



The Jammu and Kashmir Land Improvement Schemes Act, 1972

Act 24 of 1972

Keyword(s):

Deputy Commissioner, District Land Improvement Committee, Erosion, Enquiry, Landowner, Reclamation, Scheme, Soil Conservation Officer, Waste Land

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**THE JAMMU AND KASHMIR LAND IMPROVEMENT
SCHEMES ACT, 1972**

ACT NO. XXIV OF 1972

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SCHEMES ACT, 1972****ACT NO. XXIV OF 1972****CONTENTS**

[Received the assent of the Governor on 21st November, 1972 and published in 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 Jammu and Kashmir 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 Jammu and Kashmir Land Improvement Schemes Act, 1972.

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

(a) “Dupty Commissioner” means the officer appointed for the time being to be the Deputy Commissioner of a District, and includes any other officer authorised by the Government by notification to perform the functions of a Deputy 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 rule made thereunder ;

(c) “District Land Imporvement 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 ;

(d) "Enquiry Officer" means an officer of the Government appointed by a District Land Improvement Committee under subsection (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 a 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 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 rendered unfit for cultivation on account of accumulation of sand, growth of weeds, soil erosion or any other cause notified by the Government ; and

(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 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 Government 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) [For any one or more notified areas,] there shall be a committee to be called the District Land Improvement Committees consisting of the Deputy Commissioner, Assistant 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 Deputy 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 Deputy 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 Committees.—(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) regulation 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 contain the following particulars :—

- (i) objects of the scheme ;
- (ii) the boundaries and approximate areas of the land to be included in the scheme ;
- (iii) the persons, including the Government, 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 Government 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 schemes.—The District Land Improvement Committee shall, simultaneously with the publication of 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 to the Enquiry Officer either in writing or by appearing personally before him.

9. Enquiry into objections and report.—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 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 may 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, owing in the aggregate more than fifty per centum 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 on such publication shall be deemed to be final and shall come into force from the date of such publication in the Government Gazette.

1[11-A. Power 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 an 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 and 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 2[section 11, or section 11-A] the District Land Improvement Committee may, with the prior approval of the Government, make regulations requiring any person or persons of 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 2[section 11, or section 11-A] the Soil Conservation Officer shall proceed to execute the scheme.

14. Power to carry out works under the scheme.—(1) Every landowner affected by a scheme shall, unless he himself carries out the works apportioned to him, be liable to pay the cost with interest

1. 11-A inserted vide Act IV of 1979. S. 2.

2. Substituted by Act IV of 1979. S. 3.

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 Officer¹ [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 Government may, in the case of any scheme which has come into force under² [section 11, or section 11-A] direct that any work under the scheme may, in public interest, be carried out by the Government 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 Government, and khasra numbers of the land included in the scheme ;

1. Substituted by Act IV of 1979, S. 4.

2. Substituted by Act IV of 1979, S. 3.

- (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 land owners, the period within which such amount is recoverable and the number of instalments 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 Department 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 persons 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 works.—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 Government 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 cause damage to any of the works carried out or maintained under any scheme which has come into force under 1[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 therefor, make the inquiry in the prescribed manner.

(2) Any such officer or authority shall have the same powers 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 Jammu and Kashmir Land Revenue Act, 1996.

22. Registration of documents, plans or 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 1[section 11 or section 11-A.]

1. Substituted by Act IV of 1979 S-3.

(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 Government 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, plan 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 Government 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 the generality of the foregoing power, such rules 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 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 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 a scheme ; and

(f) all other matters allowed or required by this Act to be prescribed.

30. Repeal and Saving.—(1) The Jammu and Kashmir 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.
