

Tamil Nadu Land Improvement Schemes Rules, 1961

TAMILNADU

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Tamil Nadu Land Improvement Schemes Rules, 1961Published vide Notification No. G. O. Ms. No. 3810, Food and Agriculture, dated 4th November 1961 - S.R.O. No. A-1194 of 1961Published in Part V, page 1238 of the Fort St. George Gazette, dated the 6th December 1961.G. O. Ms. No. 3810, Food and Agriculture, dated 4th November 1961 - S.R.O. No. A-1194 of 1961. - In exercises of the powers conferred by section 44 of the Tamil Nadu Land Improvement Schemes Act, 1959 (Tamil Nadu Act 51 of 1959), the Governor of Tamil Nadu hereby makes the following rules:-

1. Short title.

- These rules may be called the Tamil Nadu Land Improvement Schemes Rules, 1961.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Land Improvement Schemes Act, 1959 (Tamil Nadu Act 31 of 1959);(b)"Assistant Agricultural Engineer" means any person appointed by the Government to exercise the powers of an Assistant Agricultural Engineer;(c)"Form" means a Form appended to these rules;(d)"Section" means a section of the Act.

3. Particulars with which and the period within which claim under sub-section (2) of section 5 should be preferred.

- Any claim preferred under sub-section (2) of section 5 shall be by an application in Form I with the particulars set out in that Form and the period within which it shall be preferred shall be thirty days from the date of the publication of the proclamation referred to in sub-section (1) of that section.

4. Inquiry under sub-section (1) of section 6.

- For the purpose of sub-section (1) of section 6, the Collector shall require any officer of the Forest Department not below the rank of Range Officer or any officer of the Agriculture Department not below the rank of Agricultural Demonstrator to inspect the area concerned and to submit through the District Forest Officer or the District Agricultural Officer, as the case may be, a report to the Collector regarding the claim preferred under section 5, the amount of compensation payable and where there are two or more claimants, the proportion in which it should be paid to such claimants. The Collector shall, after the receipt of such report, proceed to inquire into every such claim and shall, after fully satisfying himself about the claim, make an award. [As amended by G. O. Ms. No. 570, Food and Agriculture, dated the 19th February 1963.]

5. Form of notice of award and manner of service.

- The notice of award under sub-section (4) of section 6 shall be in Form II. Such notice shall be served by delivering or tendering a copy thereof, signed by the Collector or any other officer authorised in this behalf on the claimant or claimants named therein or their representatives and to the persons to whom compensation is payable, whenever it may be practicable. When such person cannot be found, the service may be made on any adult male member of his family residing with him, and if no such adult male member can be found, the notice may be served by affixing on the outer door of the house in which the person ordinarily resides or carries on his business or by affixing a copy thereof in some conspicuous place of the office of the Collector and also in the village chavadi.

6. Additional functions of the District Committee.

- In addition to the functions mentioned in section 12, the District Committee shall perform the following functions, namely:-(i)to organize and co-ordinate local land utilization surveys in the district and to check the process of erosion caused by denudation of trees, cultivation of sloping land and use of wrong cultivating methods and to recommend correct soil conservation methods;(ii)to advise the Land Improvement Board on the conditions under which cultivation in specific areas should be stopped and the land put under soil conservation measures;(iii)(a)to advise on questions relating to the acquisition of privately owned waste lands for afforestation;(b)to prepare a list showing the distribution of forest areas with reference to agricultural areas so as to facilitate measures being taken for afforestation; and(c)to study the effects of clearing and cultivation of catchment areas of important streams which feed power and irrigation projects;(iv)to co-ordinate functioning of regional soil conservation plans which involve participation of several departments;(v)to scrutinize plans submitted by the Forest, Agricultural and Public Works Departments for the conservation of vital catchment areas.

7. Additional matters for which provisions may be made in the scheme.

- A scheme may, in addition to the matters mentioned in clauses (i) to (xvii) of section 14, provide

for-(a)the prohibition of soil wash and debris from the mining areas to the cultivable and productive areas;(b)the prohibition of cultivation on slopes more than 33-1/3 per cent, in the hilly areas;(c)the prohibition of cultivation on slopes less than 33-1 /3 per cent, in the hilly areas except with such soil conservation measures as may be specified by the Executing Officer; and(d)the measures to prevent soil wash and debris from the newly opened up areas for construction of buildings, roads and the like.

8. Publication of draft scheme in village under section 16.

(1)A copy of the draft scheme prepared or approved by the Land Improvement Board under subsection (4) of section 15 shall, in addition to its publication in the District Gazette under section 16, be affixed in the headquarters of the taluk in the village chavadi and offices of the panchayats and panchayat union councils and also in a conspicuous place in the village or villages in which the lands proposed to be included in the scheme are situated. [As amended by G. O. Ms. No. 570, Food and Agriculture, dated the 19th February 1963.](2)The Collector may also direct the publication of the scheme in such newspapers, if any, circulating in the locality as he may think fit.

9. Form and service of notice under section 22.

(1)The notice under sub-section (1) of section 22 shall be in Form III.(2)A copy of the notice referred to in sub-rule (1) shall be served in the manner specified in rule 5.

10. Amount payable under sub-section (3) of section 22 or sub-section (1) of section 34 and interest.

(1)The net expenditure recoverable under sub-section (1) of section 34 shall be payable in such number of equated annual instalments not exceeding twenty as the Collector may fix.(2)Each instalment under sub-rule (1) or under sub-section (3) of section 22 shall be paid on the date appointed for the payment of the first instalment of land revenue.(3)The rate of interest payable under sub-section (3) of section 22 or sub-section (1) of section 34 shall be the same as that chargeable for loans under the Land Improvement Loans Act, 1883 (Central Act XIX of 1883).(4)(a)The option under sub-section (3) of section 22 shall be in writing and shall be exercised within one month from the date of receipt of notice under section 22. The option shall be signed by the person and shall be handed over in person to the Executing Officer or sent to him by registered post acknowledgement due.(b)If no reply is received from any person liable to pay within the said period, the amount shall be paid by him in one lump sum after the end of two years from the date of completion of work. The Collector shall serve a notice to that effect on the person concerned as soon as possible after the expiry of a period of one month allowed for the exercise of the option referred to above. He shall also serve a further notice on the person concerned immediately after the end of two years from the date of completion of work directing such person to pay the lump sum within two months from the date of receipt of notice.

11. Apportionment of cost of works among owners.

- Where any land in which any work has been carried out under the proviso to clause (a) of sub-section (1) or sub-section (2) of section 22 is owned by two or more persons, the cost of such work shall be apportioned among those persons in proportion to the area of the land owned by them and such area shall be determined by the Executing Officer in such manner as he may deem fit with reference to the relevant records.

12. Maintenance of record of rights.

- The record of rights referred to in sub-section (2) of section 25 shall be maintained by the Executing Officer in Form IV.

13. Payment of cost of repair.

- The cost of repair under sub-section (2) of section 26 shall be paid within thirty days from the date of receipt of the notice issued by the Collector or any other officer authorized by him in his behalf. Such notice shall be in Form V

14. Inquiry under section 31.

(1)The Collector shall, before passing an order under section 31, require the Assistant Agricultural Engineer or the District Forest Officer, as the case may be, to inspect the land concerned and to make a report to him and satisfy himself regarding the completion of reclamation.(2)The Collector may, before determining the rent payable by the tenant to the owner under clause (b) of sub-section (1) of section 31 and the compensation payable by the Government under sub-section (1) of section 32, require the Tah-sildar concerned to make a report to him for the determination of rent or compensation payable, as the case may be.

15. Receipts and registers.

(1)The Collector or any other officer authorised by him in this behalf shall maintain a register in Form VI giving an account of all receipts and payments by the Government in respect of land included in any scheme under the Act.(2)The Collector or the officer authorized by him shall see that the total cost incurred in respect of each sub-division of work agrees with the total cost of the scheme indicated in the headlines and if any discrepancy occurs, he shall take immediate measures to see that the omission is rectified and that future lapses are avoided.

16. Time for appeal and manner of appeal.

(1)The period within which an appeal may be preferred under sub-section (1) or sub-section (2) of section 35 shall be two months from the date of the receipt by the appellant of the order which is appealed against.(2)Every such appeal shall be in writing.

17. Form of notice under section 39(1).

- The notice referred to in section 39 shall contain a description of the land, the name of the owner, the designation of the officer and the date or dates on which such officer proposes to enter upon, survey and mark the land and do all other acts under the said section.(2)Such notice shall be served in the manner specified in rule 5, sufficiently in advance on the occupier of the land in order to enable him to remove obstacles, if any, in the execution of work by the officer concerned.

18. Inspection of documents under section 41.

(1)Any person applying for inspection of the records, documents, plans, or maps under clause (a) of sub-section (2) of section 41 shall make an application in writing to the Collector or the Executing Officer who shall permit the applicant to inspect the same after collecting from him an inspection fee of one rupee for every day of inspection.(2)Such fee shall be paid in cash to the officer granting permission for inspecting them or into a Government treasury under the head "XXIX Agriculture-Agricultural Receipts-Miscellaneous Receipts".(3)Any person desiring to obtain copies of such records, documents, plans or maps shall apply in writing to the Collector or the Executing Officer and shall pay a fee of five rupees for each set of copies of records, documents, plans, or maps (or parts thereof) pertaining to each survey number or contiguous holding. The amount shall be paid in cash to the officer issuing the copies or into a Government treasury under the head "XXIX. Agriculture-Agricultural Receipts- Miscellaneous Receipts". The Collector or Executing Officer shall, thereupon, issue copies of the records, documents, plans or maps.

19.

[Omitted by G. O. Ms. No. 259, Agriculture, dated the 5th February 1969.]

20. Terms and conditions of grant or advance of loan under section 45.

- The terms and conditions on which the Collector or any officer authorized by the Collector may make a grant or advance loans under section 45 to any person shall be as follows, namely:-(i)The loans shall be granted on the sureties given by the ryots provided all the ryots in one catchment area apply for the loan jointly for carrying out the work in respect of the entire block;(ii)No individual ryot shall be granted more than Rs. 500 in the plains and Rs. 1,500 on the hills;(iii)the maximum loan amount per acre shall not exceed Rs. 50 in the plains and Rs. 400 in the hills;(iv)the loan shall carry the same rate of interest as other takkavi loans;(v)only 50 per cent of the loan amount should be granted in the first instance before execution of the work and the balance shall be given only after completion of the work;(vi)soil conservation measures shall be carried out under the technical guidance of the Assistant Agricultural Engineer, Soil Conservation Scheme of the district concerned;(vii)the loan granted shall be recovered with interest in ten equal annual instalments;(viii)the recovery of loans shall be effected by the District Collector as in the case of takkavi loans granted for the purchase of manures and seeds;(ix)the loans granted shall be met from the usual allotment made for each district under the Land Improvement Loans Act, 1883 (Central

Act XIX of 1883), and the Agriculturists' Loans Act, 1884 (Central Act XII of 1884) and shall be debited to "Loans and Advances by the State Government-d. Advance to Cultivators-II. Other loans-A. Loans under the Land Improvement Loans Act and Agriculturists' Loans Act".AppendixForm I(See rule 3)Sub-section (2) of section 5 of the Tamil Nadu Land Improvement Schemes Act, 1959 (Tamil Nadu Act 31 of 1959)

1. Name(s) of applicants) and address.

2. Name of village and taluk.

3. S. No.(s) of the field(s) and extent.

4. Classification of land.

5. Nature and extent of right claimed and proof of its exercise in the past.

6. Amount of compensation claimed and how the amount was arrived at.

Declaration

1.

/We declare that the particulars furnished above are true to the best of my/ our knowledge.Station:Date:Signature of applicant/applicants.Form II(See rule 5)Sub-section (4) of section 6 of the Tamil Nadu Land Improvement Schemes Act, 1959 (Tamil Nadu Act 31 of 1959)The following award has been passed by the undersigned in the matter of compensation payable under section 5, of the lands noted below and situated in Village.....taluk.

Survey number and sub-division	Extent	Amount awarded	Person to whom award is made
(1)	(2)	(3)	(4)

The person(s) to whom the award, is made is/are hereby informed that he/ they should appear either in person or by an authorized agent before the undersigned within.....days after the issue of this notice, and receive the amount specified above, failing which the said sum of money will be kept in revenue deposit and will bear no interest.Note. - 1. The paragraph below the statement in this notice should be deleted when the notice is served on those who are not awardees.

2. If the persons interested are present, the contents of the award should be made known to them and the compensation amount tendered to the awardees immediately. The notice of the award to the persons interested who are absent should be without delay

Station:Date:Collector.Form III(See rule 9)Sub-section (1) of section 22 of the Tamil Nadu Land Improvement Schemes Act, 1959 (Tamil Nadu Act 31 of 1959)Take notice that the soil conservation work or works as described hereunder in respect of the land or land belonging to you or in which you hold a beneficiary claim mentioned below and included in the scheme should be carried out on or before the to the satisfaction of the Executing Officer failing which the work will be carried out by the Government as far as possible through the panchayat union concerned having jurisdiction over the land and the cost thereof recovered in accordance with sub-section (3) of section 22 of the Tamil Nadu Land Improvement Schemes Act, 1959 (Tamil Nadu Act 31 of 1959).Form IV(See rule 12)Sub-section (2) of section 25 of the Tamil Nadu Land Improvement Schemes Act, 1959 (Tamil Nadu Act 31 of 1959)

Name of the Scheme.....	1. Number and date of Government orderssanctioning the scheme.							
Village.....	2. The general rate per acre or per rupee ofassessment per annum or the special rate, if any, at which costof work to be recovered from owners.							
Taluk.....	3. Total cost recoverable from the village.							
District.....	4. Total of annual instalment recoverable fromthe village.							

Serial number	Survey number and/or sub-division	Classification	Extent	Assessment	Name and address of owners to included in thescheme	The right of the owners to the use of the works	Extent of liability of each owner	Name of transferees or successors liable to maintain repair works or the follow up of soil conservationpractices
1	2	3	4	5	6	7	8	9

Extent of liability of each transferee or successor to maintain and repair works, or the follow up of soilconservation practices.	The rights if any,of the owners or any of them in regard to the use of such work.	Nature of work done	Total cost of work done	Total amount to be recovered from the owner	Number of annual instalments	Year from which recovery shall begin	Amount of each annual instalments	Remarks
10	11	12	13	14	15	16	17	18

Note. - (1) Separate sheets shall be used for each village.(2)A map of the village and plan showing the extent and nature of works shall be enclosed in this register.Form V(See rule 13)[Sub-section (2)

of section 26 of the Tamil Nadu Land Improvement Schemes Act, 1959 (Tamil Nadu Act 31 of 1959)]

1. Name(s) of the applicant(s) and address.

2. Name of village and taluk.

3. S.No.(s) of the field(s) and extent.

4. Classification of the land.

5. Nature and extent of maintenance and follow up practices to be carried.

6. Amount payable to maintain and repair with details.

Station:Date:Signature of the applicant /applicants.Form VI(See rule 15)The Tamil Nadu Land Improvement Schemes Act, 1959 (Tamil Nadu Act 31 of 1959)Name of the village.Name of the taluk.Name of the scheme.Total cost of the scheme.

Serial number and sub-division number	Name of the registered holder or registered jointholders	Receipts	Payments		
Amount received	Chalan number and date	Details of payment	Amount paid	Date of payment and voucher number	
(1)	(2)	(3)	(4)	(5)	(6) (7)