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Command Areas Development Act, 1980

Chapter V - Schemes

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(1) Every Authority shall prepare a scheme for the comprehensive development of the Command Area or any phase of it in such manner as may be prescribed.

(2) Any scheme so prepared shall amongst others, set out the following, namely:-

(a) area proposed to be covered under the scheme;

(b) the work or works to be executed;

(c) the phasing of the scheme both areawise and workwise;

(d) the sketch plan of the area proposed to be covered under the scheme;

(e) the reallocation or the realignment if any, of a pipe-outlet or the existing irrigation system;

(f) the survey numbers covered;

(g) field boundaries as existing and as proposed;

(h) the compensation to be given to or recovered from the land holders;

(i) the cost involved in the scheme as well as in each phase thereof;

(j) the charges or dues to be levied on the beneficiaries; and

(k) such other matters and particulars as may be prescribed.

(3) The Authority may also from time to time make and take up any new or additional schemes in the Command Area.

(4) The scheme shall provide for the payment of compensation to any affected land holder for the reduction in the extent of his holding under the above scheme and for recovery of compensation from any other landholder who is benefited in getting more extent of land under the scheme. The amount of compensation shall be determined so far as practicable in accordance with the provisions of the Land Acquisition Act, 1894:

Provided that nothing in sub-section (4) shall preclude the determination of the amount of compensation by agreement with the benefitted and affected land holders and thereupon the amount so determined shall be the amount payable to such affected land holder.

Section 13 - Procedure on completion of the scheme

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(1) When a development scheme has been prepared, the Authority shall by notification publish the same in the official Gazette inviting objections and suggestions, if any, from all persons likely to be affected thereby, within thirty days from the date of such publication in the official Gazette.

(2) The said notification shall also be published in the village chavadies, the notice boards of the office of the concerned village panchayats, the notice boards of the concerned taluk offices and the offices of the Deputy Commissioners of the districts in which the lands proposed to be included in the scheme are situate.

Section 14 - Sanction of the scheme

(1) After the publication of the scheme as aforesaid and after considering the objections, if any, received in respect thereof the Authority shall, after making such modifications therein as it deems necessary, sanction the scheme.

(2) The scheme as sanctioned under sub-section (1) shall be notified in the official Gazette and shall be published in the manner specified in sub-section (2) of section 13.

Section 15 - Consequences of notification

Upon the sanction of the scheme or any phase thereof by the Authority under section 14 (hereinafter called as the approved scheme), the following consequences shall ensue namely:-

(1) the Authority may require any department of the State Government, any statutory or corporate body controlled by the State Government functioning within the area of operation of the approved scheme to follow such directions in respect of such matters as are specified in the approved scheme.

(2) all development plans relating to land development drawn by any department of the State Government or any local or statutory authority or body, or any corporation controlled by the State Government shall be intimated to the Authority and shall be executed with its approval and subject to such modifications or changes, if any, as the Authority may suggest and also subject to such directions as the Authority may give.

(3) the Authority shall be deemed to be empowered to take all necessary action for the implementation of the approved scheme including levy of cost of works and other charges and to give directions to land holders with regard to the following matters, namely:-

(a) the crops which are to be raised and the rotation of such crops;

(b) provision for drainage in the farm;

(c) distance of wells, tube-wells, pumps and other sources of irrigation from the distribution system;

(d) erection and removal of fences over lands;

(e) submission of returns within such time and in such manner as may be provided by regulations containing a true and accurate statement regarding the following matters, namely:-

(i) area of land cultivated by him, the classification of such land, his interest therein and encumbrances on such land, if any;

(ii) the nature and quantity of agricultural produce raised by him;

(f) such other matters as may be specified by regulations.

Section 16 - Execution of the scheme

(1) Upon the sanction of the scheme, the Authority may execute the same through such agency as it deems fit:

Provided that in the case of land development work as specified in the approved scheme, it may require land holders concerned to intimate the Authority within one month of the notification of the scheme under section 14 whether he decides to carryout the work according to the approved scheme by himself and, if so, his agreement to complete the work within the time as may be fixed by the Authority and he shall also be liable to pay proportionate cost of survey, supervision, and any other amount as may be determined by the Authority.

(2) When the land holder fails to carry out the work as provided in the proviso to sub-section (1), the Authority shall, carryout or get carried out the land development work, and, -

(a) the land development so carried out shall be deemed to have been done with the consent of the land holder for whose benefit it is intended;

(b) subject to such rules as may be prescribed the proportionate cost of works including survey, supervision, and any other amount as may be certified by the Authority shall be a charge on the land and provisions of sub-section (3) of section 20 shall mutatis mutandis apply for recovery thereof.

(3) In order to provide for the physical planning, the Land Development Officer (Engineering), shall have the power to effect realignment of field boundaries and in the process, to alter the area of the land held by the land holders in the Command Area or any other adjoining area.

(4) The realignment and changes in the land holdings so made shall have effect notwithstanding anything inconsistent therewith contained in any other enactment and shall be duly mutated in the record of rights.

(5) Holder of any land included in the approved scheme for comprehensive land development may deposit with the Authority the amount required for such land development as determined by the Authority and the Authority shall carryout the land development under the scheme by itself or through an agency decided by the Authority.

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