The Tamil Nadu Land Improvement Schemes Act, 1959

Act 31 of 1959

Keyword(s):
Drought, Erosion, Land Improvement Board, Reclamation, Soil, Soil Conservation Board, Water Land, Work

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THE TAMIL NADU LAND IMPROVEMENT SCHEMES ACT, 1959.

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[1][TAMIL NADU] ACT No. 31 OF 1959.[2]

THE [1][TAMIL NADU] LAND IMPROVEMENT SCHEMES ACT, 1959.

[*Received the assent of the President on the 1st March 1960; first published in the* Fort St. George Gazette *on the 16th March 1960.*]

An Act to provide for the preparation and execution of land improvement schemes including schemes for the conservation and improvement of soil and water resources, the prevention or mitigation of soil erosion, the protection of land against damage by floods or drought, protection of reservoirs against sedimentation and the reclamation of waste land in the [3][State of Tamil Nadu].

WHEREAS it is expedient to provide for the preparation and execution of land improvement schemes including schemes for the conservation and improvement of soil and water resources, the prevention or mitigation of soil erosion, the protection of land against damage by floods or drought, the protection of reservoirs against sedimentation and the reclamation of waste land in the [3][State of Tamil Nadu] ;

BE it enacted in the Tenth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. This Act may be called the [1][Tamil Nadu] Land Improvement Schemes Act, 1959.

(2) It extends to the whole of the [3][State of Tamil Nadu].

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2] For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 17th April 1959, Part IV-A, pages 238-239.

[3] This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(3) It shall come into force in any area on such date as the Government may, by notification, specify, and the Government may cancel or modify any such notification.

2. In this Act, unless the context otherwise requires— Definitions.

(*a*) 'Collector' means the Collector of the district ;

(*b*) 'District Committee' means the District Land Improvement Committee constituted under section 11;

(*c*) 'drought' means lack of adequate moisture in the land required for cultivation ;

(*d*) 'erosion' means the removal or displacement of earth, stones or other materials by the action of wind or water ;

(*e*) 'Executing Officer' means an officer appointed under section 21 to execute a scheme ;

(*f*) 'Government' means the State Government ;

(*g*) 'Inquiry Officer' means an officer appointed by the Land Improvement Board under sub-section (5) of section 15 ;

(*h*) 'Land Improvement Board' means the [1][Tamil Nadu Land Improvement Board] constituted under section 8 ;

(*i*) 'notified area' means any area declared to be a notified area under section 3 ;

(*j*) 'owner'—

(*a*) means—

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[1] This expression was substituted for the expression "Madras Land Improvement Board" by paragraph 4 of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970.

(i) any person holding land in severalty or jointly or in common under a ryotwari settlement or in any way subject to the payment of revenue direct to the Government, or

(ii) a landholder as defined in the [1][Tamil Nadu] Estates Land Act, 1908 ([1][Tamil Nadu] Act I of 1908), or a ryot as defined in that Act, or

(iii) an inamdar not being a landholder defined as aforesaid, or

(iv) a landlord as defined in the Malabar Tenancy Act, 1929 ([1][Tamil Nadu] Act XIV of 1930), or a tenant as defined in that Act, or

(v) the Central Government in respect of the land vested in any department under the Central Government, and

(*b*) includes—

(i) the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person, the rent or profit derivable from land, or

(ii) a mortgagee with possession, or

(iii) a lessee or sub-lessee ;

(*k*) 'reclamation' includes cultivation, afforestation or any other improvement of land ;

(*l*) 'scheme' means a scheme prepared under this Act ;

(*m*) 'soil conservation' means proper land utilization according to its potentialities and includes prevention of soil erosion, conservation of moisture, irrigation wherever possible and necessary, drainage, rotational cropping, improved tillage and other agronomic practices necessary to achieve maximum production ;

(*n*) 'Soil Conservation Board' means the River Valley Soil Conservation Board constituted under section 13 ;

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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(*o*) 'waste land' means any land which for a period of not less than three consecutive years has been lying waste on account of water-logging, salinity, accumulation of sand, growth of weeds, soil erosion or any other cause, or which for the period aforesaid has been lying uncultivated;

(*p*) 'work' means any work constructed, erected or carried out under a scheme and includes a pasture or forest provided or raised under a scheme ;

(*q*) the expressions 'cattle', 'forest-produce', 'timber' and 'tree' have the meanings respectively assigned to them in the [1][Tamil Nadu] Forest Act, 1882 ([1][Tamil Nadu] Act V of 1882).

CHAPTER II.

NOTIFICATION OF AREAS AND CONTROL OVER THEM.

Notification of areas.

3. Whenever it appears to the Government that in any area not constituted as a reserved forest under the [1][Tamil Nadu] Forest Act, 1882 ([1][Tamil Nadu] Act V of 1882), it is desirable to provide for the preparation and execution of any land improvement scheme or a scheme for the conservation or improvement of sub-soil water or moisture or other soil or water resources or for the prevention or mitigation of soil erosion or the protection of land against damage by floods or drought, or the protection of reservoirs against sedimentation or the reclamation of any waste land, the Government may, by notification, declare the area to be a notified area for the purposes of this Act.

Power to regulate, restrict or prohibit certain matters within notified areas.

4. In the case of any notified area or part thereof not included in any area in respect of which rules have been made under section 26 of the [1][Tamil Nadu] Forest Act, 1882 ([1][Tamil Nadu] Act V of 1882), or a notification has been issued under section 29 of that Act, the Government may, by notification, regulate, restrict or prohibit—

(*a*) the clearing or breaking up of land for cultivation ;

[1]These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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h common under a ryotwari settlem
subject to the payment of revenue dir
ment, or

(ii) a landholder as defined in the
Nadu] Estates Land Act, 1908 (1[Tamil Nadu]
1908), or a ryot as defined in that Act, or

(iii) an inamdar not being a landhold
as aforesaid, or

(iv) a landlord as defined in the
Tenancy Act, 1929 (1[Tamil Nadu] Act XIV of
a tenant as defined in that Act, or

(v) the Central Government in respe
land vested in any department under the Central
ment, and

(*b*) includes—

(i) the person for the time being rec
entitled to receive, whether on his own acco
agent, trustee, guardian, manager or receiver for
person, the rent or profit derivable from land, or

(ii) a mortgagee with possession, or

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cropping, improved tillage and other agronomic
necessary to achieve maximum production ,

(*n*) 'Soil Conservation Board' means th
Valley Soil Conservation Board constituted under
13 ;

[1] These words were substituted for the word "Madra
Tamil Nadu Adaptation of Laws Order, 1969, as amende
Tamil Nadu Adaptation of Laws (Second Amendment) Ord

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(3) Any claim not preferred within the prescribed period shall be rejected :

Provided that the Collector may admit a claim after such period if he is satisfied that the claimant had sufficient cause for not preferring the claim within such period.

Inquiries into claims and award of compensation.

6. (1) The Collector shall proceed to inquire in the prescribed manner into every claim admitted under section 5.

(2) For the purposes of such enquiry, the Collector may exercise all or any of the powers of a civil court for the trial of suits under the Code of Civil Procedure, 1908 (Central Act V of 1908).

(3) The Collector shall, after such inquiry, make an award in writing with respect to each such claim, setting out therein the following particulars, namely :—

(i) the person making the claim ;

(ii) the nature and extent of the right claimed ;

(iii) the extent to which the claim is upheld;

(iv) the amount of compensation awarded and the persons to whom it is payable.

(4) The Collector shall give notice in the prescribed manner of his award to the claimants or their representatives and to the persons to whom compensation is payable.

Method of awarding compensation.

7. (1) In determining the amount of compensation, the Collector shall be guided, so far as may be, by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894 (Central Act I of 1894), and as regards matters which cannot be dealt with under those provisions, by what is just and reasonable in the circumstances of each case.

(2) If in any case, the exercise of any right is prohibited or restricted for a time only, the compensation shall be awarded only in respect of the period during which the exercise of such right is so prohibited or restricted.

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1908), or a ryot as defined in that Act, or

(iii) an inamdar not being a landholder
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[1][(3) The Director of Agriculture, or such other officer as the Director of Agriculture may with the previous approval of the Government nominate in this behalf, from time to time, shall be the Secretary to the Land Improvement Board.]

(4) (*a*) The Government may, from time to time, on the recommendation of the Land Improvement Board, appoint any person whose assistance or advice the Land Improvement Board may desire in carrying out any of the provisions of this Act to associate himself with the Land Improvement Board in such manner, for such purposes and for such period as the Government may, by order, specify.

(*b*) A person associated with the Land Improvement Board under clause (*a*) for any purpose shall have a right to take part in the discussions but shall not have a right to vote at a meeting of the Land Improvement Board, and shall not be a member for any other purpose.

(5) (*a*)The term of office of a member referred to in clause (*f*) or in clause(*g*) of sub-section(2) shall be three years or such shorter period, as the Government may fix :

Provided that any such member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Land Improvement Board, from three consecutive ordinary meetings of the Land Improvement Board.

(*b*) A member referred to in clause (*f*) of sub-section (2) shall be deemed to have vacated his seat if he ceases to be a member of the Legislative Assembly or of the Legislative Council, as the case may be.

(6) A member referred to in clause (*f*) or in clause (*g*) of sub-section (2) may, at any time, by notice in writing to the Chairman, resign his office, but he shall continue in office until the election or nomination of his successor.

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[1] This sub-section was substituted for the following sub-section by section 2 (2) of the Tamil Nadu Land Improvement Schemes (Amendment) Act, 1965 (Tamil Nadu Act 4 of 1965):—

"(3) The Secretary to the Government in the Department of Food and Agriculture, or such other officer as may be nominated by the Government in this behalf, from time to time, shall be the secretary to the Land improvement Board."

(7) (*a*) A casual vacancy in the office of a member referred to in clause (*f*) or in clause (*g*) of sub-section (2) shall be filled by fresh election or nomination, as the case may be.

(*b*) The person elected or nominated to fill a casual vacancy under clause (*a*) shall hold office only for the remainder of the term for which the member whose place he takes was elected or nominated.

(8) If there is a difference of opinion among the members of the Land Improvement Board, the decision of the majority of the members present shall prevail :

Provided that when their opinion is equally divided the Chairman shall have and exercise a casting vote.

(9) All communications and orders of the Land Improvement Board shall be issued by the Secretary or by such officer subordinate to him as may be authorized by the Land Improvement Board in this behalf.

Power of Government to require the Land Improvement Board to prepare scheme.

9. The Government may, by order, direct the Land Improvement Board to prepare plans and estimates for a scheme in respect of any notified area or part thereof :

Provided that nothing contained in this section shall apply to any river valley catchment area specified in the notification under sub-section (1) of section 13.

Functions of the Land Improvement Board.

10. The functions of the Land Improvement Board shall be—

(*a*) to make recommendations to the Government as to the areas, except a river valley catchment area specified in the notification under sub-section (1) of section 13, in each district for which schemes may be prepared ;

(b) to direct, either at its own instance or on the direction of the Government under section 9, the preparation of schemes under sub-section (3) of section 15 ;

(*c*) to consider and approve the schemes so prepared ;

(*d*) to devise ways and means for the execution of the schemes approved by it ; and

(*e*) to perform such other functions as may be prescribed.

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Constitution of District Committees.

11. (1) As soon as may be, after the issue of a direction under section 9, the Land Improvement Board may constitute for the district in which the whole or part of the notified area is situated a committee called the District Land Improvement Committee consisting of—

(i) the Collector who shall be the Chairman, *ex-officio* ;

(ii) the District Forest Officer, *ex-officio* ;

(iii) the District Agricultural Officer, *ex -officio* ;

(iv) the Agricultural Assistant Engineer who shall be the Land Improvement Officer, *ex-officio* ;

(v) not more than four members of the State Legislature and the Parliament from the district, nominated by the Collector; and

(vi) a member who is an active and progressive agriculturist directly concerned with the cultivation of land, nominated by the Collector.

(2) The Collector shall preside over the meetings of the District Committee.

(3) The Land Improvement Officer shall be the *ex-officio* Secretary to the District Committee.

Functions of the District Committee.

12. (1) The functions of the District Committee shall be—

(*a*) to make recommendations to the Land Improvement Board as to the areas, except a river valley catchment area specified in the notification under sub-section (1) of section 13, in the district for which schemes may be prepared;

(*b*) to perform such other functions for the purpose of carrying out the provisions of this act as may be prescribed; and

(*c*) to carry out the instructions issued by the Land Improvement Board from time to time.

(2) The Soil Conservation Board shall consist of :-

(*a*) the *Member, Board of Revenue, in-charge of Land Revenue, who shall be the Chairman, *ex-officio;*

(b) the Director of Agriculture, *ex-officio;*

(*c*) the Director of Fisheries, *ex-officio;*

(*d*) the Chief Conservator of Forests, *ex-officio;*

(*e*) the Chief Engineer (Irrigation), *ex-officio;*

(f) the Chief Engineer (Electricity), *ex-officio;*

(g) the Executive Engineer having experience in soil conservation work and jurisdiction over the area specified in the notification under sub-section (1), *ex-officio;*

(*h*) the Collector of the district concerned, *ex-officio*, or if the area specified in the notification under sub-section (1) is situated in two or more districts, the Collector of one of the districts designated by the Government in that behalf; and

(i) not more than two members of the State Legislature representing the constituencies which consist of, or comprise, or which relate to, the area specified in the notification under sub-section (1) nominated by the Government.

(3) The Executive Engineer referred to in clause (*g*) of sub-section (2) shall be the Secretary to the Soil Conservation Board.

(4) If there is a difference of opinion among the members of the Soil Conservation Board, the decision of the majority of the members present shall prevail:

Provided that when their opinion is equally divided, the Chairman shall have and exercise a casting vote.

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* Now the Appropriate Authority specified by the Government in the notification issued under section 4 (1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980), Please *see* section 10 (1) of the said Act.

(5) The term of office of a member referred to in clause (i) of sub-section (2) shall be three years or such shorter period, as the Government may fix:

Provided that any such member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Soil Conservation Board, from three consecutive ordinary meetings of the Soil Conservation Board, or if he ceases to be a member of the State Legislature.

(6) A member referred to in clause (i) of sub-section (2) may, at any time, by notice in writing to the Chairman, resign his office, but he shall continue in office until the nomination of his successor.

(7) (*a*) A casual vacancy in the office of a member referred to in clause (i) of sub-section (2) shall be filled by fresh nomination.

(*b*) The person nominated to fill a casual vacancy under clause (a) shall hold office only for the remainder of the term for which the member whose place he takes was nominated.

(8) All communications and orders of the Soil Conservation Board shall be issued by the Secretary or by such officer subordinate to him as may be authorized by the Soil Conservation Board in this behalf.

CHAPTER IV.

PREPARATION OF SCHEMES.

Matters which a scheme may provide.

14. A scheme may provide for all or any of the following matters, namely :—

(i) improvement of land;

(ii) conservation or improvement of sub-soil water or moisture or other soil or water resources;

(iii) prevention or mitigation of soil erosion;

(iv) protection of land against damage by floods or drought;

(v) reclamation of waste land;

(vi) improvement in the methods of cultivation and extension of cultivation;

(vii) construction of earth-works and masonry works in fields, gullies and ravines including construction of catch-water drains and contour bunding, wherever necessary;

(viii) control of the strips of land abutting the road serving as road margin;

(ix) training of streams;

(x) prohibition or control of grazing or reservation of land for pasture;

(xi) planting and preservation of trees, shrubs and grass for afforestation of uncultivable land or providing shelter belts or for any other purpose;

(xii) regulation or prohibition of firing of vegetation;

(xiii) improvement of water-supply;

(xiv) sediment control;

(xv) farm drainage;

(xvi) farm irrigation;

(xvii) control of the strips of land forming swamps and spring sources; and

(xviii) any other matter which may be prescribed.

Power to direct preparation of schemes.

15. (1) On receipt of an order of the Government under section 9, the Land Improvement Board shall direct the preparation of a scheme for the areas specified in the order.

(2) The Land Improvement Board may, if satisfied that it is necessary so to do, direct the preparation of a scheme in respect of any area in a district other than—

(*a*) the area specified in the order of the Government under section 9; and

(*b*) a river valley catchment area specified in the notification under sub-section(1) of section 13.

(3) On the issue of a direction under sub-section (1) or sub-section (2), the Land Improvement Board shall appoint an officer to prepare, in accordance with such instruction as the Land Improvement Board may issue, a draft scheme setting out—

(*a*) the objects of the scheme;

(*b*) the boundaries and approximate area of the lands to be included in the scheme;

(*c*) the persons, including the Government, who will be affected by the scheme;

(*d*) the works, if any, to be carried out under the scheme;

(*e*) the agency or agencies through which any such work shall be carried out;

(*f*) the benefits expected directly to the lands in which the scheme shall be executed and indirectly off-site to other lands as well as reduction in sedimentation to reservoirs and reduction of flood damage, prevention of road-slips, land-slides and reclamation of lands; and

(*g*) such other particulars as may be prescribed.

(4) The draft scheme so prepared shall be submitted to the Land Improvement Board which may approve it either with or without modifications or may reject it and prepare, or cause to be prepared, another draft scheme.

(5) Whenever the Land Improvement Board prepares or approves any draft scheme, it shall appoint an officer called the Inquiry Officer for the purposes hereinafter specified.

Publication of draft scheme.

16. (1) The draft scheme prepared or approved by the Land Improvement Board under sub-section (4) of section 15 together with the connected maps and plans, if any, shall be forwarded to the Collector who shall publish it in the District Gazette and also in the prescribed manner in every village and at the headquarters of the taluk, in which the lands included in the scheme are situated.

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(2) The Collector shall simultaneously with the publication of the scheme in the District Gazette under sub-section (1) require all persons affected by the scheme who wish to make any objection to the scheme or part thereof, to submit their objections in writing to the Inquiry Officer or to appear before him and state their objections within thirty days of the date of the publication of the draft scheme in the village.

Inquiry Officer to consider objections and submit report to the Land Improvement Board.

17. The Inquiry Officer shall inquire into the objections received or recorded by him and submit them to the Land Improvement Board together with his report thereon and his recommendations, if any, for the modification of the draft scheme.

Power of the Land Improvement Board to sanction or reject draft scheme.

18. (1) After considering the objections and the report and the recommendations of the Inquiry Officer and any further report which the Land Improvement Board may require from him, the Land Improvement Board may—

(*a*) sanction the scheme with or without modification:

Provided that a scheme prepared in pursuance of a direction under sub-section (2) of section 15 shall not be sanctioned by the Land Impovement Board but shall be submitted to the Government for their sanction; or

(*b*) reject the scheme, and direct that, in lieu thereof, a fresh scheme be prepared and submitted for its sanction.

(2) Where a draft scheme is submitted to the Government under the proviso to clause (*a*) of sub-section (1), they may sanction the draft scheme with or without modification or may reject it and direct that a fresh scheme be prepared and submitted for their sanction.

Power of the Soil Conservation Board to prepare scheme.

19. Notwithstanding anything contained in this Act, the Soil Conservation Board may, of its own motion and subject to such conditions as may be prescribed, prepare any scheme for any river valley catchment area specified in the notification under sub-section (1) of section 13 providing for all or any of the matters specified in section 14.

Publication of the scheme.

20. (1) The scheme prepared by the Soil Conservation Board under section 19 or the scheme as sanctioned by the Land Improvement Board or by the Government, as the case may be, shall be published in the District Gazette and copies thereof shall be made available in every village and at the headquarters of the taluk, in which the lands included in the scheme are situated, at such places and in such manner as the Collector may direct.

(2) On and from the date of the publication of the scheme in the District Gazette under sub-section (1), the scheme shall come into force and shall have effect.

(3) The Land Improvement Board in respect of a scheme sanctioned by it or by the Government and the Soil Conservation Board in respect of a scheme prepared by it may, for the purpose of carrying out the objects of the scheme, make regulations requiring any person or persons or the public generally to take certain action or to refrain from doing certain acts in respect of any matter supplementary or incidental to the scheme.

CHAPTER V.

EXECUTION OF SCHEMES.

Appointment of Executing Officer.

21. The Land Improvement Board in respect of a scheme sanctioned by it or by the Government and the Soil Conservation Board in respect of a scheme prepared by it shall, when the scheme comes into force, appoint an officer called the Executing Officer to execute the scheme.

Power to enforce scheme.

22. (1) (*a*) The Land Improvement Board in respect of such works under a scheme sanctioned by it or by the Government as the Land Improvement Board may, by general or special order, specify, and the District Committee in respect of other works under such scheme and the Soil Conservation Board in respect of works under a scheme prepared by it, shall, by notice given in the prescribed form, inform the owner of any land in which such works have to be carried out, the details of such works and the date before which the owner of the land shall carry them out :

Provided that the Land Improvement Board, the Soil Conservation Board or the District Committee, as the case may be, may wherever necessary, direct that any work to be carried out by the owner of the land shall be carried out by the Executing Officer himself and that the cost or part of the cost of such work shall be recovered from the owner of the land.

(*b*) A copy of the notice referred to in clause (*a*) shall be served in the prescribed manner on such other person or persons as may, in the opinion of the Land Improvement Board or the District Committee or the Soil Conservation Board, as the case may be, be benefited in consequence of any work to be carried out and thereby become liable to pay such amount as may be determined under sub-section (1) of section 23.

(2) If any work is not carried out to the satisfaction of the Executing Officer before the date fixed in that behalf or if the owner intimates to the Executing Officer in writing that he is unable to carry out any work before that date, the Executing Officer may cause the work to be carried out and recover the cost of the work from the owner.

(3) Any amount payable under the proviso to clause (*a*) of sub-section (1) or under sub-section (2) shall, at the option of the person liable to pay it, be paid either in a lumpsum or with interest at such rate as may be prescribed, in equated annual instalments not exceeding twenty in number :

Provided that where a person who elects to pay in instalments, commits default in the payment of any instalment, the entire unpaid balance shall become immediately payable.

(4) In any land owned by the Government, all works shall be carried out by, or under the authority of, the department having the control or management of the land, unless the Soil Conservation Board or the Land Improvement Board, as the case may be, directs the Executing Officer to carry out the works himself.

Liability of persons whoselands are not included.

23. (1) If, in consequence of any work carried out under the scheme, any person (including the Government) other than the owner of the land in which the work is done, is likely to be benefited, such person shall pay to the owner of the land if the work is carried out by him or to the Government if the work is carried out by or under the authority of any department of the Government or by the Executing Officer, such amount and within such time as the Board of Revenue* may determine :

Provided that, before any person is required to pay any such amount, he shall be given a reasonable opportunity of making his representations, if any, in regard to the matter :

Provided further that the payment of any such amount may be waived by the Government in whole or in part in respect of any work carried out in land owned by them :

Provided also that the Board of Revenue* may, in its discretion, permit any such amount to be paid with interest at such rate as it may determine in equated annual instalments not exceeding twenty in number.

(2) Any amount paid to the Government under sub-section (1) shall be credited towards the amount, if any, due to the Government under the proviso to clause (*a*) of sub-section (1) or under sub-section (2) of section 22.

(3) If default is made in the payment of any amount under sub-section (1) or of any instalment thereof, as the case may be, within the time determined in that behalf in pursuance of that sub-section, the amount or where payment is made in instalments the entire unpaid balance (which shall be deemed to have become immediately payable on the occurrence of the default) shall be recovered by the *Board of Revenue and paid to the owner or, as the case may be, the Government.

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* By virtue of section 10 (1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980) any reference to the Board of Revenue shall be deemed to be a reference to the State Government.

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Power of Government to carry out works under a scheme.

24. (1) Notwithstanding anything contained in this Act, the Government may, in the case of any scheme which has come into force under sub-section (2) of section 20, direct, by notification, that any work under the scheme to be carried out by the owners of the lands shall be carried out by the Government and that the cost of such work shall be recovered in whole or in part from the owners of the lands included in the scheme in such proportion as the Government may fix having regard to the area or assessment, or both, of the lands included in the scheme.

(2) The cost directed to be recovered under sub-section (1) together with interest at such rate as the Government may determine shall be recoverable from the owners concerned in such number of equated annual instalments payable on the date appointed for the payment of the first instalment of land revenue, as may be prescribed:

Provided that where a person commits default in the payment of any instalment, the entire unpaid balance shall become immediately payable.

CHAPTER VI.

MAINTENANCE, REPAIR AND USE OF WORKS CARRIED OUT UNDER THE SCHEME.

Preparation of statement.

25. (1) The Executing Officer shall, on completion of the work in any specified area or part thereof prepare a statement for any such area or part giving the following particulars :—

(*a*) (i) the work done ;

(ii) the cost thereof ;

(iii) the total amount to be recovered from the owners ;

(iv) the names of the owners of the lands included in the scheme ;

(v) the general rate per acre or per rupee of assessment per annum at which such cost is to be recovered from the owners ;

(vi) the period within which such cost is to be recovered ;

(vii) the work which in his opinion shall be maintained or repaired individually or jointly and the name of every such person ;

(viii) the follow up of soil conservation practices that are to be undertaken in the field by the owners or any of them ;

(ix) the rights, if any, of the owners or any of them in regard to the use of such work;

(*b*) in the case of any survey number or sub-division of any survey number—

(i) if the owner is not liable to maintain or repair the works therein, a list of such survey numbers or sub-divisions ;

(ii) if the cost is to be recovered from an owner at a rate other than the general rate referred to in item (v) of clause (*a*), a list of such survey numbers or sub-divisions and the rate at which the cost is to be recovered from the owner or owners of such survey numbers or sub-divisions;

(*c*) a map and plan, if any, showing the situation, extent and nature of all works ;

(*d*) such other matters as may be prescribed.

(2) When a statement is prepared under this section, any rights and liabilities shown therein shall be entered in the record of rights or where there is no record of rights, in such village record and in such manner as may be prescribed and shall thereupon form part of such record of rights or such village record.

Obligation of persons to maintain and repair works.

26. (1) Every person shown in the statement prepared under section 25 as liable to maintain or repair any work shall to the satisfaction of the Collector and within such time as the Collector may fix, maintain or repair the work in his own land and in any other land in respect of which he is shown as liable in the said statement and shall undertake such follow up soil conservation practices as may be prescribed.

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(2) If any person fails to maintain or repair the work within the time fixed by the Collector under sub-section (1), the Collector shall himself arrange for the maintenance or repair of the work and recover the cost thereof from such person.

(3) Any dispute as to the amount to be recovered under sub-section (2) shall be decided by the Collector.

Land not to lie fallow.

27. No person shall leave any land to lie fallow continuously for more than two years if in respect of such land any work under a scheme has been carried out.

CHAPTER VII.

RECLAMATION OF WASTE LANDS.

Order for taking possession of waste lands.

28. (1) If the Land Improvement Board in respect of any scheme sanctioned by it or by the Government or the the Soil Conservation Board in respect of any scheme prepared by it is satisfied that for the purpose of executing such scheme it is necessary that temporary possession of any waste land should be taken, the Land Improvement Board or the Soil Conservation Board, as the case may be, may, by order in writing, direct the Collector to take temporary possession of the land on behalf of the Government on such date as may be specified in that order.

(2) The order shall be made in such form and brought to the notice of the owner as well as any other person who may be in possession of the land in such manner, as may be prescribed.

(3) On the date specified in the order, the Collector or any other officer authroised by him in this behalf shall enter upon and take possession of the land on behalf of the Government.

Arrangement for reclamation.

29. When the land has been taken possession of, the officer appointed by the Soil Conservation Board or the Land Improvement Board, as the case may be, for the purpose, may arrange for its reclamation--

(*a*) by retaining it under his management for such period as he thinks fit ; or

(*b*) by settling the period and such terms as may be fixed by the Soil Conservation Board or the Land Improvement Board, as the case may be, with the person who on the date of taking possession under sub-section (3) of section 28 was in lawful possession of the land or was entitled to such possession or, if any, such person is dead, with his successor in interest ; or

(*c*) by a combination of the methods aforesaid :

Provided that the total period for which the land is retained under this section shall not exceed five years from the date of taking possession.

Claim for arrears of rent not to be enforced against Government, etc.

30. No claim of any person to any arrear of rent accrued or due in respect of the land for the period prior to the date of taking possession shall thereafter be enforced by any Court, whether in execution of a decree or otherwise, against the Government or aginst any person holding the land under the Government or against the land during the period such land is in the possession of the Government under sub-section (3) of section 28 :

Provided that in computing the period of limitation for a suit, or an application for the execution of decree, the time during which the enforcement of such claim is barred under this section, shall be excluded.

Termination of possession on completion of reclamation.

31. (1) When the reclamation of the land is in the opinion of the Collector complete and in any case before the expiry of the period of five years from the date of taking possession, the Collector shall after making an inquiry in the prescribed manner, by order in writing—

(*a*) specify the date on which and the person to whom possession of the land shall be given :

Provided that an order under this clause specifying any person other than the person from whom possession of the land was taken under sub-section (3) of section 28 shall not be passed unless notice has been given to the owner, or if he is dead, to his heirs or legal representatives and his or their representations, if any, have been considered ;

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(*b*) where the person to whom possession of the land is given is a tenant, determine in the manner prescribed the rent payable by him to the owner.

(*c*) where the land or any part thereof has been afforested, regulate the cutting of the trees on such land according to a working plan.

(2) On the date specified in the said order, possession of the land shall be deemed to have been given by the Government under sub-section (1).

(3) The delivery of possession of the land under sub-section (1) shall be a full discharge of the Government from all liability in respect of such land, but shall not prejudice any right in respect of the land which any other person may be entitled, by due process of law, to enforce against the person in whom possession of the land is given.

Compensation for period of possession.

32. (1) As soon as may be after the date of taking possession of the land, the Collector shall make an inquiry in the prescribed manner and determine—

(*a*) in respect of any land which on the said date was in the occupation of a tenant—

(i) the annual rent payable by him ; and

(ii) the average net annual income, if any, after deducting the annual rent payable by him, derived by him during the three years immediately preceding the said date ; and

(*b*) in respect of any other land, the average net annual income, if any, without deducting any land revenue payable, derived by the owner during the three years immediately preceding the said date.

(2) There shall be payable by the Government as compensation on the completion of every twelve months from the date of taking possession until the date referred to in sub-section (2) of section 31—

(*a*) in respect of such land as is referred to in clause (*a*) of sub-section (1), the amount determined under sub-clause (*i*) of that clause to the owner and the amount determined under sub-clause (ii) thereof to the tenant; and

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(*b*) in respect of any other land, the amount determined under clause (*b*) of sub-section (1) to the owner.

Accounts.

33. The Collector shall maintain in such form and in such manner as may be prescribed, an account of all receipts and payments by the Government in respect of the land, and the owner of the land or any other person having an interest therein may, on payment of a fee of fifty naye paise inspect the account.

Recovery of net expenditure incurred by Government.

34. (1) The net expenditure incurred by the Government on the reclamation of the land under the provisions of this Chapter or such part of that expenditure as the Soil Conservation Board or the Land Improvement Board, as the case may be, may, by general or special order, direct, together with interest calculated at the prescribed rate and in the prescribed manner, shall be recovered from the person to whom possession of the land is given by the Government under sub-section (2) of section 31.

(2) The amount to be recovered under sub-section (1) from any person shall be decided by the Soil Conservation Board or the Land Improvement Board, as the case may be.

CHAPTER VIII.

MISCELLANEOUS.

Appeals.

35. (1) Any person aggrieved by an order awarding compensation under section 6 or by an order under sub-section (3) of section 26 may appeal to the Board of Revenue* within such period and in such manner as may be prescribed.

(2) Any person aggrieved by an order under section 28, section 31, section 32 or sub-section (2) of section 34 may appeal to the Government within such period and in such manner as may be prescribed.

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*By virtue of section 10 (1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980) any reference to the Board of Revenue shall be deemed to be a reference to the State Government.

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(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Board of Revenue* or the Government, as the case may be, may admit an appeal perferred after the period specified therein, if the Board of Revenue* is or the Government are satisfied that the appellant had sufficient cause for not preferring the appeal within that period.

(4) The order of the Board of Revenue* or the Government, as the case may be, on such appeal and where no appeal is preferred, the order which has not been appealed against, shall be final and shall not be called in question in any Court of Law.

Penalties.

36. If any person—

(i) contravenes any of the provisions of a scheme which has come into force under sub-section (2) of section 20, or

(ii) contravenes any of the provisions of this Act or of any rule or regulation made under this Act or any order or direction made or given under this Act or such rule or regulation, or

(iii) does any act which causes damage to any of the works carried out under the scheme, or

(iv) fails to fulfil any liability imposed upon him under section 22, or

(v) resists or obstructs any officer in the exercise of any power conferred on, or in the discharge of any duty imposed upon, or in the performance of any function entrusted to, such officer by or under this Act or any such rule or regulation,

he shall be punishable with fine which may extend to five hundred rupees.

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* By virtue of section 10 (1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980) any reference to the Board of Revenue shall be deemed to be a reference to the State Government.

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Amounts to be recovered as arrears of land revenue.

[1][37. All amounts payable to, or recoverable by, the Government, the Board of Revenue*, the Soil Conservation Board or the Land Improvement Board or any officer of the Government under this Act, may be recovered—

(*a*) from the owner or any other person liable, as if they were arrears of land revenue due by him ;

(*b*) out of the land in respect of which, or for the benefit of which, any work under a scheme or the maintenance or repair of any such work has been carried out, as if they were arrears of land revenue due in respect of that land.]

Procedure and power at enquiries.

38. Any authority having power to make an enquiry under this Act shall make the enquiry in the manner provided in the [2][Tamil Nadu] Revenue Enquiries Act, 1893 ([2][Tamil Nadu] Act V of 1893), and shall have all the powers which are or may be vested in the revenue officers by that Act and by the [2][Tamil Nadu] Revenue Summonses Act, 1869 ([2][Tamil Nadu] Act III of 1869.)

Power to enter, survey, etc.

39. (1) Any person authorised in writing in this behalf by the Soil Conservation Board, the Land Improvement Board, the Board of Revenue* or the Collector may, for the purpose of exercising any power conferred on, or discharging any duty imposed upon, or performing any function entrusted to him, by or under this Act, and after giving such notice as may be prescribed to the owner, occupier or any person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purpose.

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[1] This section was substituted for the following section by section 3 of the Tamil Nadu Land Improvement Schemes (Amendment) Act, 1965 (Tamil Nadu Act 4 of 1965) :—

" 37. *Amounts to be recovered as arrears of land revenue.*—All amounts payable to, or recoverable by, the Government, the Board of Revenue, the Soil Conservation Board or the Land Improvement Board or any officer of the Government under this Act, may be recovered as if they were arrears of land revenue ."

[2] These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

* By virtue of section 10 (1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980) any reference to the Board of Revenue shall be deemed to be a reference to the State Government.

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(2) In particular he may—

(*a*) take levels,

(*b*) dig or bore into the sub-soil,

(*c*) place, erect or make on any land any peg or mark including trenches or boundaries which he deems to be necessary,

(*d*) do all other acts necessary to ascertain whether the land is adapted for such purposes, and

(*e*) where necessary, cut down and clear away any part of the standing crop, fence or jungle :

Provided that if any standing crop or tree is cut down, such crop or tree shall be handed over to the person entitled to such crop or tree.

(3) Where any damage or injury is caused to the land in carrying out any operation under this section, there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say—

(*a*) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement ;

(*b*) where no such agreement can be reached, the Collector shall determine the amount of compensation in accordance with the provisions of the Land Acquisition Act, 1894 (Central Act I of 1894).

(4) Every person who is appointed or authorised to exercise any power, discharge any duty or perform any function by or under this Act shall, when acting or purporting to act in pursuance of any of the provisions of this Act or the rules or regulations made thereunder, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860), and every person who is required to submit any opinion or particular shall be deemed to be legally bound to do so within the meaning of the said Code.

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Continuance of liability for land revenue, rates and cesses.

40. The taking and retaining possession of any land on behalf of the Government under this Act shall not affect the liability of any person to pay land revenue, rate or cess in respect of such land for any period, whether before or after the date of taking possession.

Registration of document or map not required.

41. (1) Nothing in the Indian Registration Act, 1908 (Central Act XVI of 1908) shall be deemed to require the registration of any record, document, plan or map prepared, made or sanctioned in connection with a scheme which has come into force and any such record, document, plan or map shall, for the purposes of sections 48, 49 and 50 of that Act, be deemed to have been duly registered in accordance with the provisions of that Act.

(2) Subject to such rules and to the previous payment of such fees as may be prescribed—

(*a*) all such records, documents, plans and maps shall be open to the inspection of any person applying for such inspection ; and

(*b*) copies of such records, documents, plans and maps and accounts maintained under section 33 shall be given to any person applying for such copies.

Delegation of powers.

42. (1) The Soil Conservation Board or the Land Improvement Board may, by general or special order, delegate to the Secretary to the Soil Conservation Board or the Land Improvement Board, as the case may be, and the District Committee may, by general or special order, delegate to the Land Improvement Officer, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary for the efficient running of the day-to-day administration of the Soil Conservation Board or the Land Improvement Board or the District Committee, as the case may be.

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(2) Subject to such rules as may be prescribed, the Government, the *Board of Revenue or the Collector may delegate any of the powers conferred on, duties imposed upon, or functions entrusted to them, it or him by or under this Act to any officer or authority subordinate to them, it or him, as the case may be.

Government to direct preparation of schemes in cases of emergency.

43. Notwithstanding anything contained in this Act, the Government may, in the case of any flood, cyclone, famine or scarcity, or other emergency, direct the preparation and execution of a scheme in such a manner, by such authority or officer and providing for such matters as may be prescribed.

Power to make rules.

44. (1) The Government may, [1][**], make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) all matters allowed or required by this Act to be prescribed;

(*b*) the manner in which the rights or liabilities shown in the statement prepared under section 25 shall be entered in the record of rights or village record;

(*c*) the time within which any amount recoverable under sub-section (3) of section 22 or sub-section (2) of section 26 or sub-section (1) of section 34 shall be payable and the time within which and the authority or officer to whom any option exercised in pursuance of sub-section (3) of section 22 shall be intimated;

(*d*) the manner of giving notices under this Act ;

(*e*) the procedure to be adopted for the assessment of the cost ;

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[1]The words " by notification " were omitted by section 4 (1) of the Tamil Nadu Land Improvement Schemes (Amendment) Act, 1965 (Tamil Nadu Act 4 of 1965).

* By virtue of section 10 (1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980) any reference to the Board of Revenue shall be deemed to be a reference to the State Government.

(*f*) the conditions subject to which the pruning and felling of shade trees in coffee and tea estates may be permitted ;

(*g*) the manner of furnishing a copy of the scheme to the panchayat concerned and the manner of giving publicity to such scheme ;

(*h*) the procedure to be adopted for carrying out the purposes of section 43.

[1][(3) *** ***]

Power to make, grant or advance loan.

45. The Collector or any officer authorised by the Collector in this behalf may make a grant or advance a loan to any person for carrying out any work under any scheme on such terms and conditions as may be prescribed.

Bar of certain suits, prosecutions, etc.

46. (1) No suit or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule made thereunder.

(2) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government or any public servant for any act done or purporting to be done under this Act or any rule or regulation made thereunder, without the previous sanction of the Government.

(3) No officer or servant of the Government, and no public servant shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith and in the course of the exercise of the powers conferred, the discharge of the duties imposed or the performance of the functions entrusted, by or under this Act or the rules or regulations made thereunder.

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[1] The following sub-section (3) was omitted by section 4 (2) of the Tamil Nadu Land Improvement Schemes (Amendment) Act, 1965 (Tamil Nadu Act 4 of 1965) :—

"(3) All rules made and all notifications issued under this Act shall, as soon as possible, after they are made or issued, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session."

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Power to remove difficulties.

47. [1](*) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

[2][(2) *** *** ***].

Rules, notifications and orders to be placed before the Legislature.

[3][47-A. (1) All rules made under this Act shall be published in the **Fort St. George Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(2) Every rule made or notification issued under this Act and every order made under section 47 shall, as soon as possible, after it is made or issued, be placed on the table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed, or the next session, both Houses agree in making any modification in any such rule, notification or order or both Houses agree that the rule, notification or order should not be made, the rule, notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, notification or order.]

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[1] The brackets and figure "(1)" were omitted by section 5 (1) of the Tamil Nadu Land Improvement Schemes (Amendment) Act, 1965 (Tamil Nadu Act 4 of 1965).

[2] The following sub-section was omitted by section 5 (2), *ibid*.

"(2) All orders made under sub-section (1) shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session."

[3] This section was inserted by section 6, *ibid*.

* *Now* the *Tamil Nadu Government Gazette*.

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Saving of other laws.

48. Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force regulating any of the matters dealt with in this Act.

Repeals and savings.

49.(1) The Madras Land Improvement Schemes (Contour Bunding and Contour Trenching) Act, 1949 (Madras Act XXII of 1949), and the Travancore-Cochin Land Development Act, 1950 (Travancore-Cochin Act XXXVI of 1950), in so far as the latter Act applies to, and is in force in, the transferred territory, are hereby repealed.

(2) Notwithstanding such repeal, any appointment, rule, order, notification or scheme made, issued or sanctioned under either of the Acts mentioned in sub-section (1) and in force on the date on which this Act comes into force, shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made, issued or sanctioned under the provisions of this Act, unless and until it is superseded by any appointment, rule, order, notification or scheme made, issued or sanctioned under this Act.

(3) The provisions of sub-section (2) shall be without prejudice to the provisions contained in sections 8 and 18 of the [1][Tamil Nadu] General Clauses Act, 1891, ([1][Tamil Nadu] Act I of 1891), which shall also apply to the repeal of the Travancore-Cochin Land Development Act, 1950 (Travancore-Cochin Act XXXVI of 1950), as if the latter Act had been a [2][Tamil Nadu Act].

(4) For the purpose of facilitating the application of this Act in the transferred territory, any court or other authority may construe this Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

(5) Any reference in any law which continues to be in force in the transferred territory after the commencement

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2] This expression was substituted for the expression "Madras Act" by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order, 1970.

[illegible] Act, 1956 (Transfer of Laws Act XXXI of 1956), shall, in relation to that territory, be construed as a reference to this Act.

(6) Any reference in this Act to a law which is not in force in the transferred territory shall, in relation to that territory, be construed as a reference to the corresponding law, if any, in force in that territory.

Explanation.—For the purpose of this section, the expression " transferred territory " shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli District.

Certain schemes, etc., deemed to have been prepared under this Act.

50. (1) Any scheme prepared, any proceeding or action taken and anything done in pursuance of any agreement executed by any owner relating to soil conservation before the commencement of this Act, shall, notwithstanding anything to the contrary in such agreement, be deemed to have been prepared, taken or done under this Act, by the Soil Conservation Board, if such agreement relates to any river valley catchment area specified in the notification under sub-section (1) of section 13 and by the Land Improvement Board if such agreement relates to any other area, and shall have effect accordingly, notwithstanding that it is inconsistent with this Act.

(2) Notwithstanding anything contained in this Act, if, after the 14th March 1956 and before the commencement of this Act, any work has been carried out or taken in hand but not completed by the Government or any officer subordinate to them, in any land included in any scheme relating to soil conservation, whether or not such work was so carried out or taken in hand in pursuance of any agreement executed by the owner of such land, section 24 and the other provision of this Act shall, so far as may be, apply to such work, as if a direction had been issued by the Government under sub-section (1) of section 24 in respect of that work.

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Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 17th February 2001 and is hereby published for general information :—

ACT No. 6 OF 2001.

An act further to amend the Tamil Nadu Land Improvement Schemes Act, 1959.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-second Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Land Improvement Schemes (Amendment) Act, 2001.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Tamil Nadu Act 31 of 1959.

Amendment o section 8.

2. In section 8 of the Tamil Nadu Land Improvement Schemes Act, 1959 (hereinafter referred to as the principal Act),—

(1) in sub-section (2),—

(i) for clauses (*b*) and (*bb*), the following clauses shall be substituted, namely:—

"(*b*) the Commissioner of Land Reforms, *ex-officio;*

(*bb*) the Secretary to Government incharge of Agriculture, *ex-officio;*

(bbb) the Secretary to Government incharge of Environment and Forest, *ex-officio,*

(bbbb) the Secretary to Government incharge of Rural Development, *ex-officio*

(ii) for clause (*d*) the following clause shall be substituted, namely

"(*d*) the Director of Horticulture, *ex-officio*;

(iii) for clause (*e*), the following clause shall be substituted, namely:

"(*e*) the Chief Engineer (Agricultural Engineering), who shall be the Member-Secretary, *ex-officio*;";

(iv) in clause (*g*), for the expression "a member who is an active and progressive agriculturist", the expression "three members who are active and progressive agriculturists" shall be substituted;

(2) sub-section (3) shall be omitted;

(3) in sub-section (9), for the expression "Secretary", the expression "Member-Secretary" shall be substituted.

Amendment of section 13.

3. In section 13 of the principal Act, in sub-section (2), for clause (*a*), the following clause shall be substituted, namely:—

"(a) the Commissioner of Land Reforms, who shall be the Chairman, *ex-officio*;".

Substitution of section 14.

4. For section 14 of the principal Act, the following section shall be substituted, namely:—

"14. *Matters which a scheme may provide.*—A scheme may provide for all or any of the following matters, namely:—

(1) identification of priority watersheds by field survey and by using techniques like remote sensing and by the methodology prescribed by the Land Improvement Board or, as the case may be, by the Soil Conservation Board.

Explanation.—For the purpose of this clause, "priority watershed" means a watershed which is subjected to severe soil erosion hazards leading to loss of valuable top soil, loss of fertility and siltation of reservoirs, tanks down below and the watershed which should be tackled immediately to prevent further erosion and loss of top soil;

(2) measures to control soil erosion due to water and wind such as the following, namely:—

(*a*) construction of contour or graded bunds (narrow base terrace), bench terraces bundhis with surplusing arrangement and disposal outlets arrangements for planting on earthfill surfaces;

(*b*) levelling of land and improvement of soil by applying appropriate amendments, manures and fertilisers;

(*c*) adopting appropriate farming or tillage practices such as contour cultivation, strip cultivation, shallow or deep cultivation;

(*d*) growing up quick maturing leguminous crops during rainy season and growing row crops with appropriate conservation measures;

(*e*) retirement of any land from cultivation if its continuance under agriculture is prejudicial to that land or some other land;

(*f*) afforestation of degraded forests and non-agricultural lands along with closures and necessary soil conservation practices with a view to promoting improved tree growth, from forests and village woodlots;

(*g*) development of grasslands and fuel-cum-fodder reserves in wastelands, community lands or Government lands with appropriate soil conservation measures such as contour dykes and check dams;

(*h*) control or regulation of grazing, felling or lopping of trees or clearing of bushes;

(*i*) raising of utility tree plants on private lands, community lands or waste lands with a view to provide additional supplies of feed fodder as well as vegetables, besides raw-materials for subsidiary industries and income therefrom such as planting of sisal, cashewnut, sasbania grandiflora, drum stick and amla;

(*j*) planting and growing of trees, shrubs or grasses for providing shelter belt or wind breaks or other protection purposes;

(*k*) prevention of breaking up of marginal and sub-marginal lands for cultivation purposes; and

(*l*) controlling and establishing torrents or chose, landslides and slips roadside and cattle patch erosion, by biological and engineering measures, such as check dams, spurs, retaining walls and revetments;

(3) construction of earth and masonary works in fields, gullies and ravines including catch water drains, wherever necessary;

(4) (*a*) construction of small storage structures including ponds at appropriate locations in private lands, community lands or Government lands with a view to increasing surface detention;

(b) construction of depression storage in the catchment to promote greater infiltration, reduce silt load in channel flows and peak flows, farm, ponds and other water harvesting measures combined with erosion and gully control works;

(*c*) restoration of degraded lands for better management;

(*d*) increase institutionalisation of incident rainfall by creating potential for providing protective and supplemental irrigation and thus increase production taking up nalla plugging, field bundhis, percolation tanks, etc., with a view to increase better ground water recharge and some subsequent utilisation for productive as well as domestic use of water;

(5) control of water logging and impeded drainage including development of waterlogged areas into ponds, opening of drainage ditch, increasing number of culverts and other cross drainage works for releasing larger portion of the affected area for development and utilisation for productive management;

(6) reclamation of lands subject to salinity, alkalinity, by providing appropriate drainage system with storage ponds, wherever necessary; applying amendments; impounding water for washing down the injurious salts and taking up appropriate crops to reduce the harmful salts for increasing aggregate production;

(7) improvement of sandy soils by constructing bundhis, planting grasses, shrubs and trees, levelling the land, restricting the depths of cultivation, growing leguminous crops and controlling grazing and exploitation;

(8) taking up consolidation of holdings in the notified area, in accordance with the relevant law on the subject, for better use of the land and the available water and for the disposal of the excess water;

(9) introducing system for utilising products such as sisal leaf, cashew pods for enhancing employment and income therefrom;

(10) protection of land against damage by flood or drought;

(11) training of streams;

(12) regulation for prohibition of firing of vegetation;

(13) improvement of water supply;

(14) sediment control;

(15) farm drainage;

(16) farm irrigation;

(17) control of the strips of land forming swamps and spring sources; and

(18) any other matter which may be prescribed."

Amendment of section 23.

5. In section 23 of the principal Act,—

(1) for the words "Board of Revenue", in three places where they occur, the words "Commissioner of Land Reforms" shall be substituted;

(2) in sub-section (1), in the third proviso,—

(*a*) for the words "in its discretion", the words "in his discretion" shall be substituted;

(*b*) for the words "as it may determine", the words "as he may determine" shall be substituted;

Amendment of sections 35, 37 and 39.

6. In sections 35, 37 and 39 of the principal Act, for the words "Board of Revenue", wherever they occur, the words "Commissioner of Land Reforms" shall be substituted;

Amendment of section 42.

7. In section 42 of the principal Act, in sub-section (2),—

(1) for the words "Board of Revenue", the words "Commissioner of Land Reforms" shall be substituted;

(2) the word "it" in two places where it occurs, shall be omitted.

Insertion of new section 42-A.

8. After section 42 of the principal Act, the following section shall be inserted, namely:—

"42-A. *Evaluation of schemes.*—(1) Notwithstanding anything contained in this Act, the Land Improvement Board in respect of any scheme sanctioned by it or by the Government, and the Soil Conservation Board in respect of any scheme prepared by it, may direct the District Committee or any other institution to evaluate periodically any such schemes as may be specified in such direction subject to such rules as may be made in this behalf and in accordance with the provisions of this section—

(*a*) to identify the benefits of the scheme;

(*b*) to identify technical approaches for measuring such benefits; and

(*c*) to collect time series data for the purpose.

(2) The benefits referred to in sub-section (1) shall, in general, be of the following kinds, namely:—

A. Protective Benefit--

(i) Direct land protection against erosion such as gullying;

(ii) Protection to the existing production from eroding lands mentioned under item (i) above.

(iii) Appreciated value of restored land;

(iv) Proportionate investment on dam and its command, protected under major, medium and minor irrigation projects.

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B. Productive Benefit—

(i) Additional rainfed production from catchment of the structure;

(ii) Additional production from mini command of the structure;

(iii) Production from restored and irrigated lands which were otherwise out of cultivation or plant management.

C. Employment Generation—

(i) Casual employment due to construction of bunds, terraces, raising of plantations, etc.;

(ii) Regular employment due to intensification of land management or improvement of cropping or plant management;

(iii) Ratio of the post-project employment (Regular) can be termed as employment improvement ratio and taken as an index for charging the effectiveness of the plan and its implementation.

(3) For the purpose of evaluation of a scheme—

(*a*) certain mini-project areas representing typical package of conservation practices are to be selected;

(*b*) the investment made on the scheme, such as the investment made for the following purposes, shall also be taker. into account, namely:—

(i) Land treatment;

(*ii*) Land restoration;

(iii) Construction of erosion control and Water harvesting structures;

(iv) Mini Command Development;

(*c*) pre-project and post-project datas are to be collected with respect to the following, namely:—

(i) Hydrologic and Sedimentation including climatic and watershed attributes;

(ii) Socio-economic data, which will cover family size and economics, holdings, crop and plant management, production and return and employment.".

(By order of the Governor)

K. PARTHASARATHY,
Secretary to Government,
Law Department.

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