

THE LAND IMPROVEMENT ACT, 1871.

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ACT No. XXVI OF 1871.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th
September 1871).

An Act to consolidate and amend the law relating to advances of money by the Government for agricultural improvements.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to advances of money by the Government for agricultural improvements; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Land Improvement Act, 1871."

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on the passing thereof.

Repeal of enactments.

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof, except as to the recovery of any advances made thereunder previous to the passing of this Act.

Interpretation-clause.

3. In this Act—

"Land."

"Land" means land used for agricultural purposes or waste land which is culturable:

"Rent."

"Rent" means whatever is payable or deliverable for the use or occupation of land:

"Landlord."

"Landlord" includes a superior, intermediate or immediate proprietor, and any person under direct engagement with the Government for the payment of the revenue assessed upon any land:

"Tenant"

“Tenant” means any person actually using or occupying land, and liable to pay or deliver rent therefor :

Tenant.”

“Improvement” means—

“Improvement.”

1st, wells, tanks and other works for the storage, supply or distribution of water for agricultural purposes, or the preparation of land for irrigation ;

2nd, works for the drainage of land ;

for the reclaiming of land from rivers, or from other waters ;

for the protection of land from floods, or from erosion or other damage by water ;

3rd, the reclaiming, clearing or enclosing of lands for agricultural purposes ;

4th, the renewal or re-construction of any of the foregoing works, or alterations therein, or additions thereto :

“Collector” means the Collector of Land-revenue, or the Deputy Commissioner, or any officer authorized by the Local Government to exercise the powers of a Collector under this Act.

Collector.”

CHAPTER II.

ADVANCES OF MONEY FOR MAKING IMPROVEMENTS.

4. Any landlord or tenant desiring to make an improvement in any land of which he is in possession or occupation, and to obtain an advance of money to enable him to make such improvement, may make an application to the Collector for such advance, stating the nature and amount of any security which he proposes to furnish for the re-payment of such advance.

Application for advance.

5. On receiving such application, the Collector shall make such enquiry as he deems necessary to ascertain if the proposed improvement will admit of the advance being made conformably to the rules to be framed under the third clause of section eighteen.

Procedure on receiving application.

If after such enquiry the Collector is of opinion that the advance may be so made, he shall proceed in

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the manner hereinafter provided, but if it should appear that the advance cannot be so made, he shall reject the application.

When advance may be sanctioned to landlord.

6. If the applicant is a landlord, and the value of the land for the improvement of which the advance is asked, or of any other security which may be tendered, or of both, be not less than the amount of the proposed advance, the Collector may grant a certificate sanctioning the advance.

Procedure when applicant is a tenant.

7. When the applicant is a tenant, and proposes to furnish, as security for the repayment of the advance, any interest alleged to be transferable which he possesses in the land to be improved or any other land, or any other adequate security, the Collector shall serve notice of the application on the landlord personally ;

or, if service on him personally cannot be effected, a copy of the notice shall be affixed to some conspicuous place in the Collector's office, and on the house in which the landlord resides ; or if he does not reside in the district in which the application is made, or if his residence is not known, the notice shall be served on the person who acts as the local agent for the landlord in respect of the said land.

Proof of service of notice.

8. No such notice shall be deemed to have been served unless the service is acknowledged by the landlord or his agent, or the fact of its having been duly made is otherwise established to the satisfaction of the Collector.

In any case in which there are more shareholders than one, and any shareholder or other person acts as a manager on behalf of the shareholders, service on him shall be deemed to be service on each of the shareholders.

Nature of notice.

9. Such notice shall specify the sum applied for, the nature of the improvement to be made, the nature of the security proposed for the advance, and shall inform the landlord that, if he desires to make any objections to the advance, he must, within one month after service of notice, signify them in writing to the Collector.

10. If

10. If the landlord or his local agent or manager does not so signify such objections, or if the Collector, after considering such objections, is of opinion that the applicant has a transferable interest in the land specified in his application, and that the value of such interest either singly or taken jointly with other security furnished by him is not less than the amount of the advance, he may grant to the applicant a certificate sanctioning the advance.

When advance may be sanctioned to tenant.

11. When the applicant is a tenant, and cannot furnish security of the nature referred to in section seven, the Collector shall serve notice of the application on the landlord.

Notice of application by tenant unable to furnish security to be served on landlord.

12. Such notice shall be served in the manner provided in sections seven and eight. It shall specify the amount of the proposed advance and the nature of the improvement to be made, and shall inform the landlord that, if he does not within one month after such service signify in writing to the Collector his dissent from the proposed improvement, he will be deemed to have assented thereto and to have agreed that the land, for the improvement of which the advance is to be made, shall be pledged as security for the recovery of the advance.

Service of such notice and particulars to be specified therein.

13. If the landlord so signifies his dissent, and after the Collector has explained his reasons for thinking the improvement desirable, the landlord does not withdraw such dissent, the Collector shall not grant the certificate.

Advance not to be sanctioned when dissent is made by landlord.

If the landlord does not signify his dissent, or, having dissented, subsequently withdraws his dissent, and the value of the land to be improved, or the value of such land together with that of any other security furnished by the applicant, is not less than the amount of the advance, the Collector may grant to the applicant a certificate sanctioning the advance.

14. Every certificate granted under this Act shall specify—

Contents of certificates under Act.

(a) the amount of the advance;

(b) the

(b) the conditions under which it is to be made and recovered ;

(c) the position, extent and boundaries of the land to be improved ;

(d) the nature and amount of the security furnished (if any), other than the land to be improved.

Advances recoverable as arrears of land-revenue.

15. All sums stated in a certificate granted under this Act shall, when they become due, be recoverable from the person to whom the advance was made, or from any person who has become security for the re-payment thereof, as if they were arrears of land-revenue due by the person to whom the advance was made or by his security.

If any such sum cannot be so recovered, it shall be recoverable as if it was an arrear of revenue due on the land specified in the said certificate :

Provided that when the person to whom the advance was made is a landlord or a tenant having a right to transfer his interest in the land without the consent of the landlord, the interest of no person, other than such landlord or tenant, in the said land shall be sold under this section.

Sums expended on account of costs to be recovered as part of advance.

16. Any sums expended by the Collector in accordance with the rules made under section eighteen, on account of costs of the Government in giving effect to this Act, shall be recoverable as if they were part of the advance in connection with which they were expended.

Advance not to raise presumption of ownership.

17. In any case in which a landlord has agreed, under section thirteen, that the land, for the improvement of which an advance under this Act is made, shall be pledged as security for such advance, such improvement shall not be deemed to confer upon the tenant any right to, or interest in, such land, or to alter the respective rights or interests of landlord and tenant therein.

CHAPTER III.

SUPPLEMENTARY POWERS.

Power to make rules.

18. The Local Government, with the previous sanction of the Governor General in Council, shall make

make rules consistent with this Act in all matters connected with its enforcement, and may, with the same sanction, from time to time, alter and add to the rules so made.

Such rules shall make provision for—

1st, the manner of making applications for advances under the Act;

2nd, the manner of conducting enquiries relative to such applications;

3rd, the conditions under which advances are to be made, and the manner and time of making advances;

4th, the inspection of works carried out by advances made under this Act;

5th, the instalments by which advances shall be repaid, the interest to be charged on advances, and the manner and time of repaying advances and discharging the interest charged on the same.

6th, the manner of keeping and auditing the accounts of the expenditure of advances, of the repayment of the same, and of the discharge of the interest thereon.

SCHEDULE.

Bengal Regulations.

Number and Year.	Title.	Extent of repeal.
II, 1793 ...	A Regulation for abolishing the Courts of Maal Adawlut or Revenue Courts, and transferring the Trial of the Suits which were cognizable in those Courts to the Courts of Dewanny Adawlut; and prescribing Rules for the conduct of the Board of Revenue and the Collectors.	Sections twenty three and forty-four.
XIV, 1793 ...	A Regulation for the recovery of Arrears of the public Revenue assessed upon the Lands, from Zemindars, independent Talookdars, and other actual Proprietors of Land, and Farmers of Land holding Farms immediately of Government.	Section forty.
XXXIII, 1793...	A Regulation for re-enacting, with Modifications, the Rules passed on the 11th February and 21st October, 1791, for repairing the Embankments kept in Repair at the public Expense, and for encouraging the digging of Tanks or Reservoirs and Water-courses, and making Embankments.	The whole.
III, 1794 ...	A Regulation for exempting Proprietors of Land (with certain Exceptions) from being confined for Arrears of Revenue; and for prescribing the Process by which Tehseeldars are to demand Payment of Arrears; and for enabling the Collectors to recover from Native Officers employed under them, public Money or Papers which they may embezzle or retain; and for expediting the Trial of Causes relating to the public Revenue or the rents of Individuals.	Section eight.
V, 1795 ...	A Regulation prescribing Rules for the Conduct of the Collector of the public Revenue in the Province of Benares.	Section thirty-six.
VI, 1795 ...	A Regulation prescribing the Process by which the Collector and the Tehseeldars are to realize the public Revenue payable from the Lands in the Province of Benares.	Section forty-six.

Number and year.	Title.	Extent of repeal.
XLVI, 1795 ...	A Regulation for extending to the Province of Benares, Regulation XXXIII, 1793, entitled, "A Regulation for re-enacting, with Modifications, the Rules passed on the 11th February and 21st October, 1791, for repairing the Embankments kept in Repair at the public Expense; and for encouraging the digging of Tanks or Reservoirs and Water-courses, and making Embankments.	The whole.
XLIV, 1803 ...	A Regulation prescribing Rules for the Repair of Water-courses, Wells, and of other Works constructed for the Improvement of the Cultivation of the Lands, and kept in Repair at the public Expense, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, and for affording Encouragement to Individuals to construct such Works.	The whole.
VIII, 1805 ...	A Regulation for extending to the conquered Provinces situated within the Dooab and on the right Bank of the River Jumna, and to the Territory ceded to the Honourable the English East-India Company in Bundelcund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, as have not been already extended to those Territories, and for revising and amending certain Parts of the said Laws and Regulations.	Section twenty-eight.

BOMBAY REGULATION.

XVII, 1827 ...	A Regulation for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the Land Revenue, defining the relative Rights in the Land and its Produce, of the Government and the Subject, of the Superior Holder and the Tenant; vesting the Collector with judicial Powers in Cases regarding Land, and its Rent and Produce, and declaring the Circumstances under which exemption from the payment of Land Revenue is to be enjoyed.	Section thirteen.
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