

ANDAMAN AND NICOBAR ISLANDS LAND IMPROVEMENT SCHEME REGULATION 1963

ANDAMAN AND NICOBAR GAZETTE EXTRAORDINARY Published By Authority ₹40 S, 28, 7, ISS5. No. S, Port Blair, March 28, 1963 Ch8itra 7, 1885. ANDAMAN AND NICOBAR ADMINISTRATION Chief Commissioner's Secretariat NOTIFICATION Blair, dated March, 1963/(7, 1885. No. 52/17. 13-156 Title Awl antl Nicobar T elands Land Ijnprovement Scheme Regulation, (So. 2 of which nas publisltd in the Gazette of India Extraordinary I r, Section 1 date* March, is republished Lelow for general infomnation. By order, Assistant Secretary to the Chief Commissioner. TITE ANI) IN NICOBAR ISLANDS LANI) SCHEMES REGULATION, 1963 191%', Promulgated by the President in 1'0111teentli Year of the Republic of India A Regulation to provide for the preparation and execution of land improvement schemes including schennes for the conservation and improvement of soil resources, the pre- vention or mitigation of soil erosion, the protection of land against damage by floods or drought, and the clamation of M•aste land in the Andaman and Nicobar Islands. Tn exercise of the powos conferred by clause (I) of article 21.0 of the Constitution, the President is pleased to promulgate the rol'0M ing Regulation made by hilli. CIAP'TLII [PRELIMINARY (I) rlllis Regulation may be called the Andaman and Short title, 1. Nicobar Islands T nntl Improvement Schemes Regulation, 1963. exten and commencement (2) It extends to the whc/e of the Union Territory of Andaman and Nicobar Islands. (3) It shall conac into force on such date as the Chief Commis- sioner litay, by notification in the Ollicial Gazette, appoint. Price : Rupee One and Twenty-five Paise Only. 2 THE ANDAMAN AND NICOBAR GAZETTE, EXTRAORDINARY, MARCH 2S, 1963 Definitions. Notification 2. Tn this Regulation, unless the context otherwise requires,— (1) "Area Committee" means the Area Land Improveluent Committee constituted under section 11; (2) C 'Board" Iheang the Andaman aud Nicobar Islands Land Improvement Board constitution ur (ler section S; (3) "Chief Commissioner" n)eous the Chief Commissioner of the Andaman and Nicobar Islands; (4) ' 'Deputy Commissioner" means the Deputy Cornmis- sioner of the Andaman and Nicobar Islands and includes other omcer apcially appointed by tho Chief Commissioner to perform the functions of a Deputy Commissioner under this R egulation • (5) "eroston" means the removal or displacement of earth, stones or other materials by the action of wind or M ater; (6) "Executive Officer" means an officer appoi ntē(l under section 18 to execute a scheme ; (7) "Inquiry Officer" me:tns an officer appointed under sub- section (5) of section 14 (8) ' 'Official Gazette" Incans the Andarnan and Nieolnr Gazette; (9) '(owner", (a) in relation fo land situated in the Andaman Group of Islands Incans a person to whom a grant, has been made, or a licence or porrnit has l)een granted, under, the Andaman Regula- tion ill of and Nicobar Islands (Land Tenure) Rc gulation, 1926 and in- eludes a mortgagee with possession, or a lessee sub-lessee; in relation to land situated in t,he Nicobar Group oc Islands means a person who in lawful possession of any land; (10) "prescribed" Illeaos prescribed by rules made under this Regulation; reclamation" includes cultivat:on, afforestation or any (11) " other improvement of land; (12) "scheme" means a Land Improve nient sehcnnc prepared under this Regulation; (13) laud" means ar,y lanci, M-hieh l'or a period of not less than consc eufive years has been u•aste Oli account o! water-logging, salinity, of sand growth of weeds, soil erosion or any ot he• c luso, or has lying unculti- vated; (1 6 w 314k" Incans any work construced, elected cr carried out pndey• a scheme and inelndes past tire or forest proxided or raised under a seijmne•, forest-proditee", "timl •cr" "cattle' , (lo) the expressions and "trcc" have the meanings respectively assign eci to them in the Indian Forest Act, 19•27. of 1926. CJIPTER SOTL OF AN I) COST LOL T'll EM 3. Whenever it appears to {Ije Chief Cr mmissioner that in an.\ area it is desirable to provide the conservation of sub-soil M•afer or of areas. the prevention or mitigation erosion of lands, the Chief Coujmis- sioner may, by nofifieation in fl!e Official Gazette, declare thc art to be a notified area for the purposes of this Regulation. THE ANDMtan AND NICOBAR GAZETTE, EXTRAORDINARY, MARCH 28, 1963 3 4. In respect of any notified area or part thereof the Chief P•wer to Commissioner may, by order published in the Oflicial Gazette late, restrict or prohibit oertaia regulate, restrict or prohibit— matters within notified areas. (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 trecs 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 any 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. (1) Upon the publication of an order under section 4, the Proclamation Deputy Commissioner shall cause to be published in every village of order under section 4 and or town in which any part or the area specified in such order is comprised a proclamation (in Hindi and English and in such other common language as the Deputy Commissioner may consider necessary) as provided in sub-section (1). (2) The proclamation referred to in subsection (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 Deputy Commissioner with such particulars and within such period as may be prescribed. (3) Any claim not preferred within the prescribed period shall be rejected: Provided that the Deputy Commissioner may allow a claim to be preferred after the expiry of the prescribed period if he is satisfied that the claimant had sufficient cause for not preferring the claim within such period. 6. (1) The Deputy Commissioner shall proceed to enquire in the prescribed manner into every claim preferred under section 5. Inquiries into claims shall be made in accordance with the provisions of the Land Acquisition Act, 1894, and as regards matters which cannot be dealt with under those provisions, by what is just and reasonable in the circumstances of each case. (2) The Deputy Commissioner may, with the sanction of the Chief Commissioner and the consent of the person entitled, instead of money compensation, award compensation in 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 awarded only in respect of the period during which the exercise of such right is so prohibited or restricted.

CHAPTER 111 COSTS OF THE ANDAMAN AND NICOBAR ISLANDS LAND IMPROVEMENT BOARD. (1) The Chief Commissioner may, for the purpose of carrying out the provisions of this Regulation, constitute for the whole of the Andaman and Nicobar Islands a Board called the Andaman and Nicobar Islands Land Improvement Board. (2) The Board shall consist of— (a) the Deputy Commissioner who shall be the Chairman, ex-officio; (b) two members to be nominated by the Chief Commissioner; (c) the Conservator of Forests, ex-officio; (d) the Principal Engineering Officer, ex-officio; (e) the Director of Agriculture, ex-officio; (f) the Secretary and Financial Adviser to the Chief Commissioner, ex-officio. (3) Such officer as may be nominated by the Chief Commissioner in this behalf shall be the Secretary to the Board. (4) The Chief Commissioner may, from time to time, either suo motu or on the advice of the Board, appoint any other person to be a member of the Board for such period as the Chief Commissioner may think fit. (5) The term of office of the members referred to in clause (b) of sub-section (2) shall be one year: Provided that the term of office of a member nominated to fill a casual vacancy shall be for the remainder of the predecessor's term of office. (6) If there is a difference of opinion amongst the members of the Board regarding any question under this Regulation, the decision of the majority of the members present shall prevail: 1963 THE ANDAMAN AND NICOBAR GAZETTE, EXTRAORDINARY, MARCH 28, 1963 Provided that when their opinion is equally divided, the Chairman shall have and exercise a casting vote. (7) A non-official member may, at any time by notice in writing to the Chairman, resign his office. (8) 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. The Chief Commissioner may, by order, direct the Board to Power of prepare plans and estimate for a scheme in respect of any notified Chief Commis- area or part thereof.sioner to re- quire Board to prepare scheme. IO. Ille functions of the .Bonrd shall be— Functions of the Board. (a) to direct either at its own instance or on the order of the Chief Commissioner ur (ler section 9, the preparation by the Area Comilliittee of schennes•, (b) to consider and approve the schemes prepared by the A pea Cormnif,tee ; (c) to devise ways anil means for the execution of the schemes am)! oved by it; and (d) to perform such other as may be spcciied in this Regulation or in : he Hlles thereunder. 11. (I) As v on 110, after tho issue of a (liree€ion under Constitution section 9, the Board shall constitute u, C01J1jnittce chllled the of Area Com-Land Improvement, Cormmitteg consist ing of— mittee. (i) the Assistant C (0111 tmissiormel' in 01' the area ; (ii) an offlicet• of the Government, other f lw Assistant Commissioner, to be c olled f he Vmproveneni ()fliccr ; (iii) a person nollina.ted Ly t,he Rea IWI from pm sons interests in the of i he may Le affected by the proposed ; aud (i v) person lla v ing special of Che matte or thc (2) The Assistant C01nmissioner sli011 preside over the litcetings of the Area Committee. (3) The I-nn d Improvenmell€ slittli be to the Arca Conjmittee

12. The function of the A Conn Illittee shnll Functions of Area Com.(a) to rnake recoin mend:tions to the Board to the miittee• area in the notified area for which schenles prepared , [o prepare sell Ines fcy areas in the, charge of the As- sisfant Cotnmnssl(ner; (c) to perform such ether functions pertaining to land illi- provenoent us be specified in this Regulation or in the rules made thereunder; and (d) to carr,v out the instructions issued by the (ronl I irne to time. 6 THE ANDAMAN AND NICOBAR GAZETTE, EXTRAORDINARY, MARCH 28, 1963. CIA PTER VV R or I.M SCHEMES scilenvc may ponide for all (r any of the following matt- 13. Mattel s Nihich scheme may ers, namel.N :— provide. Power (a) imnprovmnt 01' land; conservation or illitn•ovetuent of gub-toil or ture or other soil or Avater,er resources; (c) prevention or mitigation of' soil crogi01j; (d) of land against iyy (l ('ds or drought, (e) reclamation of iand; (f) im pyovement in the methods of cult iuttion and extension 01' cultivation , construction of earth works and asonry M orks in fields, gullies arid ravines, inclucillili(construction of catch-water drains Lunding, M 41ercver and contour 11 eeessa ry ; control of the ships of land al'llitiug the road sei xing as road nÄrqrin) training 01' streams; (i (j) prohibition or control of grazing cr reservation of lblad tor pasture ; (k) planting and pres?txafion of trees, shrubs and grass for afforestation of land or providing shelter belts or for (Jther purl ose ; (l) regulation or ion of jii'ing or A T'-vetation , (m) improvement of (n) seclinaent conl rol ; (O) drainage : fann irrigation: (q) control 01' thc of land forming aud sonrees; (which v.,a.v he losclilcccl. o. 01' Conun:ssioec under direct, prepara-secii• 9, the ci the ATCO Cf)hilliittce to ln•eijare tion of sche- Coc s ' ecifi€(l iU lilt. in (2) respect 01 Islands, other t i'ßll relerwed to in sab-sc (I), thc on the recommat at ion the it is necessary to so, 'it' 01 direct of' 2 3) issue of ;tii.v tic,n (i) J, 'I die -l Oev:ty Coran:estovter ajwoillt, an offlicet' to i)icpare, in ta•cordanee M•itli sac!! as he setting out — (n) the 01' jects of the seljehle; THE ANDAMAN AND NICOBAR GAZETTE, EXTRAORDINARY, MARCH 28, 1963. (b) the poundaries and approxirrate area of Che land to be included in the scheme; (c) the persons, including the Government will be affe- cted by the scheme• (d) the works, if any, to be carried Oltf, nuder the scheme; (e) the agency or agencies through tho works shall be carried out; and (f) such other particulars as may be prescribed. (4) The draft, scheme so prepared shall be submitted by f,be said officer to the Arca Committec Which shall forward it with its cornm- ents to the Board; the Board Inay approve Che draft scheme with or without modifications or may reject it and prepare or cause to be prc• pared another draft scheme. (5) Whenever the Board approves any draft 8Chmne, the Chief Commissioner shall appoint an officer called the Inquiry Officer for the purposes hereioafter specified. 7 (l) Copies of every draft scheme approved by the Board, Publication of 15. draft scheme. together with t,he connected maps and plans, if any, shall be for- warded to the Deputy Commissioner and shall be made available by him for ingpeet,ion by the public free ot' charge in every village, and at, the headquarters of the tehsil in which the land' proposed to be included in the draft scheme are situated, and at suelh places as the Deputy Commissioner may direct. (2) A general not,ice shall be published in the Oilicial Gazette and in 8lteh other manner as the l)epllty Cormmissioncr m:vy direct— (a) intimating that t,he draft schetne has been prepared, t hat copies thereof have been kept alid may be inspected by the public, free f charge, at t,hB places specified in sub-secction (I) and that copies of the draft scheme may be obtained on payment of the cost thereof, Mellicli shall be specified in the notice, i he Deputy Commissioner and also from such other (-)lheer as may be specified in the notice , (b) requiling all

persons affected by the draft who wish to object to it or to any part thereof, to submit their objections in writing to the Inquiry Officer or to appear before him and state their objections, 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 persons shown in the Nilage records as interested in such lands so far as such service may be practicable. 16 The Inquiry Officer shall inquire into the objections received or recorded by him and submit them to the Board for consideration together with his report thereon and his recommendations, if any, and submit for the consideration of the Board a report to the Area Committee. 17. (I) After considering the objections and the report and the recommendations of the Inquiry Officer and any further report which the Board and the Committee require him, the Area Committee shall forward the draft scheme to the Board for its consideration and sanction or reject the draft scheme. (2) The Board may sanction the draft scheme or may reject it and, in lieu thereof, a fresh draft scheme may be prepared and for its sanction. 8 THE ANDAMAN AND NICOBAR GAZETTE, EXTRAORDINARY, MARCH 28, 1963. 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 lands included in the draft scheme other Government lands have made objections to the draft scheme or part thereof; (b) where the draft scheme has been prepared in pursuance of an order of the Chief Commissioner under section 9. (2) Where a draft scheme is submitted to the Chief Commissioner proviso to sub-section (1) may sanction the draft scheme or may reject it and direct that a fresh scheme be prepared and submitted for his consideration. (4) The scheme as sanctioned by the Board or the Chief Commissioner, as the case may be, shall be published in the Official Gazette and copies thereof shall be in every village and at the headquarters of the tehsil in which the lands included in the scheme are situated, at such places and in such manner as the Deputy Commissioner may direct. (5) On and from the date of its publication in the Official Gazette, the scheme shall come into force and shall have effect. 6 The Board may, for the purpose of carrying out the objects of the scheme which has been sanctioned under sub-section (1) make bye-laws requiring any persons or the generally to take certain action or to refrain from doing certain acts in respect of matters and incidental to the scheme. P. TER Appointment IS. When a scheme comes into force, the Chief Commissioner or Executive Officer shall appoint an officer, called the Executive Officer, to execute it. 19. (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 Government 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 Deputy Commissioner any works which under the scheme are to be carried out in his land by the Government, at the cost of the owner, he shall give notice in writing to that effect to the Area Committee within thirty days of the publication of the scheme in the Official Gazette in the village concerned whichever is later. (3) On receipt of such notice, the Area Committee shall inform the owner of the works which are to be carried out in his land and shall fix a date before which the owner shall carry out the works. (4) If such owner fails to carry out, such work to the satisfaction of the Area Committee before the date fixed or within such further time as may be allowed or at any time intimates to the Area Committee in writing that he is unable to carry out any work before that date, 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 land included in the scheme is the Government land the Department of the Andaman and Nicobar Islands administration which has the control or management of such lands or the Executive Officer, if so directed by the Area Committee, the Board or the Government shall carry out the works. ANDAMAN AND NICOBAR GAZETTE, EXTRAORDINARY, MARCH 28, 1963. which the Government as the owner of the land is liable to carry out under the schemes 9 20. (1) If in consequence of any work carried out under the scheme, any person (including the Government) other than the owner of the land in which the work is done, is injured or his lands are not included, likely to be benefited, 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 Government if the work is carried out by the Executive Officer: Provided that before any person is required to pay such contribution, he shall be given reasonable opportunity of making his representation, if any, in regard to the matter: Provided further that any such contribution may be waived by the Government 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 Deputy Commissioner 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. (1) Notwithstanding anything contained in this PO Regulation the Chief Commissioner may in the case of any of Govt. to scheme which has come into force under sub-section (5) of works in a section 17, direct by notification in the Official Gazette that scheme. any work under the scheme to be carried out by the owner of the lands shall be carried out by the Government 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 Chief Commissioner may fix having regard to the area or assessment or both or the lands included in the scheme. (Z) The cost directed to be recovered under sub-section (1) together with interest thereon at such rate as the Chief Commissioner 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 land revenue as may be prescribed: Provided that where a person commits default in the payment of any instalment, the entire unpaid balance shall become immediately payable

CHAPTER VI REPAIR AND MAINTENANCE SCHEME (1) The Executive Officer shall, on completion of the Preparation work prepare a statement giving, for any specified area, the following particulars, namely:— (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; 10 THE ANDAMAN AND NICOBAR GAZETTE, EXTRAORDINARY, MARCH 28, 1963 Obligations of persons to maintain and repair works. Order for taking possession or waste land. (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) it 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; (e) 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, 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 thereafter form part of such record of rights or such village record. 23 (1) Every person shown in the statement prepared under section 22 as liable to maintain and repair any work shall, to the satisfaction of the Deputy Commissioner 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 and shall undertake such follow up soil conservation practices as may be prescribed. (2) If any person fails to maintain or repair the work within the time fixed by the Deputy Commissioner the Deputy Commissioner shall under sub-section (1) himself get the work executed or repaired and shall recover the cost thereof from such person. (3) Any dispute as to the amount of the expenses shall be decided by the Deputy Commissioner and his decision thereon shall be final

CHAPTER VII RECLAMATION OF WASTE LAND 24. (i) If the board is satisfied that, for the purpose of executing any scheme of reclamation of waste land sanctioned under this Regulation, it is necessary that temporary possession of any waste land should be taken, it may, by order in writing, direct the Deputy Commissioner to take temporary possession of such land on behalf of the Government 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 manners as may be prescribed. (3) On the date specified in the order, the Deputy Commissioner or any other officer authorised by him in this behalf shall enter upon and take possession of the land on behalf of the Government. ANDAMAN AND NICOBAR GAZETTE EXTRAORDINARY Published By Authority 55, 12, 1963, 22, 1891. NO. 55, PORT BLAIR, THURSDAY, JUNE 12, 1969 Jyaistha 22, 1891. ANDAMAN NICOBAR CHIEF COMMISSIONER'S SECRETARIAT NOTIFICATION Port Blair, the 12th June, 1969/Jyaistha 22, 1891. No. 43-20j63-Dev 1 . .—In exercise of the powers conferred by sub-Section (3) of Section 1 of the Andaman and Nicobar islands Land Improvement Schemes Regulation, 1963 (2 of 1963) I, H. S. Butalia, Chief Commissioner. Andaman and Nicobar islands hereby appoint 15th day of June, 1969 as the date from which the said Regulation shall come into force in the Union Territory of the Andaman and Nicobar Islands. B. S.

BCTAIIA, (9nef -V/eolar I stan//s. name of the Chief Cot" li'is,ionet P. J. s A.MULL, t le Clief C).VE THE ANDAMAN NICOBAR GAZETTE, EXTEÄORI)INARY, APRIL ANDAMAN „\ND NICOBAR ADWINISTRXTTON CHIEF COMMISSIONER'S SECRETARIAT NOTIFICATION Port Blair, 14th April, 1971 'Chaitra 24, 1893 No. 5C,'71/F. NO Dev. (I). —In exercise of Che powers conferred by 1971 S ecti on of the Andaman and Nicobar Islands Land lm.yrovement Sehemos Regulation, 1'.)63 of 1963). nnd in supersession oi this Administration's Notification No. tinted 180107 0, I, H. S. Rutalia, Chief Comm ssioner, Andaman and Nieoioar Islands herei»v reconstitute the Arn!urnan and Nieobar Islands Land Improvement Board consisting of l. 4

5. The Deputy Commissioner, Andaman and -Xieobur Islan%, Shri Shiv Ram, Senior Vice-Chariman, Municipal Board, Port Blaix: Shri Prabhat Sarkar, Rangat (Middle Andaman)- The Conservator of Forests, Amiaman aml Nieoljnr Islands The Principal Enzineer A.P.W.I)., Andaman and Nicobar Islamis The Director of Agriculture. Anclamnn anol Nicobar Island, The Finnnee Secreta! v, Andnman and Nicobar Administmtion Chairman. do. do. do. The Soil Conservation Officer, Andaman and v Nicobar Islamis shall aet as Seeretarv to the doara. The term of Office of the members mentioned at Sl No. •2 and 3' shall expire on the 31st March, The functions of the Board shall be as follo•v (u) (b) (c) to direct either at its own instanee or on the or.ler of the Chief Commissioner under section 9 OE the sai I the preplration by the Area Committee of Scheme ; to consider and approve the schemes prepare I by the Area Committee. to devise ways unci means for the execution of the sehenes approved by it; aml to perform such other functions as may be speeiliecl in the sail Regulation or in the rules mude thereunder. By order, L. MEWA LALL, 4ssisiant Secretary (Dec MGPPB—366 GP/71 —210. ANDAMAN AND NICOBAR GAZETTE EXTRAORDINARY Published By Authority 60 14, 1971/& 24, 18%. No. 60 Port Blair, Wednesday, April 14, 1971/Chaitra 24, 1893. 14, 1971/Q% 24, 1893. 56/71/%Te (11) 1263 (1963 2) 8 93/70 qz•rfrzr, «rr grq, aqr mqT f 2. Rr«rq, *foe 2 3 31 1972 1 (q) füf#z Price : (ß'ir«) 1 Rupee One and Twea by-five Paige only.