

**THE JAMMU AND KASHMIR 1 [LAND IMPROVEMENT
SCHEMES ACT, 1972].**

ACT No. XXIV OF 1972

**(RECEIVED THE ASSENT OF THE GOVERNOR ON 21ST NOVEMBER, 1972
AND PUBLISHED IN THE GOVERNMENT GAZETTE DATED 24TH
NOVEMBER, 1972).**

An Act to provide for the making and execution of Land improvement schemes including schemes for soil conservation improvement of soil resources, prevention or mitigation of soil erosion. Protection of land against damage by floods or drought, farm drainage or other works incidental to, or connected with such purposes.

Be it enacted by the J&K State Legislature in the twenty-third year of the Republic of India as follows:

**CHAPTER I
PRELIMINARY**

1. *Short title.*-This Act may be called the J&K Land Improvement Schemes Act, 1972.

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

(a) "Deputy Commissioner" means the officer appointed for the time being to be the Dy, Commissioner of a District, and includes any other officer authorised by the Govt. by notification to perform the functions of a Dy. Commissioner under this act and the rules made thereunder;

(b) "Director" means the officer appointed for the time being to be the Director of Agriculture, and includes any other officer authorised by the Government by notification to perform the functions of the Director under this Act and the rules made thereunder;

(c) "District Land Improvement Committee" means a Committee constituted under section 4;

(d) "Erosion" means the removal or displacement of earth, stones or other materials by the action of wind or water;

(e) "Enquiry Officer" means an officer of the Govt. appointed by a District Land Improvement Committee under sub-section (3) of section 7;

(f) "Landowner" has the same meaning as is assigned to it in- the Jammu and Kashmir Land Revenue Act, Samvat 1996 ;

(g) "Notified Area" means any area declared to be notified area under section 3 ;

(h) "Prescribed" means prescribed by rules made under this Act;

(i) "Reclamation" in relation to land, includes making land fit for cultivation or making any other improvement of land;

(j) "Scheme" means a land improvement scheme made under this Act;

(k) "Soil Conservation Officer" means a Divisional Soil Conservation Officer or an Assistant Soil Conservation Officer appointed by the Govt. in respect of a specified area to perform the functions of the Soil Conservation Officer under this Act and the rules made thereunder;

(l) "Waste land" means any land rendered unfit for cultivation on account of accumulation of sand, growth of weeds, soil erosion or any other cause notified by the Govt; and

(m) "Work" means any work of Public utility constructed erected or carried out under a scheme.

CHAPTER II

NOTIFICATION OF AREAS, CONSTITUTION LAND IMPROVEMENT COMMITTEES AND LAND IMPROVEMENT SCHEMES.

3. Notification of areas.- Whenever it appears to the Govt. that in any area comprising the whole or part of a district it is necessary to provide for the making and execution of land improvement schemes including schemes for soil conservation improvement of soil resources, prevention or mitigation of soil erosion, protection of land against damage by floods or drought farm drainage or other works incidental to, or connected with, such purposes, the Govt. may, by notification, declare such area to be a notified area for the purposes of this Act.

4. Constitution etc. of District Land Improvement Committees.- 1[(1) For any one or more notified areas] there shall be a committee to be called the District Land Improvement Committee consisting of the Dy. Commissioner, Asstt. Agriculture Production Officer, District Agriculture Officer, Soil Conservation Officer, Divisional Forest Officer, and three non-official members of the area which wholly or partly falls within the whole or part of the notified area nominated by the Dy. Commissioner:

Provided that where more than one Soil Conservation Officers are posted in a district, the Soil Conservation Officer within whose jurisdiction the bulk of the notified area is situated shall be the member of the District Land Improvement Committee.

2. The Dy. Commissioner shall be the Chairman of the District Land Improvement Committee and the Soil Conservation Officer shall be the Secretary thereof.

3. Three members shall form the quorum for a meeting of the District Land Improvement Committee.

4. All questions before the District Land Improvement Committee shall be decided according- to the opinion of the majority of the members present and voting. In case of equality of votes the Chairman shall have a second or casting vote.

5. Functions of District Land Improvement Committee

(1) A District Land Improvement Committee may direct the preparation of a Land Improvement Scheme for the whole or a part of the notified area within the district, which may provide for all or any of the following matters :

- i) prevention of erosion of soil ;
- ii) preservation and improvement of soil ;
- iii) reclamation of waste land ;
- iv) improvement in the methods of cultivation including dry farming practices and extension of cultivation;
- v) construction of earth and masonry works in fields, gullies and ravines;
- vi) training of streams ;
- vii) planting and preservation of trees, shrubs and grass on uncultivable land or providing shelterbelts against wind or sand movement;
- viii) regulations or prohibition of firing of vegetation;
- ix) improvement of water-supply;
- x) farm drainage and other works incidental to, or connected with, any of the aforesaid purposes;
- xi) any other matter which may be prescribed.

2) On a direction being issued, under sub-section (1) the Soil Conservation Officer shall prepare in the prescribed manner a draft scheme which, amongst other things, shall con-

tain the following particulars:-

- i) objects of the schemes;
- ii) the boundaries and approximate areas of the land to be included in the scheme;
- iii) the persons, including the Govt. who will be affected by the scheme;
- iv) the works to be carried out under the scheme ;
- v) the agency through which the works shall be carried out; and
- vi) such other particulars as may be considered necessary.

6. Power to enter upon lands to do certain acts.-The Soil Conservation Officer or any other person authorised in writing by the District Land Improvement Committee or the Soil Conservation Officer may enter upon any land in a notified area for the purpose of survey and preparation of a scheme and do all acts necessary for such purposes and in particular may :-

- a) dig or bore into the sub-soil: or
- b) take levels and mark boundaries; or
- c) place, erect or fix any peg or mark; or
- d) do all other acts necessary for such purpose.

7. Approval and publication of schemes.- (1) The Soil Conservation Officer shall prepare a draft scheme as required by sub-section (2) of section 5 and shall submit the same to the District Land Improvement Committee, which may either approve the draft scheme with or without modification or reject it and prepare or cause to be prepared another draft scheme.

2) After the draft scheme is approved by the District Land Improvement Committee, it shall be published in English and Urdu Languages in the Govt. Gazette and also in the prescribed manner in every village and at, the headquarters of the tehsil and district in which the lands included in the scheme are situated, and a 'copy thereof shall be affixed in the offices of the Panchayat, Block Development Officer and the Deputy Commissioner.

3) As soon as the draft scheme is approved, the District Land Improvement Committee shall, appoint a person to be an Enquiry Officer.

8. Objections to scheme.-The District Land Improvement Committee shall, simultaneously with the publication, of the draft scheme in the Govt. Gazette require persons affected by the scheme to make, within thirty days of such publication any objections to the scheme or part thereof to the Enquiry Officer either in writing or by appearing personally before him.

9. Enquiry into objections and reports:- The enquiry officer shall enquire into the objections received by him and submit them to the District Land Improvement Committee together with his report and recommendations thereon.

10. Sanctioning of final scheme:- After considering the objections and the report and recommendations of the Enquiry Officer thereon and any further report which the District Land Improvement committee require from him, the District Land Improvement Committee may sanction the scheme, with or without modification or reject it :
Provided that the District Land Improvement Committee shall not sanction the scheme if the majority of the owners of the land included in the scheme, other than the Government, awing in the aggregate mare than fifty percentum of the Land included in the scheme have objected to the making of the scheme.

11. Publication of final scheme:- The scheme as sanctioned under section 10 shall be published in the same manner as is provided in sub-section (2) of section 7 and an such publication shall be deemed to be final and shall came into farce from the date of

such publication in the Government Gazette

[11-A Powers to carry out schemes at the request of land owners.-(1) Notwithstanding anything contained in section 3 where more than 50% owners of land in a particular compact area make a voluntary request to the District Land Improvement Committee to undertake land improvement scheme in their lands the District Land Improvement Committee shall direct the Soil Conservation Officer to prepare a scheme. in accordance with sub-section (2) of section 5. The Soil Conservation Officer shall prepare a draft scheme and submit the same to the District Land Improvement Committee which may either approve the draft scheme with or without modification or reject it and prepare or cause to be prepared another draft scheme.

2) After the draft scheme is approved by the District Land Improvement committee, it shall by order in writing direct the Soil Conservation Officer under an intimation to the beneficiaries to execute the scheme. Nothing in sections 7, 8, 9, 10 & 11 shall apply to any such scheme.

12. Power of District Land Improvement Committee to make regulations.-For the purpose of carrying out a scheme which has come into force under section 2[11 or 11-A the District Land Improvement Committee may, with the prior approval of the Government, 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 included in the scheme or which may be supplementary or incidental to the scheme].

CHAPTER III EXECUTION OF SCHEMES

13. Soil Conservation Officer to execute the scheme:- When a scheme comes into force under section 11 or 11-A the Soil Conservation Officer shall proceed to execute the scheme.

14. Power to carry out works under the scheme:- 1) Every Land owner affected by a scheme shall, unless he himself carries out the works apportioned to him, be liable to pay the cost with interest thereon of such works in proportion to the area of land owned by him which has been included in the scheme.

2) If any landowner desires to carry out the works himself under the technical guidance of the Soil Conservation Officer, the landowner shall give notice in writing to that effect to the Soil Conservation Officer [within thirty days]:

- (a) of the publication of the scheme in the Government Gazette under section 11; or
- (b) from the making of an order under section 11-A.

3) On receipt of such notice the Soil Conservation Officer shall inform the landowner about the works which are to be carried out on his land and shall fix the date before which the landowner shall carry out the works.

4) If the landowner fails to carry out any of such works to the satisfaction of the Soil Conservation Officer, or expresses his inability to do so in writing, before the date fixed for completion of the works, the Soil Conservation Officer may himself cause the works to be carried out and recover the expenses incurred for the purpose with interest thereon from the landowner in such manner as may be prescribed.

15. Power of Government to carry out schemes:- Notwithstanding anything contained in Section 14, the Govt. may, in the case of any scheme which has come into force under section 11 or 2[11-A direct that any work under the scheme may, in public interest, be carried out by the Govt. and that the cost of such work with interest thereon shall be recovered in whole or in part from the landowners in proportion to the area owned by each landowner which has been included in the scheme].

CHAPTER IV

MAINTENANCE, REPAIR AND USE OF WORKS CARRIED OUT UNDER SCHEMES

16. Preparation of statement:- (1) The Soil Conservation Officer shall on completion of the works under a scheme prepare a statement in the prescribed form giving the following particulars, namely:-

- i) name of the landowners including the Govt. and Khasra numbers of the land included in the scheme;
- ii) the works carried out under the scheme together with a map thereof ;
- iii) the total cost of such works;
- iv) the rate of recovery of cost per acre;
- v) the amount to be recovered from the landowners, the period within which such amount is recoverable and the number of installments of recovery;
- vi) the works which, in the opinion of the Soil Conservation Officer, should be maintained and repaired by landowners individually or jointly and the name of such landowners; and
- vii) such other matters as may be prescribed.

2) A copy of the statement shall be sent to the Revenue Deptt. for recovery in the manner prescribed.

3) 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.

17. Obligation of persons to maintain and repair works:- 1) Every person shown in the statement prepared under section 16 as liable to maintain and repair works shall maintain it to the satisfaction of the Soil Conservation Officer and shall, within such time as the Soil Conservation Officer may fix, repair the works in his own land or in any other land in respect of which he is shown as liable in that statement.

2) If such person fails, to maintain the works to the satisfaction of the Soil Conservation Officer or fails to repair them within the time fixed by the Soil Conservation Officer under sub-section (1), the Soil Conservation Officer shall himself maintain the works or get them repaired and recover the cost thereof with interest thereon from such person:

3) If the Soil Conservation Officer is of the opinion that an emergency has arisen and immediate repair of any works referred to in sub-section (1) is necessary in public interest, he shall cause such repairs to be carried out and the cost of such repairs with interest thereon shall be paid by the landowner or landowners concerned.

4) The Soil Conservation Officer shall, as soon as practicable report to the Government regarding such repairs.

18. Decision of disputes relating to work:- Any dispute as to the execution of works under a scheme or the expenses incurred on the works or their maintenance and repair as referred to in section 16 or section 17 shall be decided by the Director whose decision shall be final

19. Amounts to be recovered:- All amounts payable to or recoverable by the Govt. or the Soil Conservation Officer under this Act may be recovered as if they were arrears of land revenue.

CHAPTER V

MISCELLANEOUS

20. Penalty:- Any person who does any act which causes damage to any of the works carried out or maintained under any scheme which has come into force under section 11 or section 11-A shall on conviction be punishable with fine which may extend to five hundred rupees.

21. Inquiries to be held summarily:- (1) Any Officer or authority empowered to make an inquiry under this Act, shall, where no specific provision has been made therefore, make the inquiry in the prescribed manner.

2) Any such officer or authority shall have the same power of summoning and enforcing the attendance of any person and examining him on oath and compelling the production of documents as are vested in the Revenue Officers under the J&K Land Revenue Act, 1996.

22. Registration of documents, plans and maps in connection with schemes not required:- (1) Nothing in the Registration Act, Svt. 1977 shall be deemed to require the registration of any document, plan or map prepared made or sanctioned in connection with a scheme which has come into force under section 11 [or section 11-A].

2) All such documents, plans and maps shall, for the purposes of sections 48 and 49 of the Registration Act, Svt. 1977 be deemed to be registered in accordance with the provisions of that Act.

23. Power' to revoke schemes:- If the Government is satisfied, upon an application made by a District Land Improvement Committee, that it is necessary to revoke a scheme or a part thereof or if the Govt. is satisfied that a scheme or a part thereof is against public interest, it may, by notification, revoke the scheme or a part thereof, as the case may be, and upon such revocation, the provisions of this Act, except section 19, shall cease to apply to such schemes or a part thereof.

24. Inspection of documents, etc. and obtaining of copies:- Documents, plans and maps relating to a scheme shall be open for public inspection at the office of every Tehsildar for the area in respect of which a scheme has been prepared at any time during office hours and certified copies thereof may be obtained on payment of the prescribed fee.

25. Delegation:- The Government, and subject to the control of the Government, the Soil Conservation Officer may, by notification, direct that any power exercisable by it or him under this Act shall, in - relation to such matter and subject to such conditions, if any, as may be specified in the notification, be exercisable also by such officer or authority subordinate to the Govt., or the Soil Conservation Officer, as the case may be, as may be specified in the notification.

26. Certain officers to be public servants:- The Soil Conservation Officer, the Enquiry Officer or any other Officer exercising any power or performing any function under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Ranbir Penal Code, Samvat 1989.

27. Protection of acts done in good faith:- No suit prosecution or other legal proceeding shall lie against any person deemed to be a public servant under section 26 in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

28. Power to make rules:- (1) The Government may, by notification and after previous publication, make rules for carrying out the purposes of this Act.

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

- a) the manner in which the draft scheme under section 5 shall be prepared and the other matters and particulars which may be included therein ;
- b) the manner in which a scheme shall be published under sub:-section (2) of section 7 ;

- c) the manner in which the expenses incurred in carrying out the works under sub-section (4) of section 14 may be recovered ;
- d) the form in which the statement under section 16 shall prepared and the manner in which the amount mentioned therein may be recovered;
- e) the scale of fees for obtaining certified copies of documents, plans and maps relating to a scheme; and
- f) all other matters allowed or required by this Act to be prescribed.

29. Repeal and saving:- (1) The J & K Soil Conservation and Land Improvement Schemes Act, 1959 is hereby repealed.

(2) Notwithstanding such repeal, all orders passed, notifications issued, powers exercised, actions or proceedings taken rights acquired and liabilities incurred under the said Act, shall be deemed to have respectively been passed, issued, exercised, taken, acquired and incurred under this Act, so far as these are not inconsistent with any of the provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.

**THE JAMMU AND KASHMIR LAND IMPROVEMENT
SCHEMES ACT, 1972
ACT No. XXIV OF 1972**

1. Districts of Srinagar, Baramulla, Anantnag & Jammu declared as Notified areas.
2. The Jammu and Kashmir Land Improvement Scheme Rules, 1973.

District of Srinagar, Baramulla and Jammu declared as Notified areas.

Agriculture Department Notification SRO-29 dated 22nd January 1973. Whereas it appears to the Government that it is necessary so to do.

Now, therefore, in exercise of the powers conferred by section 3 of the Jammu and Kashmir Land Improvement Schemes Act, 1972 (XXIV of 1972) the Government hereby declare the districts of Srinagar, Baramulla, Anantnag and Jammu to be notified areas for the purposes of the said. Act.

**THE JAMMU AND KASHMIR LAND IMPROVEMENT
SCHEMES RULES, 1973.**

Agriculture Department Notification SRO-422 dated 23rd August, 1973.-In exercise of the powers conferred by sub-section(1) of section 28 of the Jammu and Kashmir Land Improvement Schemes Act, 1972 (XXIV) of 1972, the Government hereby makes the following rules, the same having previously been published as required by the said sub-section namely;

1. Short title and commencement:- (1) These rules may be called the Jammu and Kashmir Land Improvement Scheme Rules 1973.

(2) They shall come into force with effect from the date these are published in the Government Gazette.

2. *Definition.*-In these rules, unless there is anything repugnant in the subject or context :-

- (a) "Act" means the Jammu and Kashmir Land Improvement Schemes Act, 1972;
- (b) "Committee" means the District Land Improvement Committee constituted under Section 4 of the Act ;
- (c) "Form" means a form appended to these rules;
- (d) "Section" means section of the Act;
- (e) "Words" & Expressions" used in these rules but not defined shall have the meanings assigned to them in the Act.

3. Notice of publication of the Scheme:-The Committee shall simultaneously with

publication of the scheme in the Government Gazette under sub-section (2) of section 7 publish the same along with a notice in form A in every village and at the headquarters of the tehsil and district in which the lands included in the Scheme are situated. The notice shall be given by affixing a copy thereof on the notice board in the offices of the Tehsildar and the Deputy Commissioner concerned and at 'Conspicuous places in the village or villages affected by the scheme.

4. Preparation of statement and entries in record of rights:-

- (1) The statement under sub-section (1) of section 16 shall be in Form 'B' and prepared in Urdu. It shall be sent in triplicate by the Soil Conservation Officer to the Tehsildar concerned, as soon as possible after the 1st day of April in each year.
- (2) On receipt of the statement, the Tehsildar shall retain one copy and shall forward the other two copies to the Patwari' of the village concerned.
- (3) The Patwari shall make the necessary entries in the mutation register corresponding to each entry in the statement.
- (4) After the entry in the mutation register is certified as required by section 24, of the Jammu and Kashmir Land Revenue Act, 1966, the Patwari shall transfer the entry to the record of rights, under column "REMARKS".
- (5) The Patwari, shall also fill in column 15 of the statement in Form "B" and return one of the copies to the Soil Conservation Officer through the Tehsildar concerned.
- (6) When the entries in the record of rights are altered on account of change of ownership of land, corresponding changes shall be carried out by the Tehsildar under his signature in column 14 of the statement in Form "B" prepared under section 16 and received by him under sub-rule (5).

5. 1[Deleted].

6. Form of notice to be served on the land owner for main taining or repairing works:- If any person, shown in the statement prepared under section 16 is liable to maintain and repair the works, does not maintain or repair them to the satisfaction of the Soil Conservation Officer, the Soil Conservation Officer shall serve upon the person a notice in Form "C" specifying the time within which the repairs described in the notice are to be carried out.

7. Accessibility to documents, plans and maps.- Documents, plans and maps, relating to a scheme which comes into force shall be open for public' inspection at the office of the Tehsildar concerned at any time during office hours, certified copies thereof shall be supplied on payment of a fee of five rupees for each set of documents, plans and maps pertaining to

FORM 'N
[See Rule 3]

NOTICE OF PUBLICATION OF DRAFT SCHEME.

In pursuance of the provisions of sub-section (2) of section 7 of the Jammu and Kashmir Land Improvement Schemes Act, 1972, the District Land Improvement Committee hereby publishes the draft scheme prepared under sub-section (1) of the aforesaid section.

Notice of the publication of the scheme is hereby given in accordance with the provisions of the Act. All persons affected by the scheme who wish to make any claim or to submit any objection to the draft scheme may do so in writing or by appearing personally before the Inquiry Officer..... at... ..on... .. before the

Secretary of the Committee

FORM 'B'
[See Rule 4]

Total cost of work done.....

Amount of subsidy.....
 Amount to be recovered.....

Village
 Tehsil
 District

S No.	Khasra No	Name of Landholder	Area
1	2	3	4
Assessment		Nature of work done	
	No. of bunds	No. of trenches	No. of waste weirs
5	6	7	8
No. of drains		Total amount to be recovered from land owner	
9	10		
Period of recovery and No. of installments of recovery		Year from which recovery should begin	
11		12	
Annual installments or six Monthly installments		Person or persons liable to maintain and repair work individually or jointly.	
13		14	
Serial No. of entry in the mutation register and dated certification of the entry.		Remarks	
15		16	

To be filled in by the Patwari

FORM 'C'
[See Rule 5]
FORM OF NOTICE

To
 Shri.....

Whereas you are liable to maintain and repair the work in land bearing Khasra Nos.....in the village of..... Tehsil..... District..... according to the statement of rights and liabilities prepared under section 16 of the Jammu and Kashmir Land Improvement Schemes Act, 1972 a notice is hereby given under section 17 of the said Act, that you should carry out completely to my satisfaction the repairs specified below at your cost withindays from the date of this notice, failing which I shall get the work carried out and the expenses incurred by me in carrying out the work shall be recovered from you *as* arrears of land revenue.

Description of repairs to be carried out.

Dated the... ..day of 19.....

Soil Conservation Officer

