure. It is likewise responsible for keeping the Deputy Commissioner or (after the issue of a notification under section 6) the Collector informed of the orders on these subjects and of any alteration therein, for making available to the Collector the funds necessary to meet the expense of acquisition chargeable to it, and for moving the Deputy Commissioner or the Collector to stay proceedings if it is desired not to proceed with the acquisition.

4. Unless negotiations for the purchase or occupation of the land have failed or, owing to difficulties as to title, the application of the Act is otherwise necessary, the Governor will not ordinarily employ the Act to acquire land for authorities other than Government by whom land may be acquired by private treaty. Under section 13 of the Burma Municipal Act and section 54 of the Burma Rural Self-Government Act respectively, Municipal Committees and District Councils have power so to acquire land.

5. * * * * *

6. While procedure under the Act is not necessary in respect of land all of which [as defined in section 3 (a)] is the property of Government, it is permissible and should be adopted in all cases in which the existence of private property in the land or of easements or incumbrances such as rights of way is a possibility, in order that under section 16 an indefeasible title may be secured.

Eviction under the revenue law of persons whose title to land is defective/should not be employed as a substitute for acquisition./ In such cases the Act should be utilised and compensation awarded on the basis of the market value of such title as exists.

7. It is most important that officers purporting to proceed under the Act should not exceed the legal powers which it confers. In particular, officers of all departments are prohibited from entering on land for any of the purposes

mentioned in section 4 (2) unless authorised under that section, and from taking possession of land otherwise than as provided in section 16, section 17 or section 36. Premature occupation of or entrance into land may involve the owner or Government in loss or litigation, inasmuch as the Collector cannot under section 23 take account of damage or deterioration caused thereby and the only legal remedy of the owner is a suit against Government.

This direction does not, however, prohibit acts done under legal powers apart from the Act or, in urgent cases, done without legal powers with the consent of the persons interested and the approval of competent authority in the department concerned.

8. When, as in the case of land needed by certain Departments of the Government of India which are not locally represented, the Governor is the agent for the applicant for acquisition, the action which should be taken by the applicant under these directions will, so far as it is not taken by the applicant or by the Governor, be taken in the Revenue Department by or under the orders of the Deputy Commissioner, who will of his own motion act as sub-agent for the applicant. The Deputy Commissioner should calculate and record in his proceedings the cost of any action so taken which involves any extra expenditure.

9. When an applicant for acquisition is unable without assistance to do any act or furnish any document or information required from him by these directions, the necessary assistance in matters within the scope of the Revenue Department will, on application, be arranged for by the Deputy Commissioner. The cost of any extra expenditure, including an equitable allowance for items such as services performed by officers of the Governor which do not involve extra expenditure, will be recovered by the Deputy Commissioner from the applicant if the acquisition is not for Government. If the acquisition is for Government, any extra expenditure incurred by the Deputy Commissioner in furnishing assistance will be debited to the head from which the expense of acquisition is met, but no debit will be made to that head of the cost of assistance which does not involve extra expenditure.

Action prior to the issue of the Notification under section 4.

10. The object of notification under section 4 is twofold :—

- (i) to legalise the doing of such of the acts specified in section 4 (2) as may be necessary to enable the actual land proposed for acquisition to be determined, etc.;
- (ii) to provide an opportunity for objection under section 5A by persons interested in the land needed or likely to be needed.

Action under these two heads will as far as possible proceed simultaneously directly after the issue of the notification.

11. A notification under section 4 will be issued in every case in which it is proposed to acquire land under the Act whether for a public purpose or for a company. Application for the issue of the notification should be made as soon as possible after it has been decided by competent authority (*vide* Direction 3) that land is needed or likely to be needed in a definite locality though the actual land to be proposed for acquisition has not been determined. If the application is delayed, the compensation to be awarded under section 23, which depends on the market value at the date of the publication of the notification under section 4, is liable to be inflated by speculative transactions.

12. Care should be taken to limit the application as nearly as possible to the land which is or may be needed and to include in it all such land. When investigation under section 4 (2) is necessary, all the land in which such investigation is contemplated should be included. When land in respect of which a notification under section 4 has issued is subsequently not acquired under the Act, the notification must be cancelled or modified so as to exclude the unacquired portion.

13. The selection, whether before or [as a result of action under section 4 (2)] after the issue of a notification under section 4, of the actual land proposed for acquisition should be made in accordance with the following principles :

- (a) The selection should involve the minimum of inconvenience, annoyance or hardship to private

individuals and expense to Government compatible with the purpose for which the land is needed.

- (b) Every endeavour should be made to avoid the inclusion of religious buildings, tombs and graveyards.

The advice of the Deputy Commissioner with reference to these points should be obtained in the selection of land needed by the Government in any Department. Care should also be taken in the Department concerned that all administrative requirements are fulfilled by the land selected, e.g., in the case of land required as a site for a civil building, Appendix IX in Volume II of the Public Works Department Code should be observed; in the case of land needed for house sites in towns and villages, the cost of acquisition, reclamation and lay out should be considered with reference to the premia and rents likely to be derived from the sites.

14. Application for the issue of a notification under section 4 should be made to the Deputy Commissioner of the district in which the land is situated. If the land is situated in more than one district a separate application should be made to each Deputy Commissioner concerned in respect of the part situated in his district. In the case of land needed for a Department of Government, the application should be made by the district or other authorised officer of the Department. When the Deputy Commissioner is himself the district officer of the Department, he will, after taking in that Department the action preliminary to application (*vide* Direction 3), of his own motion open proceedings in the Revenue (Land Acquisition) Department.

15. In ordinary cases the application should contain :—

- (i) A description sufficient to enable the Deputy Commissioner to identify the land and its boundaries and to ascertain its approximate area and its owners or occupiers. In surveyed localities this should normally be furnished in the form of a map or maps (in triplicate), one map for each *kucin* in which any part of the land is situated, prepared by plotting the boundaries of the land in red lines on a copy or trace of the relevant portion of the latest supple-

mentary survey map, accompanied by copies of relevant extracts from the register of holdings. In the case of land in surveyed localities needed for railways, canals or other extended works, an index map (in triplicate) on a scale of one inch to the mile, showing *kāin* boundaries, towns and villages and the centre line and width of the land needed, should also be furnished.

NOTE.—As regards the provision of maps, *vide* Direction 9.

- (ii) Particulars of the purpose for which the land is needed ; and, if the Deputy Commissioner so requires, a statement of the grounds on which the purpose is considered to be a public purpose or on which (in the case of land needed for a company other than a company referred to in section 43) the work for the construction of which the land is needed is considered to be likely to prove useful to the public.
- (iii) A report whether it is necessary that the powers referred to in section 4 (2) should be exercised and, if so, what officer should be authorised for that purpose under section 4 (2) or section 38.

NOTE.—All Executive Engineers of the Public Works Department have been generally authorized under section 4 (2) by Revenue Department Notification No. 22 dated the 11th January 1905.

- (iv) A report whether it is desired that the Governor should take any and, if so, what action under section 17 (4) and of the grounds of urgency justifying such action.
- (v) A statement giving full particulars of any religious buildings, tombs or graveyards on the land and of the reasons on account of which it is not possible to avoid their inclusion ; and a report whether, in the event of acquisition of the land, the demolition of the buildings or obliteration of the tombs will be necessary.
- (vi) A statement giving the description and situation of any trees, buildings or other such property included in the land for which compensation will have to be determined separately from that payable for the soil (*vide* Direction 41) and of crops on the land which will not have been harvested before possession of the land is required.

- (vii) A statement of easements or incumbrances (rights of way, etc.) known to exist over or in the land.
- (viii) A statement whether administrative approval of and sanction to the acquisition have been obtained when these are necessary.

16. In urgent cases when the immediate issue of a notification under section 4 is necessary it will be sufficient for that purpose for the applicant to furnish information of the purpose for which the land is needed; the district, township, town and ward or village-tract and (in surveyed areas) blocks or *khans* in which the land is situated; the officer, if any, to be authorised under section 4(2); and the reasons of urgency. If the urgency is extreme, this information may be furnished by telegram to the Government in the Revenue (Land Acquisition) Department with a request for the issue of the notification, a copy of the telegram being sent to the Deputy Commissioner.

The remaining information specified in Direction 15 should be furnished to the Deputy Commissioner as soon as possible thereafter.

17. On receipt of the application the Deputy Commissioner, after taking in communication with the applicant such action as is necessary to bring it into order with reference to Directions 15 and 16, will open Revenue (Land Acquisition) Department application proceedings and will prepare and record therein:—

- (i) A draft notification in Form I.
- (ii) In the case of land required for a company other than a company referred to in section 43, a note whether in his opinion a special enquiry should be held under section 40 or whether enquiry under section 5A will suffice (*vide* section 40(1)).
- (iii) If there are any religious buildings, tombs or graveyards on the land, a confidential note dealing with the nature of and the weight to be attached to objections which have been or may 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.

This note may, subject to the orders of the Governor, be dispensed with in any case in which a large

area is involved or for any other sufficient reason its preparation would entail undue delay.

- (iv) Proposals for the appointment of a Collector under section 3 (c). If the Deputy Commissioner considers that he ought not himself to be Collector for the purpose of hearing objections under section 5A, he should state cogent reasons.

18. (a) If the Deputy Commissioner sees no objection to the proposed acquisition, he will forward the proceedings, together with a copy of each of the documents prepared under Direction 17 and a copy of the map or maps of the land (if any), direct to the Secretary to Government, Revenue Department, for the orders of Government.

(b) If, however, the Deputy Commissioner considers that the purpose for which the land is needed is not a public purpose; or, in the case of land needed for a company other than a company referred to in section 43, that the proposed acquisition is not needed for the construction of a work likely to prove useful to the public; or that, with reference to Direction 4 the application of the Act is unnecessary; or that the land unnecessarily includes religious buildings, tombs or graveyards; or sees any other objection to the proposals in the application which he is unable immediately to settle in communication with the applicant, he should record in the proceedings a note stating the grounds of his objection and should forward the proceedings with two copies of this note and of each of the documents prepared under Direction 17 and two copies of the map or maps of the land (if any) to the Commissioner for submission to the Secretary to Government, Revenue Department, through the channel prescribed in Direction 27. The Commissioner and the Head of the Department concerned should each record his views on the questions raised in the note of the Deputy Commissioner, when forwarding the papers; and the Commissioner will retain one copy of duplicate papers for his file.

Action subsequent to the issue of the Notification under Section 4.

19. (a) When the draft notification under section 4 has been issued the Deputy Commissioner should, as soon as the actual land proposed for acquisition has been determined,

proceed to prepare in tabular form a statement giving the area and classification of the land, the names and addresses of the persons believed to be interested therein, particulars of the houses, trees, crops and other such property for which compensation will have to be determined separately from that payable for the soil, and a preliminary estimate of the compensation likely to be awarded under each head of section 23(1). After the total of the estimate, the allowance of 15 per cent. on market value under section 23 (2) should be separately shown and a grand total struck.

(b) The Deputy Commissioner should at the same time prepare an estimate of charges incidental to the acquisition. These include the salaries and the travelling allowance of the Collector and his establishment; contingencies, forms and stationery, etc.,—in fact all charges, other than the compensation payable to persons interested in the land, already incurred or to be incurred in the carrying out by the Collector of the proceedings for acquisition. But the cost of assistance (*vide* Direction 9) to the applicant for acquisition in taking the action required from him by these directions should not be included in the estimate of charges, and should be recovered from the applicant separately.

In the case of an acquisition for Government the estimate of incidental charges should include only extra expenditure specially incurred on account of the acquisition. In other cases, the estimate should also include the value of services and materials furnished for the acquisition by the Governor though these do not involve the Governor in extra expenditure. Items of this nature are the salaries of district officers and staff employed on the acquisition in addition to their ordinary duties, stationery and forms from the district stock used in the acquisition, etc.

In estimating charges for the part time services of officers and staff (*e.g.*, of the Deputy Commissioner when Collector, or a Collector employed over the same period on more than one acquisition), the fraction of the time of the officer; or staff spent on the acquisition should be adopted as the basis of calculation.

If the estimate of incidental charges cannot be conveniently based on a forecast of actuals, a percentage of the grand total of the compensation estimated under (a) above, varying from 5 per cent. for expensive acquisitions to 20 per cent. for inexpensive acquisitions, may be taken as an approximation to probable incidental charges.

(c) The sum of items (a) and (b) above represents the expense of acquisition. If the acquisition is not for the Governor, the value of the interest of the Governor in the land which will be extinguished should also be estimated under the heads:—

- (i) The abatement of land revenue which will be entailed, at twenty times the annual revenue.
- (ii) If full proprietary rights do not exist in the land, the difference between the market value of full proprietary rights and the market value of the rights to be acquired.

(d) In all cases reasons for the estimates should be given, and the calculations exhibited where necessary.

20. (a) The tabular statement, etc., prepared under Direction 19 should be filed in the proceedings on their return by the Governor (which will be direct to the Deputy Commissioner, copies of any orders of Government being sent to the Commissioner and the head of the department if the proceedings were submitted through them). Without awaiting the return of the proceedings, however, copies of the statement, etc., should be sent to the applicant for acquisition, through the Commissioner of the Division if the grand total cost estimated under Direction 19 (a) exceeds Rs. 25,000 in any district; through both the Commissioner and the Financial Commissioner if it exceeds a lakh of rupees in any division; and direct in other cases. The Commissioner and the Financial Commissioner will scrutinise the estimates in cases sent through them and, if necessary, cause them to be amended.

(b) The applicant for acquisition will, on receipt of the statement, etc., obtain any administrative approval of or sanction to the acquisition which is necessary (*vide* Direction 3); and will forward to the Deputy Commissioner a copy of the orders of competent authority in the Department concerned if this has not already been done.

21. As soon as the notification under section 4 has been issued the authorised officer should take such action as may be necessary under section 4 (2). In particular, the actual land proposed for acquisition should be determined without delay and the Deputy Commissioner furnished with the particulars respecting it specified in Direction 15 (i), (v) and (vi), if this has not already been done.

At this stage also land proposed for acquisition in localities not under supplementary survey should be surveyed (*vide* Direction 9) and a map of it prepared and forwarded to the Deputy Commissioner in duplicate. This map should be similar in scale and detail to that referred to in Direction 15 (i), second sentence.

22. In the case of land needed for the Governor the Departmental officer may at any time after the issue of the notification under section 4 negotiate either directly or otherwise with the persons interested in the land with the object of coming to an amicable arrangement with them as to the price to be paid, if it is clear that economy will be effected thereby. The statement of any settlement arrived at should be reduced to writing and should clearly set out that the person or persons interested are willing to relinquish the land for a certain specified sum *plus* the 15 per cent. allowed under section 23 (2), the sum of the two being the actual price agreed on. When the persons interested agree to give up their land free on consideration, *e.g.*, of a road being made, it will be necessary to have an agreement to this effect executed by them. The statement or agreement should be duly stamped, and should be communicated to the Deputy Commissioner or the Collector, who will ordinarily accept it in making his award.

23. Unless the Governor has directed under section 17 (4) that the provisions of section 5A shall not apply, the Collector (who for the purpose of hearing objections will ordinarily be the Deputy Commissioner) should, as soon as possible after the publication of the notification under section 4, open preliminary enquiry proceedings and issue the notices required by section 4 (1) and rule 2 in Forms II and III. The specification in column 3 of Form III should be sufficiently definite to enable the person to whom the notice is addressed clearly to identify the particular land to which it relates and in localities under supplementary survey, should normally include the number and tenure of the holding and, if part of a holding is for acquisition, also the field numbers, and the names of the owners, occupiers, etc., as given in the latest available map and register of holdings, the year of which should be specified. The specification in column 3 of Form II may be in considerably less detail.

24. If objections under section 5A are received, and it is necessary to record evidence, separate subsidiary proceedings should be opened for the record of evidence relating to separate portions of the land in each *kwin*. In dealing with objections, the Collector should proceed in accordance with section 5A and rule 3. Power to summon witnesses, etc., for the purpose of enquiry under section 5A is given by section 14. Notice of every objection should be issued by the Collector to the applicant for acquisition, who should be given an opportunity of being heard against the objection and of producing evidence to rebut any evidence produced by the objector. If it appears to the Collector that any objection is well founded, he should endeavour if possible to arrange with the applicant for acquisition for such alteration of the land proposed for acquisition as will meet the objection.

25. If the applicant is a company and the Governor has not directed a special enquiry under section 40, the Collector should include in his preliminary enquiry proceedings under section 5A such enquiry and recommendations as are necessary with reference to that section, although no objection may have been made to the acquisition. If a special enquiry under section 40 has been ordered, separate preliminary enquiry proceedings should be opened under section 40.

Declaration under Section 6.

26. (a) On completion of the proceedings under section 5A and of any special enquiry under section 40 or, in cases in which section 40 does not apply and it is recommended that section 5A shall not apply, as soon as possible after the submission of the draft notification under section 4 and the determination of the actual land proposed for acquisition, the Deputy Commissioner should prepare and file in the application proceedings a note containing his recommendations in respect of the objections or enquiry under section 5A or the enquiry under section 40, if any (this note will merely repeat his recommendations made in the preliminary enquiry proceedings under section 5A or section 40, where he himself has held the enquiries under these sections), and a draft declaration under section 6 in Form V.

He should then, after satisfying himself that any administrative approval of or sanction to the acquisition which is

necessary has been obtained in the Department concerned (*vide* Direction 3), submit to the Commissioner of the Division all the proceedings relating to the acquisition together with :—

- (i) Copies in duplicate of the note and draft notification ;
- (ii) A map in duplicate of the land proposed for acquisition, if it has been surveyed unless a map showing the same land for acquisition has already been submitted under Direction 18 ;
- (iii) Proposals for the appointment of a Collector under section 3 (c) ;
- (iv) A report of the expense of acquisition, etc., under the heads specified in Direction 19 ; if the acquisition is of land needed by the Local Government in a Department of which the Deputy Commissioner is district officer, a report whether budget provision sufficient to cover the expense under Direction 19 (a) and (b) exists under the head to which the expense will be debitable.

(b) If any special establishment is required for the acquisition, the Deputy Commissioner will at the same time submit in a separate letter through the usual channel proposals for its entertainment.

(c) If the officer holding the enquiry under section 5A or under section 40 is not the Deputy Commissioner, he should on its completion forward his proceedings to the Deputy Commissioner after having first proposed, so far as he is in a position to do so, the material required for compliance with this direction.

27. The Commissioner will scrutinize the proceedings and, after taking in communication with the Deputy Commissioner such action as is necessary to bring them into order, will record his recommendations in respect of the report under section 5A and, if necessary, the enquiry under section 40, if any, and in respect of the appointment of a Collector. He will then submit the papers for the orders of Government to the Secretary to Government, Revenue Department, retaining one copy of duplicate papers for his own file. Submission will be direct except when the land is needed for the Governor in a department for which the

Deputy Commissioner is not the district officer, or for the Government of India in a Department for which the Governor does not act as agent (*vide* Direction 8). In that case submission will be through the department for which the land is needed, beginning with the district officer of that department or, in the absence of a district officer, the officer of next higher rank in the department. The district or other officer of a department of the Governor will report whether budget provision sufficient to meet the estimated expense of acquisition exists under the head to which the expense is debitable. The head of the department will record his views on the report under section 5A and on any other matter on which the orders of Government are necessary.

28. In advising on the subject of the appointment of a Collector, regard should be had to the facts that the valuation of land is frequently a task requiring a high degree of judgment and experience and that Government unless it decides to withdraw from the acquisition under section 48, is bound by the award of the Collector. Ordinarily, an officer of the Subordinate Civil Service will be appointed Collector only in a simple case, such as the acquisition of agricultural or village land, and then only if of experience not inferior to charge of a Township for ten years. In all cases of difficulty the Collector, if not the Deputy Commissioner should be a senior officer of experience and knowledge of land. If a junior officer is proposed as Collector, the special grounds on which he is considered to be qualified for the work should be stated.

The appointment of a special officer outside the district staff as Collector should not be proposed except when the area to be acquired is large or for other reasons the acquisition is likely to involve prolonged work.

29. (a) When in passing orders under Direction 27 or at any later stage, the Governor decides not to proceed with the acquisition of the whole or part of the land notified under section 4, a notification will be issued cancelling or modifying the notification under section 4 as the case may be.

(b) When the acquisition is not for the Governor the applicant will, before the issue of a declaration under section 6, be informed of any modification in the actual

land proposed for acquisition necessitated by the orders of Government under Direction 27 ; and the views of the applicant as to proceeding with the acquisition will be obtained.

Action subsequent to the Issue of the Declaration under Section 6.

30. (a) The issue of a declaration under section 6 will be accompanied by orders of the Governor specifying the budget head to which the expense of acquisition of land needed by Government, should be debited ; and, if the acquisition is not for Government, the manner in which the expense of acquisition should be paid to the credit of the Governor by the applicant for acquisition. Copies of these orders will be sent to the applicant for acquisition, the Collector and the Accountant-General, Burma.

Ordinarily the Governor will require credit in advance by local authorities or companies of the estimated expense of acquisition payable by them, as well as of the amount estimated with reference to Direction 19 (c) as payable under the orders which apply to the transfer of land from the Governor to them.

(b) The applicant for acquisition or, when Direction 8 applies, the Deputy Commissioner on the one hand and the Collector on the other hand should keep each other informed of the amount available under the budget head concerned or credited to Government to meet the expense of acquisition, and of the probable actual expense of acquisition. In the absence of special orders of Government, the Collector should in no case announce the award or take possession of the land until he has received intimation that sufficient funds to cover the expense of acquisition are available.

(c) The Collector should maintain an account current of the actual expense of acquisition as it is incurred, and in doing so should follow the instructions in Direction 19 (b) as regards the inclusion of items and the apportionment of actuals among incidental charges.

31. When the Collector has received under section 7 a direction to take order for the acquisition of the land, he should open acquisition proceedings and then in the first instance take steps to comply with section 8.

Demarcation, whether under section 4 (2) or under section 8, should in all cases be carried out by or in the presence of the applicant for acquisition or his local representative and at his expense. Boundaries should be demarcated either by a narrow trench or by white painted posts as may be found the more suitable. Posts should be at least one foot in height above the ground ; each post should be visible from the next ; and a post should be erected at each turn or angle of the boundary. The Collector should inspect the demarcation and verify that the land demarcated is the same as that in respect of which the declaration under section 6 was issued.

Demarcation is an essential preliminary to measurement under section 8 and, if there is any delay, the Collector should warn the applicant for acquisition that, unless demarcation is promptly carried out, the acquisition will be retarded.

32. The land must in every case be measured ; but it is not necessary under section 8 to prepare a new map if a map has already been supplied under Direction 15 (i) or Direction 21 and is found on measurement under section 8 to be accurate. If not, the map prepared under section 8 should be similar in scale and detail to a map submitted under Direction 15 (i), second sentence.

The Collector is responsible for the correctness of the measurement and the identity of the land shown on the map with that in respect of which the declaration under section 6 was issued. The cost of preparing maps under section 8 will be borne by the applicant for acquisition.

If on measuring the land it is found that the area to be acquired does not correspond reasonably closely with the area notified for acquisition, the Collector will report the matter without delay in order that necessary steps may be taken to amend the notification.

33. The officer appointed to measure the land should, at the time of measurement, verify the names and addresses of persons to whom notice will have to be given under section 9 (3) and (4), if these have already been recorded, and, if not, record them. He should also fill up the first ten columns of Form IX using a separate copy of the Form for each *kwin*; and taking care to enter each separately owned or occupied portion of the land as a case by itself under a separate serial number in column 2 of the form.

Enquiry and Award by the Collector.

34. After such testing of measurements and of entries in the record as he may consider necessary, the Collector should issue in Forms VI and VII the general and special notices prescribed in section 9. The land should be specified in the last columns of the forms in the manner prescribed in Direction 23. If any requisition under section 10 is needed in order to discover persons interested it should be issued in Form VIII and should refer to particular holdings or parts of holdings concerning which the person to whom the requisition is issued may reasonably be supposed to possess special information.

35. The Collector should then proceed, after opening separate subsidiary proceedings for each *kwin*, when the land to be acquired falls within two or more *kwins*, to make the enquiry and award in accordance with sections 11 to 15. In doing so he should remember that he is not acting as a judicial officer whose duty it is to adjudicate between Government and the persons interested on the evidence which happens to be produced. His function is to ascertain by all means at his disposal the true value of the land and the true amounts of the damage, expenses and loss of profits for which compensation should be awarded under the various heads of section 23 (1). In order to do so, he should of his own motion explore all sources of information available, carefully sift all evidence produced on either side, and call such further evidence as may seem likely to be useful. He may call for reports from subordinate officers and, if not himself the Deputy Commissioner, may refer to the Deputy Commissioner for information and advice.

The Collector is bound to safeguard the interest of all persons interested in the land, whether they appear before him or not.

36. If any objection is made to measurements or area, it should be settled by remeasurement by a qualified surveyor in the presence of the objector and the Collector.

37. The compensation allowed should not exceed the amount of the claim made pursuant to a notice issued under section 9 [*vide* section 25 (1)]. There is nothing, however, to prevent the amendment of the claim so as to increase its amount, or the substitution of a fresh claim ; but in that case

the Collector should obtain an explanation from the claimant and should not award an amount greater than the original claim unless he is clearly satisfied that it was inadequate.

38. The amounts of compensation to be awarded under each of the heads of section 23 (1) should be separately assessed and full reasons given for the figures adopted. It should be noted that under the first head the date at which the market value of the land is to be fixed is that of the publication of the notification under section 4 (1) whereas the date at which damage is to be assessed under the second, third and fourth heads is that on which the Collector takes possession of the land and under the sixth head the date of the publication of the declaration under section 6. No damages which accrued before those dates, whether or not due to the actions of officers of Government, can be taken into account by the Collector. The land of which the market value is to be considered under the first head includes, as defined in section 3 (a), everything attached to the earth, such as houses and trees. It does not, however, include standing crops or the fruit trees or plants like bananas which are customarily treated as crops. These are allowed for under the second head. The 15 per cent. referred to in section 23 (2) is to be reckoned only on the amount awarded under the first head of section 23 (1).

39. The market value of the land can usually be ascertained from the records of the transfers of similar land in the vicinity, for which search should be made in previous acquisition proceedings relating to land in the neighbourhood, in Register Book I in the Registration Office and in Land Records Register No. IIIB. The Collector should verify the information obtained from the records by examining the parties of witnesses to the transfers and should enquire closely into the circumstances of all transfers for prices which appear abnormal. He should also compare the land under acquisition, with the lands transferred as regards factors affecting market value; and to assist the comparison should, if possible, personally inspect the lands transferred as well as the land under acquisition.

40. Factors affecting market value include :—

- (i) Fertility;
- (ii) Situation; and
- (iii) Tenure.

(i) As regard fertility, the classification of the land at Settlement is a useful guide, but it must be remembered that in classification for the purpose of assessment of revenue the range of fertility included in the same class is often considerable. Evidence regarding fertility may be checked by examination of the soil and its facilities for obtaining a supply of water and silt and by consideration of the varieties of crops customarily grown on it and their yields and certainty. In the case of orchards attention should be paid to the number, description and age of the fruit trees therein.

(ii) Under the head of situation, distance of the land from villages and markets, means of communication and risk of erosion or other damage should be taken into account.

(iii) As regards tenure, enquiry should be made in Upper Burma whether the land is State or non-State and in Lower Burma whether or not the status of landholder has accrued, and, if not, whether it may be acquired and what period must elapse before it accrues. In order to allow for the risk of ejection, the market value of State land is usually less than that of similar non-State land and that of and in respect of which the status of landholder has not accrued but may accrue gradually increases as the date of accrual of the status approaches. Comparison should be made of the relative market values of similar lands held under different tenures in order to ascertain what deduction should be made for inferiority of tenure and to estimate the value of the interest of Government in the land (*vide* Direction 68).

41. In estimating the market value of orchards, it is usually advisable to combine the fruit trees with the soil because as a rule the soil and fruit trees are sold together. Solitary fruit trees on other descriptions of land must be separately valued, and in this connection it should be remembered that the existence of such trees ordinarily reduces somewhat the value of the soil under or near them for cropping purposes.

In fixing the value of a building, consideration should be given to the actual cost, at the date of publication of the notification under section 4 (1), of erecting a similar building, less an allowance for deterioration reckoned on the age of the building at that date at a percentage of the cost depending on the materials of construction. The percentages adopted in the Public Works Department for deterioration of Government buildings will serve as a guide. In important

cases steps should be taken to have the building valued by a competent officer of the Public Works Department.

42. If any building or other thing attached to the earth is not required by the applicant for acquisition, the owner should, if the arrangement will result in economy, be allowed the option of removing it within a reasonable period to be fixed by the Collector. If the owner exercises the option, the building, etc., will be left out of account by the Collector in fixing the market value of the land under the first head of section 23 (1), but the Collector will make reasonable allowance for the cost of removal and re-erection. The applicant should be consulted before an arrangement is made under this direction.

The Collector has discretion to allow neighbouring villagers to remove the materials of abandoned pagodas and monasteries from the land within a reasonable time to be fixed by him.

43. Similarly, economy may be secured by an offer to remove and re-erect in a suitable position *quasi*-public buildings, such as *zayats*, at the expense of the applicant for acquisition, if it is clear that the cost of removal and re-erection will be less than the compensation payable less breakdown value. If the acquisition is not of land needed by Government, the prior consent of the applicant for acquisition should be obtained.

44. Attention is directed to the provisions of section 31 (3), which permit exchange of lands, remission of land revenue, etc., in lieu of money compensation. It should be noted that to such arrangements the prior sanction of Government must be obtained. An application for sanction should clearly set forth the reasons for and the financial effect of the arrangement proposed.

45. The payment of compensation for standing crops under the second head of section 23 (1) should ordinarily be avoided by deferring the taking of possession until after the crops have been harvested. In cases of urgency, when possession has to be taken before then and the crops cannot be harvested by the cultivator, the crops should be inspected and an estimate made of the probable outturn with reference to the normal outturn estimated at settlement for that class of land, the condition of the crops and such evidence as may

be available regarding the habitual outturn of the land. Prices of crops may be calculated on averages at harvest for recent years, for which statistics will usually be found available in the Land Records Department. The value of the crops, found by multiplying the outturn by the harvest price, should be discounted at the rate of 6 per cent. per annum for the period between taking possession and harvest, so as to arrive at the value on the date of taking possession. Even when possession has to be taken before harvest, the Collector may, with the consent of the applicant for acquisition, arrange under section 31 (4) for the harvesting of the whole or part of the crops by the cultivator after possession has been taken, thus rendering the payment of compensation for crops unnecessary, or reducing the amount.

46. The Collector should inform the applicant for acquisition of the date or dates fixed for the enquiry under section 11, and should give him an opportunity of being present in person or by agent at the enquiry and of inspecting any reports called for by the Collector or evidence recorded by him on which the award will be based. He should also allow the applicant to produce evidence and should receive and consider any representation which the applicant may make either orally or by letter. He should give the applicant not less than fifteen days' notice of the date fixed for announcing the award.

47. If the applicant for acquisition applies to the Collector at any time prior to the announcing of the award for a postponement of the award in order to allow time for consideration whether Government should be moved to withdraw from the acquisition under section 48 on the ground that the award is likely to be much in excess of the original estimate prepared under Direction 19 the Collector should postpone the announcing of the award accordingly.

48. If the Collector is not the Deputy Commissioner and the award is likely to exceed the grand total of the estimate under Direction 19 (a) as amended under Direction 20, by more than 10 per cent. or by more than Rs. 10,000 he should submit a report to the Deputy Commissioner setting forth the award which he proposes to announce and the grounds on which he has based its amount. In cases so submitted to him and in other cases in which he himself is the Collector, if the amount of the proposed award exceeds

the amount of the estimate by 25 per cent. or more or by Rs. 50,000 or more, the Deputy Commissioner should submit a report to the Commissioner, who should report all cases to the Government in which the excess is greater than Rs. 1,00,000.

In such cases the Collector should defer announcing the award until he has received instructions from the Deputy Commissioner, the Commissioner, or the Government as the case may be. Each of these authorities may give the Collector any information which it may have regarding the proper valuation of the property and may issue instructions as to the matters which the Collector should take into account in assessing compensation under any head of section 23 (1). The Collector should thereupon re-examine the case in the light of the instructions received and proceed to make his award. If the Deputy Commissioner or Commissioner considers that a proposed award should not be accepted, he may take steps to obtain the notification by Government of its withdrawal from the acquisition under section 48, at the same time instructing the Collector to defer taking possession until the orders of Government have been received.

49. If the sum ascertained to be available under Direction 30 (b) is not sufficient to cover the proposed award and the other expenses of acquisition the Collector should, as soon as its insufficiency becomes apparent, report the fact and the amount required to the applicant for acquisition, or the Deputy Commissioner when Direction 8 applies, and should defer announcing the award until either the required amount has been made available or he has received instructions from Government to proceed.

50. The award of the Collector should be recorded on a revenue order form and should deal specifically with each of the three heads mentioned in section 11 and, under the second of these heads, with the amounts allowed under each head of section 23 (1). The details of the award should be set forth in column 11 *et seq.* of the award statement in Form IX. The Collector should support each item of his award under the various heads of section 23 (1) by full reasons. As regards apportionment, attention is drawn to the provisions of section 29 which require particulars of an agreed upon apportionment to be specified

in the award, and to the provisions of section 11 (iii) concerning absentees.

51. The Collector should carefully explain the provisions of sections 23 and 24 and the method which he has followed in determining the amount of compensation and its apportionment, when announcing the award to the persons interested who are present on the date fixed for announcement.

Payment of Compensation.

52. Before announcing the award the Collector should have prepared statements in Forms A and AA with the first four columns of the former and the first two columns of the latter form filled in. Details of any compensation other than money awarded should be clearly entered in the "Remarks" column of Form A and the value of Government land given in exchange for land acquired for an authority other than the Governor should be stated. The Form should include all the land acquired, whether or not compensation has been awarded for any part of it. On announcement, the Collector should forthwith, in accordance with section 1 (1), tender payment to all the persons interested who are present in person or by agent legally authorised to receive payment; and should in each case record in column 3 (a), (b) and (c) of Form AA and in column 5 of Form A whether the amount awarded is accepted without protest, or accepted under protest, or refused.

53. Amounts accepted with or without protest should be paid without delay. Payments may be made in either of the following ways :—

(a) The Collector may draw cash from the Treasury on his own receipt as an advance. He will then obtain from the payees separate receipts in Form C or if the payees are numerous, a consolidated receipt in Form CC. One copy of each of the receipts will be filed in the proceedings and the other copy sent to the Accountant-General.

Before drawing an advance the Collector should ascertain as nearly as possible the amount that he will be able to disburse and should avoid drawing any larger

sum than necessary. If any portion of the amount is left undisbursed in his hands, and is not to be deposited in Court in accordance with Direction 54 and is not ripe for treatment under Direction 55, it should be repaid into the Treasury at the earliest possible opportunity in part repayment of the advance taken.

(b) The Collector may, without himself drawing money, countersign the receipt in Form C and make them payable at the Treasury to the payee, altering the words "Paid in my presence" to "Pay"; and deliver one copy of each such receipt to the payee for encashment at the Treasury, filing the other copy in the proceedings.

If this method is adopted, the Collector should send the Treasury Officer an advice list of amounts passed for payment, and the Treasury Officer should in turn send the Collector an advice list of amounts paid. If payments are extended over a considerable period, such advice lists should be sent weekly.

The choice of method is left to the discretion of the Collector. Generally speaking, the former method should be adopted when the amount of individual payments is small or the place of disbursement is distant from the Treasury; and the latter, when the sums involved are considerable or it is convenient to the payees.

Whenever payment, under this or the following directions, is claimed through a representative, such representative must show legal authority for receiving the compensation on behalf of his principal.

54. When amounts are refused the necessary entry should be made in column 3 (c) of Form AA, and they should be deposited in the Civil Court as follows:—

(a) When the amount has been drawn by the Collector, he will prepare chalangans in triplicate which, after signature by the presiding Judge of the Court, should be sent to the Treasury by the Collector with the cash for deposit under "Civil Court Deposit". One copy of the receipted chalan should be sent to the Court with the three receipts in Form D for signature. The copy of the chalan and one copy of the receipt in Form D will be retained by the Court. One copy of the receipt in Form D will be sent to the Accountant-General and the remaining copy filed in the proceedings.

N.B. —If the amount is large and delay in obtaining the Judge's signature on the chalan is likely to occur, the cash should be repaid into the Treasury in part repayment of the advance taken and the procedure in (b) below followed when the signed chalan is received

(b) When the amount has not already been drawn from the Treasury, the procedure indicated above will be followed except that instead of cash a bill on simple receipt form endorsed "Pay by Transfer credit Civil Court Deposit" will be sent to the Treasury with the chalans in triplicate.

The ultimate payments of such amounts to the persons entitled under the award will be arranged for by the Court.

55. If any of the persons interested is not present personally or by his representative when the award is announced, the Collector should, in accordance with section 12 (2), cause a notice of the award to be served on him and in the notice should call on him to attend in person or by legally authorised agent within fifteen days of his receipt of the notice and receive payment.

If the person appears, the procedure laid down in Directions 52, 53 and 54 should be followed.

If the notice cannot be served, or if it is served and the person neglects to appear and makes no application under section 18, the necessary entry should be made in column 3 (d) of Form AA and the amount should be paid into the Treasury as a revenue deposit due to him. The deposit will be made in cash when the amount has already been drawn as an advance. Otherwise (as should ordinarily be the case) it will be made by voucher endorsed "Received by transfer." The cash or voucher will be sent to the Treasury with the receipt in Form E and the copy of the receipt returned by the Treasury Officer will be filed in the proceedings.

The Collector will give notice to the payees of such deposits, specifying the name of the Treasury, and informing them that they are at liberty to claim the deposits.

The Collector should endeavour, by arranging for payment at times and places convenient to the payees, to reduce the number of undisbursed sums placed in deposit to minimum.

56. The total of the payments and deposits made or ordered by the Collector under Directions 53, 54 and 55 must not exceed the sum appropriated or credited to meet

the expenditure of acquisition [*vide* Direction 30 (a) and (b)] less the provision for incidental expenses [Direction 19 (b).]

The Treasury Officer concerned will be informed through the Deputy Commissioner of the total amount appropriated or credited for payment in connection with any acquisition and will see that this amount is not exceeded. He will not, however, be required to distinguish between expenses payable under heads (a) and (b) of Direction 19. The Treasury Officer will at the request of the Collector issue the necessary authorization to Sub-Treasury Officers when it is desired to draw amounts from sub-treasuries.

57. The Collector should, on the day on which the award is announced, forward to the Accountant-General, Burma, a copy of the statement in Form A signed by himself. Before signing the copy, the Collector should satisfy himself that it correctly shows the amounts due under the award and should himself enter the total of column 4 of the statement in words, both in the original and in the copy.

A copy of the statement in Form AA should also be forwarded by the Collector to the Accountant-General as soon as the entries in it are complete. If the entries are not complete on the day on which the award is announced, the necessary entries in column 5 of Form A will be made in the Accountant-General's Office on receipt of the statement Form AA.

Column 7 of Form A will be filled up in the office of the Accountant-General as vouchers in Form C, CC, D or E are received in that office; and column 8 on receipt of reports from the Collector. Form B referred to in Direction 65 will be similarly dealt with by the Accountant-General.

The completed statements in Form A, AA and B will be forwarded by the Accountant-General to the Commissioner of the Division in which the land is situated.

In acquisitions for Local Funds where the audit will be conducted by the Examiner, Local Fund Accounts, and not by the Accountant-General, all forms, vouchers and reports will be sent to the (Examiner and will be forwarded by him to the Commissioner of the Division).

Reference to Court.

58. An application for reference to the Court under section 18 should be rejected by the Collector if, after opportunity has been given for its amendment, it fails to fulfil the requirements of section 18.

If the Collector wrongly refuses to make a reference under section 18, he may be ordered to do so,—in the case of an officer specially appointed to exercise the functions of a Collector under the Act, by the Deputy Commissioner and, in cases where the Deputy Commissioner himself acts as Collector, by the Commissioner.

59. When a notice under section 20(c) has been served on the Collector, the Collector should forward to the applicant for acquisition a copy of the notice and a note stating the nature of the objection and the amount involved.

60. As the proceedings before the Court under part III of the Act are judicial, it is not sufficient to forward to the Court the proceedings relating to the acquisition. All evidence, whether oral or documentary, must be produced in Court in a manner which will render it admissible as legal proof with reference to the provisions of the Evidence Act and the Code of Civil Procedure.

61. Ordinarily the applicant for acquisition is not concerned with objections which relate neither to the area of the land nor to the amount of the compensation. But the Collector must, if the case is not to be decided *ex parte* appear before the Court when the objection is on one or both of these grounds. When, however, the Collector is the Deputy Commissioner and the amount involved by the objection is not large, he may take steps to obviate the necessity of personal appearance in Court by submitting, as soon as application is made under section 18, a draft notification appointing the *Akunwun* to be Collector in succession to himself. The *Akunwun*, before appearing in Court, should be carefully instructed by the Deputy Commissioner as to his conduct of the case.

62. (a) If the objection relates to land acquired for Government and concerns the area only, the engagement of an advocate in support of the award is not necessary. An advocate should, however, usually be engaged in any

case of objection to compensation for land acquired for Government in which the amount claimed exceeds the amount awarded by Rs. 1,000 or more and the claimant has engaged an advocate. The Commissioner of the Division will in each case decide whether an advocate should be engaged or not. He may sanction expenditure on advocate's fees up to a limit of Rs. 100 in any one case and the Financial Commissioner up to a limit of Rs. 500.

(b) If the acquisition is not for Government, the engagement of an advocate to support the award is a matter for the applicant for acquisition who should communicate his decision to the Collector.

63. The Collector should inform the applicant for acquisition of the result of the reference to the Court under section 18 ; and, if the effect of the award of the Court is to render insufficient the sum at his disposal under Directions 30 and 49, he should immediately report to the applicant for acquisition the further amount required and defer taking possession of the land (if possession has not been already taken), and other proceedings until either the further amount has been placed at his disposal or he has received instructions from Government to proceed.

64. When the Collector refers to the Court under section 30 any dispute as to the apportionment of an accepted amount of compensation, he should serve notices on the parties interested stating that he has made the reference.

65. (a) When the Court makes an award under section 26 or alters, on a reference under section 30, the apportionment made by the Collector, the Collector should prepare a statement in Form B and send a copy of it to the Accountant-General. If the amount awarded by the Court is in excess of the Collector's award, the further payment due, as entered in column 6 of the statement in Form B, should be made into Court in the manner prescribed by Direction 54, Form D being altered as required to give particulars of the order of the Court.

(b) In any case in which a reference is made to the Civil Court and the award of the Court is not made till after a Collector who is not the Deputy Commissioner has been transferred or relieved of his special duties, the further payments due under the award shall be made by the Deputy

Commissioner, who will observe the same procedure as if the reference to the Civil Court had been made by himself.

Taking Possession.

66. Under section 48 Government cannot withdraw from the acquisition of land of which possession has been taken. In the absence of special orders of Government to the contrary, the taking of possession by the Collector under section 16 should therefore be postponed until (i) the result of reference to the Court under section 18 is known or the total cost of acquisition is otherwise apparent ; and (ii) the Collector has received intimation that funds sufficient to meet the total of the disbursements made or to be made by him are available.

67. In taking possession, whether under section 16 or under section 17, the boundaries of the land should be beaten, and notices specifying the land and stating that possession has been taken should be posted at convenient places on or near the land. The Collector will inform the Accountant-General of the date on which possession is taken.

Procedure subsequent to taking possession.

68. As soon as the total expense of acquisition is known, the Collector should complete the entries in the account maintained under Direction 30 and should send a copy of the completed account to the applicant for acquisition and to the Accountant-General, Burma.

69. On completion of the acquisition, the Collector should prepare and file in the proceedings a note containing his revision, in the light of the evidence recorded in the proceedings and the orders of the Court under section 26, of the estimate framed by the Deputy Commissioner under Direction 19, if any.

70. The Collector should then prepare a statement in Form X giving particulars of the land acquired and the compensation awarded. The compensation for each holding or part of a holding acquired should be shown separately in the statement against a separate serial number. The notification to be quoted in the statement is the declaration under section 6.

71. The Collector, if he is not the Deputy Commissioner, should forward to the Deputy Commissioner the proceedings with two copies each of the account, note and statement referred to in Directions 68, 69 and 70.

The Deputy Commissioner should cause the proceedings to be checked and, if any action which should have been taken by the Collector has been omitted, will either return the proceedings to the Collector in order that the omission may be rectified or, if the Collector has been relieved of his duties, himself rectify the omission.

He should then carefully check the statement, note and account and submit the proceedings with the copies of these through the Accountant-General, Burma, to the Commissioner. Agreement between the Collector's account and the accounts of the Department of the Local Government for which the land was acquired should be established before the proceedings reach the Commissioner.

The Accountant-General will cause the account to be checked against the accounts maintained in his office and, in forwarding the proceedings to the Commissioner, will report the result and the budget head or heads to which the expense of acquisition has been debited in his accounts.

72. On receipt of the proceedings, orders will be passed by the Commissioner regarding the final adjustment of the expense of acquisition and of the amount estimated under Direction 19 (c), if any. The statement in Form X will be filed in his office.

73. On return of the proceedings, the Deputy Commissioner should cause a detailed record of the land acquired to be made in the Register of Lands acquired for public purposes (Form XI) and should initial the entry.

Great care should be taken to maintain this register punctually and correctly. A sufficient number of pages of the register should be set apart for each purpose for which land is acquired, e.g., roads, buildings, canals, and miscellaneous.

A certified copy of the entry in the register, together with a certified copy of the plan of the land acquired, should be forwarded by the Deputy Commissioner to the applicant for acquisition.

74. The Deputy Commissioner should also send the completed proceedings to the Superintendent of Land

Records in order that the alterations in the supplementary survey maps and registers necessitated by the acquisition may be made.

Proceedings.

75. The proceedings opened in land acquisition cases should be as follows :—

I. In the office of the Deputy Commissioner.

Application Proceedings.

(for notification under section 4.)

The proceedings will be given a number by the Deputy Commissioner and will contain :—

- (i) A diary sheet.
- (ii) The application for acquisition and one copy of its enclosures including maps.
- (iii) The notes and correspondence referred to in Directions 17 and 18.
- (iv) The notification under section 4, and order, if any, under section 40.
- (v) The tabular statement and estimates prepared under Direction 19.
- (vi) Copies of administrative approval of or sanction to the acquisition received under Direction 20 (b) or otherwise.
- (vii) The note referred to in Direction 26 (a).
- (viii) Copies of the orders of Government under Directions 27, 29 and 30, including the declaration under section 6.
- (ix) Copies of the account, with draft statement referred to in Directions 68, 69 and 70.
- (x) Copy of the orders of Government under Direction 72 including the statement in Form X.
- (xi) Generally all papers relating to the acquisition as a whole, which are not detailed among those to be filed in the proceedings under sections 5A, 7 and 40.

II. In the office of the Collector under section 4 (ordinarily the Deputy Commissioner).

Preliminary Enquiry Proceedings.

(under section 5A.)

with *subsidiary* proceedings thereunder.

(a) The main proceedings under this head will be given a number by the Collector, and will contain :—

- (i) A diary sheet.
- (ii) Copy of the notification under section 4, and order, if any, appointing the Collector.
- (iii) One copy of the maps of the land referred to in the notification.
- (iv) Copies of the notices issued by the Collector under section 4.
- (v) Copies of objections presented under section 4 with a reference on each to the subsidiary proceedings, if any, in which evidence regarding such objection is recorded.
- (vi) Any recorded evidence taken or any document filed at this stage relating to the proposed acquisition as a whole.
- (vii) The Collector's report on his enquiry and recommendations on the objections with references to the notes filed in each subsidiary proceedings (if any).

(b) Subsidiary proceedings, bearing the same number as the main proceedings with the addition of a letter of the alphabet, will be opened under Direction 24 for the record of evidence on objections relating to any *kwin* or portion of a *kwin*, as may be convenient, and will contain :—

- (i) A diary sheet.
- (ii) A copy of the objection.
- (iii) A map of the land regarding which the objection is raised.
- (iv) Evidence recorded regarding the objection.
- (v) A note of the Collector's finding on the objection.

II-A. In the office of an officer appointed to hold an enquiry under section 40.

Preliminary Enquiry Proceedings.

(under section 40.)

The proceedings under this head will be given a number by the officer holding the enquiry, and will contain :—

- (i) A diary sheet.
- (ii) A copy of the order under section 40 directing the enquiry.
- (iii) A map of the locality showing the area proposed for acquisition.
- (iv) All evidence recorded in the enquiry.
- (v) The report of the officer.

III. In the office of the Collector under section 7 (i.e. the Deputy Commissioner, or the officer specially appointed).

Acquisition Proceedings.

(under section 7.)

with *subsidiary* proceedings thereunder.

(a) The main proceedings under the head will be given a number by the Collector, and will contain :—

- (i) A diary sheet.
- (ii) Copies of the notification under section 6, and order if any, appointing the Collector.
- (iii) Copies of maps of all land for acquisition.
- (iv) Such orders, forms, notices, claims, correspondence, etc., relating to the action of the Collector under sections 8 and 10, to the record of the enquiry under sections 11 to 15, to the taking of possession under sections 16 and 17, to the reference to Court under sections 18 to 28, to the apportionment of compensation under sections 29 and 30, and to payment of compensation under sections 31 to 34, *as concern the land as a whole.*
- (v) The account referred to in Direction 39 (c).
- (vi) The note referred to in Direction 69.
- (vii) The draft statement referred to in Direction 70.

(viii) Generally all papers relating to steps taken by the Collector in connection with the acquisition as a whole.

(b) A subsidiary proceedings, bearing the same number as the main acquisition proceedings, together with a distinguishing letter, will be opened for each *kwin*, where the land falls within two or more *kwins*, and will contain :—

- (i) A diary sheet.
- (ii) A map of the land for acquisition in the *kwin* concerned.
- (iii) Such orders, forms, notices, claims, correspondence, etc., relating to the matters specified under (a) (iv) above, as concern the land in that *kwin*.

Expeditious disposal of proceedings.

75A. Land acquisition proceedings should be treated as urgent, and every endeavour should be made by the officer concerned to deal with them as expeditiously as possible. Unless such cases are completed within the financial year for which the required funds exist, the fund will either lapse or will have to be surrendered. It is not the policy of Government to invoke section 17 (4) just to prevent lapse of funds. As the procedure under the Act is a comprehensive one, it is by no means possible to lay down a time limit for the completion of acquisition proceedings. What is essential in this matter is the co-operation of the Department concerned, which should bear in mind that the emergency provisions under section 17 are designed only for cases where land is required urgently in order to avoid some public calamity, or where delay would negative or greatly reduce the public benefit arising from the acquisition and that such provisions cannot justifiably be invoked to cover situations resulting from delays in the Department.

To ensure speedy disposal of acquisition proceedings, the progress of such proceedings should be made a special item for attention at inspection of Revenue Office.

Miscellaneous.

76. Orders regarding the disposal of land acquired under the Act which is no longer required for a public purpose are contained in Financial Commissioner's Circular No. 3 of 1903.

PART IV.

Forms and Registers.

LAND REVENUE IV
Land Acquisition I

FORM I
REVENUE DEPARTMENT.

Form of Notification under Section 4 (1)

NOTIFICATION.

Dated Rangoon, the _____ 19__

No. _____.—Under the provisions of section 4, sub-section (1), of the Land Acquisition Act, the Governor in Council hereby notifies that in the undermentioned locality land is needed for a public purpose, namely for _____ company

Locality.

District.	Township.	Town and Ward or Village-tract	Kwin or Block: name and number.	Approximate area in acres.*

(a) In exercise of the power conferred by section 3 (c) of the said Act, the Governor appoints _____ to perform the functions of a Collector under section 4, sub-section (1), and section 5A of the Act in respect of the land in the abovementioned locality (a).

In exercise of the power conferred by section 4, sub-section (2) of the said Act, the Governor authorises _____ to do the acts described in that sub-section in respect of the land in the abovementioned locality.

(b) Under section 17, sub-section (4), of the said Act, the Governor directs that, owing to the urgency of the matter, the provisions of section 5A of the said Act shall not apply. (b)

By order,

*Secretary to the Government of Burma,
Revenue Department.*

* E.g., "about 10 acres."

(a)—(a) Omit in urgent land acquisition cases.

(b)—(b) Omit in ordinary land acquisition cases.

LAND REVENUE IV
Land Acquisition 2

FORM II (Rule 2).

NOTICE.

Form of General Notice under section 4 (1) of the Land Acquisition Act, 1894.

Notice is hereby given that Government intends to acquire the undermentioned land for the purpose of _____ and that the land has been notified under section 4, sub-section (1), of the Land Acquisition Act, 1894, in Revenue (Land Acquisition) Department Notification No. _____ dated _____

District.

Township.

Town and Ward or Village-tract. (1)	Kwin or Block : name and number. (2)	Approximate area in acres. (3)	Specification of land and its boundaries. (4)

Any person interested in the land may file his or her written objection, if any, to the acquisition of the land or of any land in the locality before the undersigned at _____ on or before the _____ Objections received after the _____ will not be considered.

Dated _____, the _____ 19____ Collector.

LAND REVENUE IV
Land Acquisition 3

FORM III (Rule 2).

NOTICE.

Form of Special Notice under section 4 (1) of the Land Acquisition Act, 1894.

To _____ residing at _____

Take notice that Government intends to acquire the undermentioned land for the purpose of _____ and that the land has been notified under section 4, sub-section (1), of the Land Acquisition Act, 1894, in Revenue (Land Acquisition) Department Notification No. _____, dated _____

District.

Township.

Town and Ward or Village-tract. (1)	Kwin or Block : name and number. (2)	Approximate area in acres (3)	Specification of land and its boundaries. (4)

If you have, or any other person interested in the land has, any objection to the acquisition of the land or of any land in the locality you or he may file a written statement setting forth the grounds of objection before the undersigned at _____ on or before the _____ at the office of _____

Objections received after the _____ will not be considered.

Dated _____, the _____ 19____ Collector.

LAND REVENUE IV
Land Acquisition 6

FORM VI.

Form of General Notice under section 9 (1) of the Land Acquisition Act, 1894.

NOTICE.

Notice is hereby given that Government intends to take possession for the purpose of _____, of the undermentioned land which has been recently marked out and measured :—

District. (1)	Township. (2)	Town and Ward or Village-tract. (3)	Kamin or Block : name and number. (4)	Area in acres. (5)	Specification of land and its boundaries. (6)

Claims to compensation for all interests in such land may be made to the undersigned.

And all persons interested in the abovementioned land are required to appear personally or by agent before the undersigned at _____ on the* _____ 19____, and to state the nature of their respective interests in the land abovementioned and the amount and particulars of their claims to compensation for such interests and their objections, if any, to the measurements recorded on a plan of the abovementioned land, which may be seen at the office of _____ at _____

Dated the _____

19____

†

* The date must be 15 days or more after the date of publication of notice.

† Here enter the ordinary title and signature of the "Collector"

LAND REVENUE IV
Land Acquisition 7

FORM VII.

Form of Special Notice under section 9 (3) of the Land Acquisition Act, 1894.

To _____, residing at _____, [a] [a]

Take notice that Government intends to take possession, for the purpose of _____, of the undermentioned land which has been recently marked out and measured :—

District. (1)	Township. (2)	Town and Ward or Village-tract. (3)	Kutin or Block: name and number. (4)	Area in acres. (5)	Specification of land and its boundaries. (6)

Claims to compensation for all interests in such land may be made to the undersigned.

You are required to appear personally or by authorized agent before the undersigned at _____ on the* 19 _____, at the office of _____, to state the nature of your interest in the abovementioned land, the amount and particulars of your claim to compensation for such interest, and your objections, if any, to the measurements recorded on a plan of the abovementioned land, which may be seen at the office of _____ at _____

Dated the _____ 19 _____ †

[a-a] Here enter the manner in which the addressee is interested, e.g., "Occupier of field No. _____"

* This date must be 15 days or more after the date of publication of notice.

† Here enter the ordinary title and signature of the "Collector."

LAND REVENUE IV
Land Acquisition 8

FORM VIII

Form of Requisition under section 10 of the Land Acquisition Act, 1894, to be added, when necessary, to the Special Notice under section 9 (3).

To _____, residing at _____, [a] _____ [2]

You are hereby required to make or deliver to the undersigned on the _____ 19 _____ at _____

a statement containing, so far as may be practicable, the name of every person, other than yourself, possessing any interest in the land below specified 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, receivable on account thereof for three years next preceding the date of the statement :—

District. (1)	Township. (2)	Town and Ward or Village-tract (3)	K ^o in or Block : name and number. (4)	Area in acres. (5)	Specification of land and its boundaries. (6)

Dated the _____

19 _____

†

[a-2] Here enter the manner in which the addressee is interested, e.g., "occupier of field No. _____"

* The date must be 15 days or more after the date of the requisition.

† Here enter the ordinary title and signature of the "Collector."

FORM IX.

Award Statement.

(1)	Town and Ward or Village-tract.		
(2)	Kuan or Block : name and number		
(3)	Serial number of each case.		
(4)	Name of each person interested.		
(5)	Kind of interest of each person in the land.		
(6)	Number of each plot.		
(7)	Description of land.		
(8)	Area in acres (if large) or in square yards (if small).		
(9)	Amount of revenue (if any) assessed on the land acquired.	Rs. A.	
(10)	Description of houses, trees and other things permanently attached to the land and of crops.		
(11)	Awarded by Collector.	Rs. A. P.	Market value of the land with reference to the first clause of sub-section (1), section 23, of the Act.
(12)	Awarded by Collector.	Rs. A. P.	Damage and expenses with reference to second, third, fourth, fifth and sixth clauses of sub-section (1), section 23, of the Act.
(13)	Additional compensation awarded under section 23 (2) of the Act of 15 per cent. on market value of the land, column 11.	Rs.	
(14)	Total of columns 11, 12 and 13.	Rs.	
(15)	Amount of interest paid (if compensation not paid on possession being taken) and period for which awarded, at 6 per cent. on amount of column 14 (section 34 of the Act).	Rs.	
(16)	Other expenses.	Rs.	
(17)	Total amount disbursed.	Rs.	
(18)	Abstract of any special arrangement under section 31 (3) or (4) of the Act.		

LAND REVENUE IV
LAND ACQUISITION 10

FORM X.

With reference to Revenue (Land Acquisition) Department Notification No. _____, dated the _____ 19____, particulars of the land actually acquired and the price paid for it are as shown in the statement below:—

Possession of the land was taken on the _____ 19____

District, town- ship, town and ward or village- tract and <i>kwin</i> or block (name and number). (1)	Serial No. (2)	Holding No. (if any). (3)	Survey Nos. (if part of holding acquired.) (4)	Area acquired, in acres. (5)	Total compensation (including amount awarded by Court, if any). (6)

NOTE.—The holding numbers cited above are taken from the _____
for _____

FORM XI.

_____ DISTRICT.

Register of Lands acquired for Public Purposes.

(1) Serial No.	Declaration under section 6.	
(2) Notification No.		
(3) Department.		
(4) Date.		
(5) Year.	Revenue Proceedings.	
(6) Number.		
(7) Name of township.		
(8) Name of town and ward or village-tract.		
(9) Name and number of <i>kwin</i> or block.		
(10) Name of person or persons from whom acquired.		
(11) If block or <i>kwin</i> surveyed, survey numbers of plots or fields acquired.		
(12) Area acquired from each person.	Acres Dec.	
(13) Amount of compensation paid to each person.	Rs. A. P.	
(14) Remarks (if any) and initials of Deputy Commissioner.		

FORM A.

Number and date of statement _____
 Date of award _____
 Number and date of the notification containing the declaration under section 6 of the Land Acquisition Act, namely,
 No. _____, dated _____

Statement showing compensation awarded by _____ under section _____
 Act 1 of 1894, to the persons interested in the land situated in the village tract of _____
 kwin No. _____ District, _____ Township.

(2)	(3)	(4)	(5)	(6)	(7)*		(8)*	
					Number and date of voucher.	Date.	Date on which possession of the land was handed over to the departmental authorities for whom it is acquired.	Reference to report stating the date.
Name of person to whom payment is due under the award.	Area of land in respect of which the payment is made.	Total amount due to each person. Rs. A. p	Distribution of the amount in column 4, taken from column 3 of Form A.A.	Remarks.				

* To be filled up in the Accountant-General's office.
 Note—The total of column 4 should equal the total of column 17 of Form VI.
 In column 5 the letter (a), (b), (c) or (d) will be entered from _____ of Form A.A.

LAND REVENUE IV
Land Acquisition 13

FORM AA.

Particulars regarding the Acceptance by the Persons concerned of amounts entered in Statement in Form A, No. _____, dated _____.

Number and date of the notification containing the declaration under section 6 of the Land Acquisition Act, namely, No. _____, dated _____, page _____.

(1)	(2)	(3)			
Serial number in Form A.	Name of person to whom payment is due under the award.	PARTICULARS OF AMOUNT ENTERED IN COLUMN 4 OF FORM A.			
		(a)	(b)	(c)	(d)
		Amount accepted without protest.	Amount accepted under protest.	Amount refused and the Court in which it is deposited.	Amount undischarged owing to non-attendance and the Treasury in which it is deposited.
		Rs.	Rs.	Rs.	Rs.

FORM B.

Number and date of statement _____

Number and date of the notification containing the declaration under section 6 of the Land Acquisition Act, namely, No. _____, dated _____

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 number in Form A.	Name of person to whom payment is due under the award.	Amount originally awarded.	Amount paid or deposited by Collector under the original award.	Total amount awarded by the Court.	Further payments due.	Remarks.	Number and date of voucher.
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.		

FORM C.

No. of Voucher _____

No. and date of declaration } viz. No. _____ dated _____
under section 6, }

Serial No. _____ in Statement in Form A. No. _____, dated _____

Name of payee _____

I _____ of _____ village,
_____ circle

_____ township, _____ district,

do hereby acknowledge to have received Rs. _____ on account
of compensation for land acquired by Government, as detailed on
reverse.

Signature of the payee _____

Locality _____

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

FORM C.

No. of voucher _____

No. and date of declaration } viz. No. _____ dated _____
under section 6, }

Serial No. _____ in Statement in Form A. No. _____, dated _____

Name of payee _____

I _____ of _____ village,
_____ circle

_____ township, _____ district,

do hereby acknowledge to have received Rs. _____ on account
of compensation for land acquired by Government, as detailed on
reverse.

Signature of the payee _____

Locality _____

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

[Reverse of Form C.]

DETAILS OF LAND, ETC., AND THEIR VALUES

DETAILS OF LAND, ETC., AND THEIR VALUES

Kwiri, number

Kwiri, number

Township,

Township,

District.

District.

Area of land

Acres

Area of land

Acres

Compensation

Rupees

annas

pies

Compensation

Rupees

annas

pies

FORM CC.

Consolidated voucher for payment during _____ 19____, made in accordance with Statement in Form A, No. _____ dated _____, on account of land acquired in the _____ district, _____ township, _____ village-tract _____, Kamin No. _____ under Revenue (Land Acquisition) Department Notification No. _____ dated _____.

1	2	3	4	5
Serial number in Form A.	Name of payee.	Area of land.	Amount paid. Rs. A. P.	Signature of the payee and date of payment.
		Total ...		

Paid in my presence to the above persons the total sum of Rs. * _____ annas * _____ pias * _____ only.

Dated the _____ 19____

_____ In words.

Signature of Officer.

FORM D.

Revenue (Land Acquisition) Department
Notification No. , dated

To the Judge of the at Court

The sum of Rs. on account of compensation for land acquired under the above notification, payable as detailed below, is tendered for deposit in Court under section 31 (2) of Act I of 1894.

Serial number in Statement in Form A.	Names of parties.	Area of land.	Amount payable to each.	Remarks.
	Acres.	Rs. A. P.		
Total				

Dated 19 Land Acquisition Collector.
Received the above amount for credit to Civil Court Deposits.
Judge.

FORM D.

Revenue (Land Acquisition) Department
Notification No. , dated

To the Judge of the at Court

The sum of Rs. on account of compensation for land acquired under the above notification, payable as detailed below, is tendered for deposit in Court under section 31 (2) of Act I of 1894.

Serial number in Statement in Form A.	Names of parties.	Area of land.	Amount payable to each.	Remarks.
	Acres.	Rs. A. P.		
Total ...				

Dated 19 Land Acquisition Collector.
Received the above amount for credit to Civil Court Deposits.
Judge.

FORM D.

Revenue (Land Acquisition) Department
Notification No. , dated

To the Judge of the at Court

The sum of Rs. on account of compensation for land acquired under the above notification, payable as detailed below, is tendered for deposit in Court under section 31 (2) of Act I of 1894.

Serial number in Statement in Form A.	Names of parties.	Area of land.	Amount payable to each.	Remarks.
	Acres.	Rs. A. P.		
Total ...				

Dated 19 Land Acquisition Collector.
Received the above amount for credit to Civil Court Deposits.
Judge.

LAND REVENUE
Land Acquisition 18

FORM E.

Revenue (Land Acquisition) Department Notification No. _____
dated _____

TO THE OFFICER IN CHARGE OF

TREASURY.

Please receive for credit to revenue deposits the sum of Rs. _____ on account of compensation for land acquired under the above notification, payable as detailed below :—

Serial number in Statement in Form A.	Names of persons to whom due.	Area of land.	Amount payable to each.	Remarks.
		Acres.	Rs. A. P.	
Total ...				

Dated

19

Land Acquisition Collector

Received the above amount and credited to revenue deposits.

Treasury Officer.

FORM E.

Revenue (Land Acquisition) Department Notification No. _____
dated _____

TO THE OFFICER IN CHARGE OF

TREASURY

Please receive for credit to revenue deposits the sum of Rs. _____ on account of compensation for land acquired under the above notification, payable as detailed below :—

Serial number in Statement in Form A.	Names of persons to whom due.	Area of land.	Amount payable to each.	Remarks.
		Acres.	Rs. A. P.	
Total ...				

Dated

19

Land Acquisition Collector.

Received the above amount and credited to revenue deposits.

Treasury Officer.

APPENDIX.

LAND ACQUISITION NOTIFICATIONS.

Notifications declaring that it is customary for the Government to provide village sites in Upper Burma and Lower Burma, published under sub-section (f) of section 3 of Act I of 1894.

Localities	Number and date of Revenue Department Notification.
Upper Burma ...	Notification No. 256, dated the 15th July 1899.
Lower Burma ...	Notification No. 49, dated the 30th January 1907.

LAND ACQUISITION CIRCULARS.

GOVERNMENT OF BURMA.

PUBLIC WORKS DEPARTMENT.

Building Sites.

The rough estimates of the cost of projects are liable to material modification when sites are finally settled, if these sites are not decided on prior to the preparation of the rough project, and inconvenience is caused thereby. The Executive Engineer shall therefore, unless instructed to the contrary, take steps to have a site selected in the manner described below before the project for a work is submitted for administrative approval. In all other cases the site must be selected by a committee before the detailed designs and estimates are prepared.

(a) The selection of sites for civil buildings shall ordinarily be made by a committee composed of—

The Deputy Commissioner	...	...	..	President.
The Civil Surgeon	...	...	...)
The Executive Engineer	...	...	...	Members.
An officer representing the department concerned	...	...	...)

In outlying stations officers may, on their own responsibility, delegate their subordinates to represent them on the committee.

This committee will be assembled by the Deputy Commissioner at the request of the Executive Engineer.

(b) The Executive Engineer will prepare a plan of the site selected and if the site is on land liable to be flooded, the highest flood level should be shown with reference to the general level of the site. He will forward this plan with the proceedings of the committee, after both have been countersigned by the members, to the Superintending Engineer of the circle.

(c) If the officers composing the committee are unable to agree as to the site proposed, the case should be decided by the Commissioner of the Division. A note of any objections made should be attached to the proceedings of the committee. After deciding the case so referred, the Commissioner will communicate his decision and send the plan of the site approved by him to the Superintending Engineer, and at the same time he will communicate his decision to the President of the Site Committee.

(d) The Superintending Engineer will, if he approves of the site and arrangement of the buildings, countersign the plan and forward it with the proceedings to the head of the department concerned for countersignature and transmission to the Commissioner of the Division for his sanction and countersignature and return to the Executive Engineer. If he does not approve of the site or arrangement of the buildings, the Superintending Engineer will discuss the matter with the President of the Site Committee, and, if unable to agree, will forward the plan to the head of the department concerned with his opinion.

Note.—In the case of Rangoon Town the Collector, Rangoon Town, shall be deemed to be the Deputy Commissioner of the district for the purpose of selecting sites for Government buildings.

(e) In cases where the views of the head of the department differ from those of the local authorities, the matter should be referred for the decision of Government.

(f) In the case of important buildings, the Local Government desires that heads of departments will, before countersigning the plan, send it to the Director of Public Health for opinion.

(g) Two plans are required. In addition to the block plan which shows the position of the subsidiary buildings with reference to the main buildings on the site selected, a small scale plan is required showing the position of the site with reference to its surroundings on North, South, East, and West. The North point should be shown on both plans.

(h) In the matter of the selection of sites for Central Civil buildings when the views of the head of the department differ from those of the local authorities, the question should be referred for the decision of the Government of India.

(i) In view of the importance of selection sites for agricultural farms with special reference to the agricultural conditions of district and of the desirability of enlisting public co-operation in the establishment of such farms, the Local Government considers it desirable that the officer to represent the department in the standing committee should ordinarily be the Director of Agriculture, and that the committee should also be assisted by the following officers and gentlemen in the selection of sites for farms. —

- (1) The Deputy Director of Agriculture.
- (2) The Chairman, District Council.
- (3) The Settlement Officer, if there is one in the district.
- (4) Any prominent residents whom the Site Selection Committee may like to co-opt.

The Director of Agriculture, may, on his own initiative, co-opt one or more of the other Deputy Directors of Agriculture if he considers it desirable in any particular case.

FINANCIAL COMMISSIONER'S CIRCULAR No. 3 of 1903.

Dated the 23rd March 1903.

To all Commissioners and Deputy Commissioners in Burma.

The following instructions are issued with the approval of the Local Government for the guidance of Revenue Officers in disposing of "agricultural and pastoral land" which has been acquired for public purposes by private purchase or by compulsory acquisition and is no longer required for such purposes. These instructions do not apply to building sites or to town lands, and they are not to be regarded as conferring any right or as affording any basis for a claim either against Government or as between private parties. The concessions are made as an act of grace and are wholly within the pleasure of Government to grant or to refuse in any particular case.

I.—Land Revenue.

Instructions.

(1) All proprietary rights and all rights of occupancy which were extinguished by the acquisition should be offered to the persons from whom they were acquired, or to their heirs if discoverable; provided that in the case of plots which by reason of their size or shape are practically of no value to any one but the owners of the adjoining land, the persons from whom they were acquired or their heirs are still in possession of the adjoining land. Where both kinds of rights co-existed, the proprietary rights should be made subject to the occupancy right under the provisions of the Crown Grants Act, 1895 (XV of 1895).

(2) The price at which these rights are offered should be the amount of compensation originally paid for them, less the 15 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 the occupation of Government, but it should not be increased, except as provided in Instruction (3), on account of any rise in the market value of the land during that period.

(3) The price charged for the land may be enhanced above cost price in the two following cases, namely:—

- (a) when the persons entitled to the first offer under the foregoing instructions are remote descendants or relations of the original owners; or
- (b) when the rise in the market value of the land subsequent to acquisition has been exceptionally great.

All cases in which it is proposed to offer land no longer required for public purposes to the original owners from whom it was acquired, or to their heirs, at a price in excess of the amount paid for it (less 15 per cent in cases where the original acquisition was compulsory) should be reported to the Financial Commissioner for orders.

(4) In the following cases, namely,—

- (a) when the persons from whom the land was acquired or their heirs have disappeared or declined to pay the price asked as a condition of its restoration; or
- (b) when the land by reason of its size or shape is practically of no value to any one but the owners of the adjoining land, and the persons from whom it was acquired or their heirs do not possess adjoining land;

the land shall be disposed of by grant or lease under the rules for the disposal of waste land under the (Lower) Burma Land and Revenue Act, 1876 (II of 1876), or the Upper Burma Land and Revenue Regulation, 1889 (Regulation III of 1889), as the case may be, to an owner of adjoining land who is prepared to pay its market value or such lower price as may be fixed; failing this the grant or lease of the land should be disposed of by auction or in such other manner as the Deputy Commissioner considers suitable.

(5) * The amount realised by the disposal of land in accordance with the above instructions should be credited to the provincial head of revenue "XL, Extraordinary Receipts—A. Sale of Land," except where the land was originally acquired for a commercial department at the cost of that department, in which case the amount realised by disposal should be credited to that department.

* Financial Commissioner's Circular No. 1 of 1930, dated the 25th October 1930.

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