

ACT No. II OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 20th January 1861.)

An Act to amend Act VI of 1857 (for the acquisition of land for public purposes).

Preamble. WHEREAS it is expedient to amend Act VI of 1857
(for the acquisition of land for public purposes): It is
enacted as follows:—

Sections repealed. I. Sections IX and XXXVII of Act VI of 1857 are
hereby repealed.

II. Within the Presidency Towns of Calcutta, Madras, and Bombay,
and within the Settlement of Prince of Wales' Island,
Singapore, and Malacca, if the Collector or other Officer
is opposed or impeded in taking possession, under Act VI
of 1857, of land required for public purposes, he shall apply to the Commis-
sioner of Police of the Town or Station, who shall enforce the surrender
of the land.

III. The powers conferred by Act VI of 1857 shall extend, in the case
of any Road, Canal, or Railway, to authorize the temporary
occupation of any land not more than one hundred yards
from the centre line of the Road, Canal, or Railway as marked on the ground,
for taking earth or other materials for making or repairing the Road, Canal, or
Railway, or for depositing thereon superfluous earth or other materials, or
erecting temporary buildings and workshops thereon; and of any land which
may

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may be needed for making temporary Roads or Railways from any public road or any navigable river to the intended line of Railway: and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, sand, and other materials taken thence, compensation shall be paid to and among all persons having an interest therein, to be ascertained, in case of disagreement, in the same manner as compensation for land permanently taken.

Compensation for temporary occupation and for permanent damage.

IV. When the local Government shall be satisfied that in any special case the provisions of the last preceding Section of this Act are inadequate for the purpose of taking ballast or of brick-making, or of quarrying for building stone or lime stone, and that it is expedient that land should be temporarily occupied beyond the limits prescribed in the said last preceding Section, it shall be competent to the local Government to extend the provisions of that Section to any uncultivated land situated within two miles from the centre line of the Road, Canal, or Railway, provided that the land to be so occupied be not worked or used by the owner or any other person in occupation thereof for the purpose or purposes in this Section mentioned, at the time that a declaration shall be made with respect to the land aforesaid, under the provisions of Section II of Act VI of 1857.

Occupation and use of adjacent land beyond the limits prescribed in preceding Section.

V. In any case in which the local Government shall exercise the power vested in it by the last foregoing Section, it shall be competent to the person or all the persons to whom compensation would be payable, at any time before he or they shall have agreed to the compensation awarded by the Collector or other Officer, or before the Collector or other Officer shall have referred the matter to arbitration, to require the land in question to be permanently taken, and the value thereof to be awarded in the manner prescribed in Sections V and VI of Act VI of 1857. Such person or persons shall make an application in writing to the Collector or other Officer on behalf of Government, and on receipt thereof the Collector shall be bound to take the land on behalf of Government as required, or forego the temporary occupation of the same.

Owner may in certain cases require the land to be permanently occupied.

VI. This Act shall be read with and taken as a part of Act VI of 1857.

Construction.