

THE JAMMU AND KASHMIR LAND IMPROVEMENT SCHEMES ACT,1972
(Act No.XXIV of 1972)

[21st November,1972]

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

Be it enacted by the Jammu and Kashmir State Legislature in the Twenty-third Year of Republic of India as follows-

CHAPTER 1
PRELIMINARY

1. Short Title

This Act may be called as the Jammu and Kashmir 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 the Deputy Commissioner of a District, and includes any other officers authorized by the Government by notification to perform the functions of a Deputy Commissioner under this Act and the rules made there under;
- (b) "Director" means the officer appointed for the time being in force to the Director of Agriculture , and includes any other officer authorized 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 Government appointed by a District Land Improvement Committee;
- (f) "landowner" means the owner of the land;
- (g) "notified area " means any area declared to be a notified area under section 8;
- (h) "Prescribed" means the prescribed by rules made there under this Act;

- (i) “reclamation” means 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 Government 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 referred unfit for cultivation cause notified by the Government;
- (m) “Work” means any work of public utility constructed, erected or carried out under a scheme.

CHAPTER II

NOTIFICATION OF AREAS ,CONSTITUTION OF DISTRICT LAND IMPROVEMENT COMMITTEES AND MAKING OF LAND IMPROVEMENT SCHEMES

- 3. **Notification of Areas :-** Whenever it appears to the Government that in any area comprising the whole or part of a District it is necessary to provide for the masking 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 Government may by notification, declare such area to be a notified area for the purpose of the Act.
- 4. **Constitution etc. of Distt. Land Improvement Committees**
 - (1) There shall be a committee to be called the District Land Improvement Committees Consisting of the Deputy Commissioner, Assistant Agricultural Production Officer, Soil Conservation Officer, Divisional Forest Officer and other non- official members of the area which wholly or partly falls with in the whole or part of the notified area nominated by the Deputy Commissioner.
 - (2) The Deputy Commissioner shall be the Chair man 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 a District Land Improvement Committee

- (1) A District Land Improvement Committee may direct the preparation of a Land Improvement Committee for the whole or part of the notified areas within the district ,which may provide for all or any of the following matters :-
 - (a) prevention of soil erosion;
 - (b) preservation and improvement of soil;
 - (c) reclamation of waste land;
 - (d) improvement in the method s of cultivation including dry farming practices and extension of cultivation;
 - (e) construction of earth and masonry works in fields, gullies and ravines;
 - (f) training of streams;
 - (g) planning and preservation of trees, shrubs and grass on uncultivable land or providing shelterbelts against wind or sand movement;
 - (h) regulation or prohibition of firing of vegetation;
 - (i) improvement of water-supply;
 - (j) farm drainage and other works incidental to, or connected with, any of the aforesaid purposes;
 - (k) 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 contain the following particulars :-
 - (a) objects of the scheme;
 - (b) in the boundaries and approximate areas of the land to be included in the scheme;
 - (c) the persons, including the Government, who will be affected by the scheme;
 - (d) the works to be carried out under the scheme;
 - (e) the agency through which the works shall be carried out ; and
 - (f) such other particulars as may be considered necessary.

6. Power to enter upon land to do certain Acts

The Soil Conservation Officer or any other persons authorized in writing by the District Land Improvement Committee or 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 purpose 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 an 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 Government Gazette and also in the prescribed manner in every village and at the head quarters of the Tehsil and district in which lands included in the Scheme are situated, and a copy thereof shall be affixed in the offices of the Panchayat, Block Development Officer and 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 the draft scheme in the Government Gazette, require all persons affected by the scheme to make, within thirty days of such publication, any objections to the scheme or part thereof the Enquiry Officer either in writing or by appearing personally before him.
9. **Enquiry into Objections and reports :-** The Enquiry Officer shall inquire into the objections received by him and submit them to the District Land Improvement Committee together with his report and recommendation thereon.

CHAPTER III

EXECUTION OF SCHEMES

10. **Soil Conservation Officer to execute the Scheme :-**When a Scheme comes into force , under section 11 the Soil Conservation Officer shall proceed to execute the scheme.

11. Power to carry out works under the Scheme

- (1) Every land owner affected by a scheme unless he himself carries out the work appointed to him, be liable to pay the costs 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 land owner desires to carry out the works himself under the technical guidance of the Soil Conservation Officer, the land owner 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;
 - (b) from the making of an order 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 in his land and shall fix the date before which the landowner shall carry out his works.
- (4) If the land owner fails to carry out any of such works to the satisfaction of the Soil Conservation Officer or express his inability to do so in writing, before the date fixed for completion of the works of the Soil Conservation Officer may himself cause the works to be carried out and recover the expenses incurred for the purpose with interest thereon.

CHAPTER IV

Maintenance , Repair and Use of Works Carried out Under Schemes

12. 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 :-
 - (a) name of the land owners including the Government , and Khasra number s of the land included in the scheme;
 - (b) the works carried out under the scheme together with a map thereof;
 - (c) the total costs of such works;
 - (d) the rate of recovery of cost per acre;
 - (e) the amount to be recovered from the land owners, the period within which the such amount is recoverable and the number of installments of recovery;
 - (f) the works, which in the opinion of the Soil Conservation Officer ,should be maintained and repaired by land owners individually or jointly and the name of such land owners ; and
 - (g) such other matters as may be prescribed.
- (2) A copy of the statement shall be sent to the Revenue Department for recovery in the manner prescribed.

13. Power to make Rules

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

- (2) In particular, and without prejudice to the generality of the foregoing power, such rule may provide for all or any of the following matters, namely –
- (a) the manner in which the draft scheme under section 5 shall be prepared and other matters and particulars which may be included therein;
 - (b) the manner in which a scheme shall be published under section 7;
 - (c) the manner in which 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 be 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 scheme; and
 - (f) Other matters allowed or required by this Act to be prescribed.

14. **Repeal and Saving :-** Notwithstanding, such repeal, all orders passed, notification issued, powers exercised, actions or proceedings taken, rights acquired and liabilities incurred under this Act, so far as these are not consistent with any of the provisions of this Act and shall continue to be in force accordingly unless and until suspended by anything done or any action taken under this Act.