

38

552

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 30th August, 1961

G.S.R. 1093.—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends to the Union territory of Manipur the Madhya Pradesh Land Improvement Schemes Act, 1957 (Madhya Pradesh Act No. 10 of 1958), as at present in force in the State of Madhya Pradesh, subject to the following modifications, namely:—

MODIFICATIONS.

A—General

Whenever an expression mentioned in column 1 of the Table below occurs in the Act, then, unless that expression is by this Notification directed to be otherwise modified, or to stand un-modified, or to be omitted, there shall be substituted therefor the expression set opposite to it in column 2 of the said Table, and there shall also be made in any sentence in which that expression occurs such consequential amendments as the rules of grammar may require.

TABLE

1	2
State Government	Chief Commissioner
Madhya Pradesh (except where it occurs in the short title, the long title and the preamble).	Manipur
Commissioner.	Chief Commissioner.
District Committee(s)	Committee(s)
Collector.	Sub-Divisional Officer.

B—Special

1. In section 1, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) It extends to the whole of the Union territory of Manipur.”

2. In section 2,

(i) for clauses (2) and (3), the following clauses shall be substituted, namely:—

“(2) ‘Chief Commissioner’ means the Chief Commissioner of Manipur;

(3) ‘Committee’ means the Sub-Division Land Improvement Committee constituted under section 11;”

(ii) for clause (6), the following clause shall be substituted:—

“(6) ‘Gazette’ means the Manipur Gazette;”

(iii) in clause (8), for the words “State Government”, the word “Government” shall be substituted;

(iv) after clause (11), the following clause shall be inserted, namely:—

(11A) "Sub-Divisional Officer" means the Sub-Divisional Officer of the division and includes any officer appointed by the Chief Commissioner to perform all or any of the functions of a sub-divisional officer under this Act;"

3. In section 8,

(i) in sub-section (1), for the words "for the State", the words "for the Union territory of Manipur" shall be substituted; and

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The Board shall consist of—

- (a) the Deputy Commissioner who shall be the Chairman *ex-officio*;
- (b) all members of Parliament from the Union Territory of Manipur;
- (c) the Chairman, Manipur Territorial Council;
- (d) the Finance Secretary, Manipur Administration;
- (e) the Principal Engineering Officer for Irrigation of the Public Works Department, Manipur;
- (f) the Head of the Forest Department, Manipur;
- (g) the Head of the Agriculture Department, Manipur; and
- (h) Not less than 3 and not more than 6 persons to be nominated by the Chief Commissioner."

(iii) in sub-section (4), for the words "The Secretary to Government in the Agriculture Department", the words "The Secretary to the Manipur Administration in the Agriculture Department" shall be substituted;

(iv) for sub-section (6), the following sub-section shall be substituted, namely:—

"(6) A member referred to in clause (b) or clause (c) of sub-section (3) shall continue in office so long as he continues to be a member of Parliament or as the case may be, the Chairman of the Territorial Council; and the term of office of the members referred to in clause (h) of that sub-section shall be five years."

4. In section 11(1),—

(i) for the words "the Board shall constitute a Committee", the words "the Deputy Commissioner shall constitute a Committee" shall be substituted and for the word "District" the word "Sub-Division" shall be substituted;

(ii) in clause (ii), for the words "State Government", the word "Government", shall be substituted.

5. In section 12, for the word "district" wherever it occurs, the words "sub-division" shall be substituted.

6. In section 15,

(i) in sub-section (2) for the word "district", the words "sub-division" shall be substituted.

554

- (ii) in sub-section (3), clause (c), for the words "State Government", the word "Government" shall be substituted.
- 7. In clause (a) of sub-section (2) of section 16, the words "the Collector or" shall be omitted and for the word "Tahsildar", the words "Sub-Deputy Collector" shall be substituted.
- 8. In section 18(2), in clause (a) of the proviso, for the words "State Government", the word "Government" shall be substituted.
- 9. In sub-section (5) of section 20 for the words "Department of the Government" the words "Department of the Manipur Administration" shall be substituted.
- 10. In section 30, for the words "eight annas", the words "fifty naye paise" shall be substituted.

11. In section 35,—

(i) in sub-section (1), for the expression beginning with "in the manner provided" and ending with "under this Act", the following shall be substituted, namely:—

'in the manner provided—

- (a) in the Assam Land and Revenue Regulation, 1886 as extended to the Union territory of Manipur, if the inquiry is in relation to land situated in the hill areas of that territory;
- (b) in the Manipur Land Revenue and Land Reforms Act, 1960 and the rules made thereunder, in other cases.

*Explanation.*—In this section, "Hill areas" has the meaning assigned to it in clause (j) of section 2 of the Manipur Land Revenue and Land Reforms Act, 1960.;

(ii) in sub-section (2), for the words "said Code", the words "said Regulation or, as the case may be, the said Act" shall be substituted.

12. In section 40, sub-section (4) shall be omitted.

13. Section 44 shall be omitted.

ANNEXURE.

THE MADHYA PRADESH LAND IMPROVEMENT SCHEMES ACT, 1957 AS EXTENDED TO THE UNION TERRITORY OF MANIPUR

MADHYA PRADESH ACT No. 10 OF 1958

*An Act to provide for the preparation and execution of land improvement schemes including schemes for the conservation and improvement of soil resources, the prevention or mitigation of soil erosion the protection of land against damage by floods or drought, and the reclamation of waste land in Madhya Pradesh.*

Be it enacted by the Madhya Pradesh Legislature in the Eighth Year of the Republic of India as follows:—

CHAPTER I—PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be cited as the Madhya Pradesh Land Improvement Schemes Act, 1957.

(2) It extends to the whole of the Union territory of Manipur.

(3) It shall come into force on such date as the Chief Commissioner may, by notification, appoint.

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

- (1) "Board" means the Manipur Land Improvement Board constituted under section 3;
- (2) "Chief Commissioner" means the Chief Commissioner of Manipur;
- (3) "Committee" means the Sub-Division Land Improvement Committee constituted under section 11;
- (4) "erosion" means the removal or displacement of earth, stones or other materials by the action of wind or water;
- (5) "Executive Officer" means an officer appointed under section 19 to execute a scheme;
- (6) "Gazette" means the Manipur Gazette;

- (7) "Inquiry Officer" means an officer appointed by the Board under section 15;
- (8) "owner", in relation to any land, means the person who is, or would, but for a grant, be liable, to pay land revenue or rent in respect of such land to the Government and includes a mortgagee with possession;
- (9) "prescribed" means prescribed by rules made under this Act;
- (10) "reclamation" includes cultivation, afforestation or any other improvement of land;
- (11) "scheme" means a land improvement scheme prepared under this Act;
- (11A) "Sub-Divisional Officer" means the Sub-Divisional Officer of the sub-division and includes any officer appointed by the Chief Commissioner to perform all or any of the functions of a sub-divisional officer under this Act;
- (12) "waste-land" means any land lying waste on account, of water logging, salinity, accumulation of sand, growth of woods, soil erosion or any other cause or lying uncultivated for not less than three consecutive years;
- (13) "work" means any work of public utility constructed, erected or carried out under a scheme and includes a pasture or forest provided or raised under a scheme; and
- (14) the expressions "cattle", "forest produce", "timber" and "tree" have the meanings respectively assigned to them in the Indian Forest Act, 1927 (XVI of 1927).

#### CHAPTER II.—NOTIFICATION OF AREAS AND CONTROL OVER THEM.

3. **Notification of areas.**—Wherever it appears to the Chief Commissioner that it is desirable to provide a land improvement scheme for any area, the Chief Commissioner may, by notification in the Gazette, declare the area to be a notified area for the purposes of this Act.

4. **Power to regulate, restrict or prohibit certain matter within notified areas.**—in respect of any notified area or part thereof, the Chief Commissioner may, by order publish in the Gazette, regulate, restrict or prohibit—

- (a) the clearing or breaking up of land for cultivation or the cultivation of land;
- (b) the quarrying of stone or the burning of lime;
- (c) the cutting of trees and timber or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (b), of any forest produce for any purpose;
- (d) the setting on fire of trees, timber or forest-produce;
- (e) the admission, herding, pasturing, or retention of cattle or class or description of cattle; and
- (f) the grant of permits to the inhabitants of towns and villages situated within the limits or in the vicinity of the area specified in the order—
  - (i) to take any tree, timber, or forest-produce for their own use, or
  - (ii) to pasture cattle, or
  - (iii) to erect buildings in such areas, and the production and return of such permits by such persons.

5. **Proclamation of order under section 4 of admission of claims for compensation.**—(1) Upon the publication of an order under section 4, the Sub-Divisional Officer shall cause to be published by beat of drum and in such other manner, as may be prescribed, in every village or town in which any part of the area specified in such order is situated, a proclamation in the language of the locality as provided in sub-section (2).

(2) The proclamation referred to in sub-section (1) shall contain the terms of the order and shall also require every person claiming any compensation in respect of any right, the exercise of which is restricted or prohibited by the order, to prefer his claim to the Sub-Divisional Officer with such particulars and within such period, not less than fifteen days, as may be prescribed.

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

Provided that the Sub-Divisional Officer 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.

556

**6. Inquiries into claims and determination of compensation.**—(1) The Sub-Divisional Officer shall proceed to inquire in the prescribed manner into every claim admitted under section 5 (V of 1908).

(2) For the purposes of such inquiry, the Sub-Divisional Officer may exercise all or any of the powers of civil court for the trial of suits under the Code of Civil Procedure, 1908.

(3) The Sub-Divisional Officer shall after such inquiry pass an order 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 determined and the persons to whom it is payable.

(4) The Sub-Divisional Officer shall give notice in the prescribed manner of his order to claimants or their representatives and to persons to whom compensation is payable.

**7. Method of awarding compensation.**—(1) In determining the amount of compensation, the Sub-Divisional Officer shall be guided, so far as may be, by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894 (I of 1894), and as regards matters which cannot be dealt with under these provisions, by what is just and reasonable in the circumstances of each case.

(2) The Sub-Divisional Officer may, with the sanction of the Chief Commissioner and the consent of the person entitled, instead of money, order payment of compensation in the shape of land or by reduction of revenue or in any other form.

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

### CHAPTER III.—CONSTITUTION OF THE BOARD AND COMMITTEES.

**8. Incorporation and constitution of Board.**—(1) The Chief Commissioner may, for the purpose of carrying out the provisions of this Act, constitute for the union territory of Manipur, a Board called the Manipur Land Improvement Board.

(2) The Board shall be a body corporate having perpetual succession and common seal with power to acquire property both movable and immovable and shall by the said name sue and be sued.

(3) The Board shall consist of—

- (a) the Deputy Commissioner who shall be the Chairman *ex-officio*;
- (b) all members of Parliament from the Union Territory of Manipur;
- (c) the Chairman, Manipur Territorial Council;
- (d) the Finance Secretary, Manipur Administration;
- (e) the Principal Engineering Officer for Irrigation of the Public Works Department, Manipur;
- (f) the Head of the Forest Department, Manipur;
- (g) the Head of the Agricultural Department, Manipur; and
- (h) not less than 3 and not more than 6 persons to be nominated by the Chief Commissioner.

(4) The Secretary to the Manipur Administration in the Agriculture Department or such other officer, as may be nominated by the Chief Commissioner in his behalf, shall be the Secretary to the Board.

(5) The Chief Commissioner may, from time to time, on the advice of the Board appoint any other person to be a member of the Board for such period as the Chief Commissioner thinks fit.

(6) A member referred to in clause (b) or clause (c) of sub-section (3) shall continue in office so long as he continues to be a member of Parliament or as the case may be, the Chairman of the Territorial Council; and the term of office of the members referred to in clause (h) of that sub-section shall be five years.



(7) If there is a difference of opinion amongst the members of the Board regarding any question under this Act, decision of the majority of the members present shall prevail:

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

(8) A non-official member may, at any time by notice in writing to the Chairman, resign his office.

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

**9. Power of the Chief Commissioner to require the Board to prepare a scheme.**—(1) The Chief Commissioner may, by order, direct the Board to prepare a scheme, together with plans and estimates therefor, in respect of any notified area or part thereof.

(2) If the owners of not less than seventy-five per cent of land in any area apply to the Chief Commissioner for providing a scheme for such area, and give an undertaking in writing for depositing the estimated cost thereof in advance, the Chief Commissioner shall, by order, direct the Board to prepare a scheme accordingly together with plans and estimates therefor.

**10. Functions of Board.**—The functions of the Board shall be—

- (a) to direct either at its own instance or on the order of the Chief Commissioner under section 9, the preparation by the Committees of schemes within their respective jurisdiction;
- (b) to consider and approve the scheme prepared by Committees;
- (c) to devise ways and means for the execution of the schemes approved by it; and
- (d) to perform such other functions as may be specified in this Act or in the rules made thereunder.

**11. Constitution of Sub-Division Committees.**—(1) As soon as may be, after the issue of a direction under section 9, the Deputy Commissioner shall constitute a Committee called the Sub-Division Land Improvement Committee consisting of—

- (i) the Sub-Divisional Officer;
- (ii) an officer of the Government, other than the Sub-Divisional Officer, to be called the Land Improvement Officer;
- (iii) a person nominated by the Board from amongst persons whose interests in the opinion of the Board may be affected by the proposed scheme; and
- (iv) a person having special knowledge of the subject matter of the scheme.

(2) The Sub-Divisional Officer shall preside over the meetings of the Committee.

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

**12. Functions of Committee.**—The functions of the Committee shall be—

- (a) to make recommendations to the Board as to the area in the Sub-division for which schemes may be prepared;
- (b) to prepare schemes for areas in the sub-division;
- (c) to perform such other functions pertaining to land improvement as may be specified in this Act or in the rules made thereunder; and
- (d) to carry out the instructions issued by the Board from time to time under the provisions of this Act.

**13. Regulations.**—The Board may, from time to time, with the previous sanction of the Chief Commissioner, make regulations consistent with this Act and any rules made thereunder—

- (a) for regulating its procedure and the disposal of its business;
- (b) for the remuneration and conditions of service of its employees;

558

- (c) for regulating the procedure, disposal of business, the term of office and the filling of casual vacancies in the office of members of Committees;
- (d) for regulating the procedure for obtaining subsidies, loans or advances from the Board;
- (e) for any other matter arising out of Board's function under this Act for which it is necessary or expedient to make regulations.

#### CHAPTER IV.—PREPARATION OF LAND IMPROVEMENT SCHEMES

14. **Matters which scheme may provide.**—A scheme made under this Act may provide for all or any of the following matters, namely:—

- (i) prevention of erosion of soil;
- (ii) preservation and improvement of soil;
- (iii) reclamation of waste, saline or water-logged land;
- (iv) improvement in the methods of cultivation and extension of cultivation;
- (v) construction of earth and masonry works in fields, gullies and ravines;
- (vi) training of streams;
- (vii) prohibition or control of grazing or reservation of land for pasture;
- (viii) planting and preservation of trees, shrubs and grasses for afforesting uncultivable land or providing shelter-belts against wind or sand or for any other purpose;
- (ix) regulation or prohibition of firing of vegetation;
- (x) improvement of water-supply;
- (xi) consolidation of the holdings of cultivators of an area for the better use of land;
- (xii) any other matter which may be prescribed.

15. **Power to direct preparation of soil conservation scheme.**—(1) On receipt of an order of the Chief Commissioner under section 9, the Board shall direct the Committee to prepare a scheme for the area specified in the order.

(2) In respect of any area in a Sub-division other than an area to which sub-section (1) applies, the Board may, if satisfied, whether on the recommendation of the Committee or otherwise, that it is necessary to do so, direct the preparation of a scheme.

(3) On the issue of any direction under sub-sections (1) and (2), the Board shall appoint an officer to prepare, in accordance with such instructions as it 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 the work shall be carried out; and
- (f) such other particulars as may be prescribed.

(4) The draft scheme so prepared shall be submitted by the said officer to the Committee which shall forward it with its comments to the Board; the Board may approve the draft scheme with or without modifications or may reject it and prepare or cause to be prepared another draft scheme.

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

16. **Publication of draft scheme.**—(1) Copies of every draft scheme approved by the Board together with the connected maps and plans, if any, shall be forwarded to the Sub-Divisional Officer and shall be made available by him for inspection by the public free of charge in every village, and at the headquarters of the sub-division in which the lands proposed to be included in the draft scheme are situated, at such places as the Sub-Divisional Officer may direct.

(2) A general notice shall be published in the Gazette and also in such newspapers, if any, circulating in the locality as the Sub-Divisional Officer may direct

- (a) intimating that the draft scheme has been prepared, that copies thereof have been kept and may be inspected by the public, free of charge at the places aforesaid and that copies of the draft scheme, may be obtained on payment of the cost thereof, which shall be specified in the notice, from the Sub-Divisional Officer or Sub-Deputy Collector and also from any other officer specified in the notice;
- (b) requiring all persons affected by the draft scheme who wish to object to it or to any part thereof, to submit their objections in writing to the Inquiry Officer appointed by the Board in that behalf or to appear before him and state their objections, within thirty days of the publication of the notice.

(3) Separate notices to the same effect shall also be served in the prescribed manner on all owners of the lands affected by the draft scheme and on all persons shown in the village records as interested in such lands, so far as such service may be practicable.

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

**18. Power of Board to sanction or reject draft Scheme.**—(1) After considering the objections and the report and recommendations of the Inquiry Officer and any further report which the Committee may require from him, the Committee shall forward the draft scheme to the Board with its comments.

(2) The Board may sanction the draft scheme with or without modifications or may reject it and direct that in lieu thereof a fresh draft scheme be prepared and submitted for its sanction:

Provided that it shall submit the draft scheme to the Chief Commissioner for his orders—

- (a) where the owners of more than fifty per cent of the area of the land included in the draft scheme other than Government lands have made objections to the draft scheme or part thereof; or
- (b) where the draft scheme has been prepared in pursuance of an order of the Chief Commissioner under section 9.

(3) Where a draft scheme is submitted to the Chief Commissioner under sub-section (2), he may sanction the draft scheme with or without modifications or may reject it and direct that a fresh scheme be prepared and submitted for his sanction.

(4) The scheme as sanctioned by the Board or the Chief Commissioner, as the case may be, shall be published in the Gazette and copies thereof shall be made available in every village and at the headquarters of the sub-division in which the lands included in the scheme are situated, at such places and in such manner as the Sub-Divisional Officer may direct.

(5) The scheme shall come into force and shall have effect as if it was enacted in this Act on and from the date of its publication in the Gazette.

(6) The Board may, for the purpose of carrying out the objects of the scheme which has come into force under sub-section (5), 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 matters supplementary and incidental to the scheme.

#### CHAPTER V.—EXECUTION OF THE SCHEME

**19. Appointment of Executive Officer.**—When a scheme comes into force, the Board shall appoint an officer called the Executive Officer, to execute it.

**20. Power to enforce scheme.**—(1) Every owner of land included in the scheme shall pay the cost or part of the cost, as the case may be, of the works which under the scheme are carried out by the Board in his land at the cost or part of the cost of the owner.

(2) If the owner of the land included in the scheme desires to carry out himself under technical guidance provided free by the Board any works which under the scheme are to be carried out in his land by the Board at the cost or



560

part of the cost of the owner, he shall give notice in writing to that effect to the Committee within thirty days of the publication of the scheme in the Gazette or sub-section (5) of section 18, or in the village concerned whichever is later.

(3) On receipt of such notice, the Committee shall inform the owner of the works which are to be carried out in his land and fix a date before which the owner shall carry out the works.

(4) If such owner fails to carry out any such work to the satisfaction of the Committee before the date fixed or within such further time as may be allowed by that Committee or at any time intimates to the Committee in writing his inability to do so, the Committee may require the Executive Officer to carry out the work and recover the expenses incurred for the purpose from the owner, in such manner, as may be prescribed.

(5) Where the owner of the land included in a scheme is the Government, the Department of the Manipur Administration which has the control or management of such land or the Executive Officer, if so directed in this behalf by the Committee, the Board or the Chief Commissioner, shall carry out the works which the Government as the owner of the land is liable to carry out under the scheme.

**21. Liability of persons other than the owner benefited by the scheme.**—(1) If in consequence of any work carried out under the scheme in any land,—

(i) any person holding the subsidiary interest in such land under the owner thereof; or

(ii) any person holding interest in any other land;

is or is likely to be benefited by that work, such person shall pay such amount and within such time as the Board may determine to the owner of the land if the work is carried out by him or to the Board if the work is carried out by the Executive Officer:

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

Provided further that any such contribution may be waived by the Board in whole or in part in respect of any work carried out in land owned by it.

(2) If default is made in the payment of such contribution within the time determined in that behalf in pursuance of sub-section (1), the Sub-Divisional Officer or any Officer authorised by him in this behalf shall recover it from the defaulter and pay the same to the owner of the land in such manner, as may be prescribed.

**22. Power of Board to carry out works in scheme.**—(1) Where by the reason of the nature or magnitude of any work to be carried out under the scheme which has come into force under sub-section (5) of section 18; the Board is satisfied that such work is not likely to be carried out satisfactorily by the owners of land included in the scheme, then, notwithstanding anything contained in this Act, the Board may direct by notification in the Gazette that such work shall be carried out by the Board 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 Board 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 Board 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 the land revenue, as may be prescribed.

(3) The provisions of section 21 shall, so far as may be, apply to the recovery of cost directed to be recovered under sub-section (1).

#### CHAPTER VI.—MAINTENANCE, REPAIR AND USE OF WORKS CARRIED OUT UNDER THE SCHEME.

**23. Preparation of statement.**—(1) The Executive Officer shall on completion of the work prepare a statement giving for any specified area the following particulars:—

(a) (i) the work done;

(ii) the cost thereof;

- (iii) the total amount to be recovered from the owners;
- (iv) the general rate per acre or per rupee of assessment per annum at which such amount is to be recovered from the owners;
- (v) the period within which such amount is to be recovered;
- (vi) the work which in his opinion shall be maintained and repaired individually or jointly and the name of every such person;
- (b) if in the case of any survey number or sub-division of survey number the owner is not liable to repair or maintain works therein, or if the cost is to be recovered from an owner at a rate other than the general rate, 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 showing the work carried out in the village;
- (d) such other matters as may be prescribed.

(2) When a statement is prepared under this section the Executive Officer shall send a duly authenticated copy thereof to the Sub-Divisional Officer who shall cause any rights and liabilities shown therein to 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 it shall thereupon form part of such record-of-rights or such village record.

**24. Obligations of persons to maintain and repair works.**—(1) Every person shown in the statement prepared under section 23 as liable to maintain and repair any work shall to the satisfaction of the Sub-Divisional Officer and within such time as that officer may fix, maintain and 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.

(2) If any person fails to maintain or repair the work within the time fixed by the Sub-Divisional Officer under sub-section (1), the said officer shall himself get the work executed or repaired and recover the cost thereof from such person.

(3) Any dispute as to the amount of the expenses shall be decided by the Sub-Divisional Officer and his decision shall be final.

#### CHAPTER VII.—RECLAMATION OF WASTE LAND

**25. Order for taking possession of waste land.**—(1) If the Board is satisfied that for the purpose of executing any scheme of reclamation of waste land sanctioned under this Act it is necessary that temporary possession of any waste land should be taken, it may by order in writing direct the Sub-Divisional Officer to take temporary possession of such land on behalf of the Board 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 or owners of the land, in such manner, as may be prescribed.

(3) On the date specified in the order, the Sub-Divisional Officer or any other officer authorised by him shall enter upon and take possession of the land on behalf of the Board.

**26. Arrangement for reclamation.**—When the land has been taken possession of, the officer appointed by the Board 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 it for such period and on such terms as may be fixed by the Board with the person or persons who on the date of taking possession under section 25 were in lawful possession of the land or were entitled to such possession or, if any such person is dead, with his successor in interest; or

(c) by combination of the methods aforesaid:

Provided that the total period for which the land is retained or settled under this section shall not exceed ten years.

**27. Claim for arrears of rent not to be enforced against Board, etc.**—No claim of the owner 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 Board or against any person holding the land under the Board or against the land.

562

28. **Termination of possession on completion of reclamation.**—(1) When the reclamation of the land is, in the opinion of the Sub-Divisional Officer, complete and in any case before the expiry of the period of ten years from the date of taking possession, the Sub-Divisional Officer shall, after making an inquiry in the prescribed manner, by order in writing,—

- (a) declare that possession of the land shall be restored on such date as may be specified in the order, to the owner who on the date of taking possession was in lawful possession of the land or was entitled to such possession or, if he is dead, to his successor in interest;
- (b) determine the person to whom possession is to be so restored;
- (c) where such person is a tenant, determine the rent payable on account of the use or occupation of the land; and
- (d) where the land or any part thereof has been afforested, regulate the cutting of trees in 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 delivered by the Board to the person determined under clause (b) of sub-section (1).

(3) The delivery of possession of the land to the person determined under clause (b) of sub-section (1) shall be a final and full discharge of the Board from all liability in respect of such delivery, but shall not prejudice any right in respect of the land to which any other person may be entitled, by due process of law, to enforce against the person to whom possession of the land has been so delivered.

29. **Compensation for period of possession.**—(1) As soon as may be, after the date of taking possession of the land, the Sub-Divisional Officer 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 rent, derived by him during the three years immediately preceding the said date.
- (b) in respect of any other land, the average net annual income, if any, after deducting land revenue cesses and rates, if any, payable, derived by the owner during the three years immediately preceding the said date.

(2) There shall be payable by the Board as compensation on each anniversary of the date of taking possession until the date referred to in sub-section (2) of section 28—

- (a) in respect of such land as is referred to in clause (a) or sub-section (1), the amount determined under sub-clause (i) thereof to the landlord and the amount determined under sub-clause (ii) to the tenant; and
- (b) in respect of any other land, the amount determined under clause (b) of sub-section (1) to the owner.

(3) For the purposes of this section "landlord" means the person under whom the tenant holds land and to whom the tenant is, or but for special contract would be liable to pay rent for that land, and any reference to an owner, landlord or tenant shall be deemed to include a reference to the predecessors and successors in interest of the owner, landlord or tenant.

30. **Accounts.**—The Board shall maintain in such form and in accordance with such rules, as may be prescribed, an account of all receipts and payments by the Board 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.

31. **Recovery of net expenditure incurred by Board.**—(1) The net expenditure incurred by the Board on the reclamation of the land under the provisions of this Chapter or such part of that expenditure as the Board may, by general or special order, direct together with interest calculated at the prescribed rate and in the prescribed manner, shall be recovered as arrears of land revenue from the person to whom possession of the land is delivered by the Board under sub-section (2) of section 28.

(2) The amount to be recovered under sub-section (1) from any person shall be decided by the Board.

#### CHAPTER VIII.—MISCELLANEOUS.

**32. Appeals.**—(1) Any person aggrieved by an order under sections 6, 25, 28, 29 or sub-section (2) of section 31 may, before the expiry of sixty days from the date of the order, appeal to the Chief Commissioner, in such manner, as may be prescribed:

Provided that the Chief Commissioner may entertain an appeal after the expiry of such period if he is satisfied that the appellant was prevented by sufficient cause from filing it in time.

(2) The Chief Commissioner may, after hearing the appeal, confirm, vary or reverse the order and pass such order in relation thereto, as he deems fit.

(3) The order of the Chief Commissioner 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.

**33. Penalties.**—(1) If any person contravenes any of the provisions of a scheme which has come into force under sub-section (3) of section 18 or does any act which causes damage to any of the works carried out under the scheme or fails to fulfil any liability imposed upon him under section 20, he shall be punishable with imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both.

(2) If any person contravenes any regulation made under this Act or any order or direction made or given under such regulation or resists or obstructs any person in the exercise or performance of any power, function or duty conferred or imposed upon him by or under this Act, he shall be punishable with fine which may extend to five hundred rupees.

**34. Amount to be recovered as arrears of land revenue.**—All amounts due to the Board under this Act shall be recoverable in the same manner as arrears of land revenue.

**35. Procedure and power at inquiries.**—(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 manner provided—

(a) in the Assam Land and Revenue Regulation, 1886, as extended to the Union territory of Manipur, if the inquiry is in relation to land situated in the hill areas of that territory;

(b) in the Manipur Land Revenue and Land Reforms Act, 1960, and the rules made thereunder, in other cases.

*Explanation.*—In this section, "hill areas" has the meaning assigned to it in clause (j) of section 2 of the Manipur Land Revenue and Land Reforms Act, 1960.

(2) Any officer or authority referred to in sub-section (1) 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 Revenue Officers by or under the said Regulation or, as the case may be, the said Act.

**36. Power of entry, survey, etc.**—(1) Any person authorised in writing in this behalf by the Board, the Committee or the Sub-Divisional Officer may, for the purpose of exercising any power or performing any function or duty conferred or imposed 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.

(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 purpose; and

(e) where otherwise the survey cannot be completed and the lands taken and peg mark or trenches put, cut down and clear away any part of the standing crop, fence or jungle but only to the extent necessary.

584

(3) Reasonable compensation in respect of any damage or injury caused to the property or rights of any person in carrying out any operations under the provisions of this section shall be paid to the person—

- (a) where an agreement has been entered into with the person concerned, in accordance with that agreement; and
- (b) where no such agreement is possible, by the Sub-Divisional Officer in accordance with the provisions of the Land Acquisition Act, 1894 (1 of 1894).

(4) Every person who is appointed or authorised to exercise any power or perform any function or duty conferred or imposed by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (XIV 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.

**37. Registration of documents or map in connection with scheme not required.**—(1) Nothing in the Indian Registration Act, 1908 (XVI of 1908), shall be deemed to require the registration of any document or map prepared, made or sanctioned in pursuance of this Act in connection with any scheme which has come into force.

(2) All such documents and maps made for the purposes of sections 48 and 49 of the said Act shall be deemed to be registered in accordance with the provisions of that Act:

Provided that documents and maps relating to such scheme shall be accessible to the public in the manner prescribed.

**38. Delegation of powers, etc.**—The Chief Commissioner, and subject to the control of the Chief Commissioner, the Board or the Sub-Divisional Officer may delegate to any officer or authority subordinate to it or him any of the powers, functions and duties conferred and imposed on it or him by or under this Act.

**39. Power to prepare scheme in famine and scarcity area.**—(1) Notwithstanding anything contained in this Act, the Chief Commissioner may direct the preparation of a scheme providing for any of the matters specified in section 13 in any area in which the Chief Commissioner declares that a state of famine or scarcity prevails or in which, in the opinion of the Chief Commissioner, a state of famine or scarcity is likely to prevail.

(2) On such direction, the Board shall prepare in accordance with such instructions as the Chief Commissioner may issue, a draft scheme containing the particulars specified in sub-section (3) of section 15 and submit it to the Chief Commissioner for his approval.

(3) After the scheme is submitted to the Chief Commissioner for approval under sub-section (2), the provisions of this Act and the rules made thereunder shall, so far as may be, apply in respect of such scheme.

**40. Power to make rules.**—(1) The Chief Commissioner may, by notification in the Gazette, 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 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 statements prepared under section 23 shall be entered in the record-of-rights or village record;
- (c) the number of annual instalments, equated or otherwise, payable under sub-section (2) of section 22;
- (d) the manner of giving notices under this Act.

(3) The power to make rules conferred by this section shall, except on the first occasion of the exercise thereof, be subject to the condition of previous publication.

(4) \* \* \* \* \*

**41. Fund of the Board.**—The fund of the Board shall consist of such sums as the Chief Commissioner may, from time to time, grant to the Board to enable it to

(56)

perform its functions under this Act and of the sums that may be recovered by the Board under the provisions of this Act.

42. **Power to make grant or advance loan.**—The Board 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.

43. **Protection of action taken under this Act.**—No suit, prosecution or other proceeding shall lie against any person for anything in good faith done in pursuance of this Act or any rule made thereunder.

44. **Repeal and savings.**—\*

[No. F. 5/6/59-Judl. II-UTL-33.]

K. R. PRABHU, Dy. Secy.