

**THE PONDICHERRY IRRIGATION
(LEVY OF BETTERMENT CONTRIBUTION)
RULES, 1976**

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GOVERNMENT OF PONDICHERRY

Revenue Department

No. 13225/75/C.

Pondicherry, the 19th May, 1976

NOTIFICATION

G. S. R. No. 15.- In exercise of the powers conferred by section 21 of the Pondicherry Irrigation (Levy of Betterment Contribution) Regulation, 1976 (No. 4 of 1976), the Lieutenant-Governor, Pondicherry, hereby makes the following Rules, namely :-

1. **Short title.**- These rules may be called the Pondicherry Irrigation (Levy of Betterment Contribution) Rules, 1976.

2. **Definitions.**- In these rules, unless there is anything repugnant in the subject or context :

(i) "the regulation" means the Pondicherry Irrigation (Levy of Betterment Contribution) Regulation, 1976 ;

(ii) "section" means a section of the regulation ;

(iii) "year" means the fasli year ;

(iv) "form" means a form appended to these rules.

3. **Classification of dry lands.**- The dry lands shall be classified as follows :-

(a) Block A shall consist of class 1, class 2 and class 3.

(b) Block B shall consist of class 4, class 5 and class 6.

4. **Factors to be taken into consideration under Explanation II (a) to clause (6) of section 2.**- The lands shall be deemed to be significantly benefited by the execution of a notified work, if any of the following conditions is satisfied :-

(1) Conversion of part of ayacut from single to double crop and from double crop to third crop.

(2) Assured supply for the lands having higher levels than the average ground level.

(3) Required standing water depth above the field level to be ensured.

(4) Source of supply channel to be charged to effect better commandability.

5. Factors to be taken into consideration under Explanation II (b) to clause (6) of section 2.- The lands shall be deemed to be substantially relieved of the non-beneficial submersion or stagnation of water, if any of the following conditions is satisfied :

- (i) Additional drainage channel is provided ;
- (ii) Drainage channels are improved by way of increased bed width, proper free boards, standard flood banks to carry adequate drainage ;
- (iii) Flood banks and flood controlling structures are erected to protect irrigation lands from flooding and salt water intrusion.

6. Calculation of the cost of notified work under section 5.- (a) The cost of any notified work for purposes of section 5 and sub-section (1) of section 6 shall be the actual amount incurred by the Government in the execution of the work, including the direct and indirect charges and the cost of investigation of the work. The cost as mentioned above shall be determined by the Public Works Department or other Government agency entrusted with the execution of the work.

(b) The decision of the Public Works Department as to whether the cost of any notified work exceeds seventy-five thousand rupees shall be final.

(c) The net expenditure as ascertained under section 6 (2) shall be apportioned equally on all the lands comprised in the improved old ayacut.

(d) The annual increase in revenue in the case of lands, covered by the notified work shall be ascertained by deducting, from the total ryotwari assessment and water cess including the additional assessment or additional water cess, if any, levied after the execution of the notified work, the amount representing the total ryotwari assessment and water cess including the additional assessment of additional water cess, if any levied in the fasli prior to the execution of the notified work.

7. Levy in respect of improved old ayacut.- Mere repairs to existing irrigation or drainage work or its restoration to its original state after decay or injury shall not be regarded as having ensured significant benefit to the land under the work to be considered as improved old ayacut for the levy of betterment contribution. Only the works, the execution of which is of the nature of the new work or which is an improvement to the existing irrigation or drainage work ensuring benefit or significant benefit to the lands under the work shall be notified for the levy of betterment contribution. The decision of the Collector in consultation with the Public Works Department or other executive agencies concerned entrusted with the work, as to whether a work to be notified satisfies the above conditions, subject to revision by the Government shall be final.

8. Postponement of levy of betterment contribution under section 7.- (1) The authorised officer may postpone the inclusion of any land in the ayacut of a notified work, in consultation with the Public Works Department or other executive agencies entrusted with the work, on the ground specified in sub-section (1) of section 7, or on any of the following grounds namely :-

- (i) the land requires expensive raising of the level ;
- (ii) the land requires provision of drains to take off excess water ;
- (iii) the land requires provision of field channels across mounds, depressions, roads or rail tracks;

- (iv) excess salinity or alkalinity has to be removed from the land, to make it fit for cultivation ;
- (v) irrigation will not be beneficial for, or cannot be taken economically, to the land.

The authorised officer shall record full reasons for his orders of postponement under sub-section (1) of section 7.

(2) A land included in the ayacut of a notified work may be said to be not fit for irrigation on the date of such inclusion with reference to sub-section (3) of section 7 if any of the grounds specified in sub-section (1) of section 7 and sub-rule (1) applies to such land or if on the date of the inclusion of such land in the ayacut it is found -

(i) that the capacity of the sluices is not adequate ; or

(ii) that water has not been taken to the nearest point with reference to each 10 hectares block, or 20 hectares block, as the case may be

9. Publication of the date of completion of the notified work under section 11.- (1) The date of completion of the execution of a notified work, the cost of which exceeds seventy-five thousand rupees and in respect of which betterment contribution is leviable, referred to in clause (a) of sub-section (3) of section 11, shall be published by the Collector in the official Gazette.

(2) The collector shall consult the Public Works Department or other Government agency entrusted with the execution of the work and take its view into account before ordering the publication of the date of the completion of the execution of the notified work.

(3) The Collector shall publish in the official Gazette a brief description of the notified work, its cost, the date of the completion of its execution and a description of the new ayacut and improved old ayacut, with particulars of the survey number and extent of the lands benefited or significantly benefited by the notified work in each village.

10. Publication of rates of betterment contribution.- (1) The authorised officer shall publish a notice announcing the rates of betterment contribution proposed to be levied in respect of the lands under a notified work, in Form No. 1, in the village chavadi or other public place in each village in which the lands lie. The fact of such publication shall be announced by tom-tom in each such village. On a duplicate copy of the notice, the village officers shall furnish a certificate, attested by at least two witnesses, who are land holders affected by the levy.

(2) Suggestions regarding, or objections to the rates specified in the notice shall be preferred, in writing to the authorised officer within fifteen days from the date of the publication of the notice.

11. Consideration of objections.- The authorised officers shall consider all the suggestions and objections received and finally decide the rates of betterment contribution leviable under the Regulation. He shall briefly record, in a formal order, the purport of the suggestions and objections received by him and the basis on which the rates of betterment contribution were finally fixed by him. The details and the data taken into account for fixing the betterment contribution shall be appended to the order as annexures. The rates as finally decided shall be published in Form No. II in the official Gazette and in the villages concerned, in the manner specified in rule 10.

12. **Appeal under section 9.-** An appeal against the order of the Authorised Officer under rule 11 shall lie to the Collector.

13. **Rectification of rates of betterment contribution.-** Any modifications in the rates of betterment contribution made on an appeal or revision shall be notified in Form. No. III by the Collector in the villages concerned.

14. **Notice of demand.-** The notice of demand prescribed under section 5 shall be in Form No. IV. It shall be served personally on the landholder or on any adult male member of his family or agent or by affixure at his last known residence or sent by registered post to his last known address.

15. **Mode of payment of contribution.-** It shall be open to the landholder to pay, the contribution within a period of two years from the date on which he becomes liable to pay it and, if he pays the entire amount of the contribution within this period, he shall be entitled to a rebate calculated as six per cent on that amount.

16. **Postponement of collection of contribution in certain cases.-** The annual instalment of betterment contribution shall be paid in cash on or before the 10th of the first kist months of each year.

The Collector may for sufficient reasons postpone the collections of any instalment and he may with the previous approval of the Government, grant any other concession or exemption under section 18.

17. **Appeal to the collector in certain cases.-** An appeal shall lie to the Collector against any decision or order of the authorised officer in all cases not specifically provided for in the rules.

18. **Appellate Authority.** - The appellate authority may set aside or modify the orders of the lower authority or call for a further report or remand the matter for fresh disposal with such directions as it may think fit to give.

19. **Procedure for filling appeals.-** Appeals shall be preferred within a month from the date of publication of the rates of betterment contribution as finally determined in Form No. II in the Official Gazette and from the date of receipt of the order appealed against, in all other cases, or within such further time as the appellate authority may for sufficient cause shown grant at his discretion.

20. **Court fees** - Appeals preferred under the rules shall bear Court-fee stamp as laid down in the Pondicherry Court-fees and Suits Valuation Act, 1972.

Form. I

Notice announcing the levy of betterment contribution under the Pondicherry Irrigation (Levy of Betterment Contribution), Regulation, 1976,

(1) Name of notified work	(2) village or villages in which the lands lie	(3-a) Description of the ayacut (i.e) whether new ayacut or improved old ayacut	(3-b) Description of the zone and the block if the lands are in the new ayacut.	(4) Survey No or other particulars of the lands	(5) Extent of the lands mentioned in column (4)	(6) Rate of betterment contribution per acre	(7) Remarks

Note: The rates of betterment contribution in respect of the new ayacut are those specified in the Schedule of the Regulation. The rates of betterment contribution in respect of the lands in the improved old ayacut are one-third of the net expenditure on the notified work, apportioned on all the lands in the improved old ayacut under section 6(2) of the Regulation subject to a maximum of fifty rupees per acre.

Notice is hereby given that the lands mentioned above have been benefited by the irrigational drainage work and that it is proposed to levy the betterment contribution in respect of those lands as mentioned in column (6) and that any person owning the lands mentioned above or otherwise interested in such lands, may send to the Authorised Officer his suggestions or objections within fifteen days from the date of the publication of this notice.

Authorised Officer,

Place :

Date :

Published on:

certified that the notice was published on the date specified above in the village chavadi or of ----- village and announced in the village by tom-tom.

Village Headman.

Karnam.

Two witnesses:

FRM No. II

(See Rule 8)

Notice intimating the rate of betterment contribution as finally determined under the Pondicherry Irrigation (Levy of Betterment Contribution) Regulation, 1976.

Intimation is hereby given that the rate of betterment contribution specified below have been finally determined under section 5 and 6 of the Regulation.

Name of notified work	village or villages in which the land lie.	Description of the ayacut (i.e) whether new ayacut or improved old ayacut.	Description of the zone and the block if the lands are in the new ayacut.	Survey number or other Particulars of the lands.	Extent of the lands mentioned in column (4)	Rate of betterment contribution Payable per acre.	Remarks
(1)	(2)	(3-a)	(3-b)	(4)	(5)	(6)	(7)

Place :

Date :

Authorised Officer

FORM No.III

Notice intimating the rate of betterment contribution if modified if under rule 10 of the Pondicherry Irrigation (Levy of Betterment Contribution) Rules, 1976.

Intimation is hereby given that the rate of betterment contribution determined by the authorised officer under section 8 of the Pondicherry Irrigation (Levy of Betterment Contribution) Regulation and published at pages of the Gazette dated _____ have been modified by the collector/Government as specified below:-

Name of notified work	village in which the lands lie.	Description of the ayacut (i.e.) whether the new ayacut or improved old ayacut.	Description of the zone and the block if the lands are in the new ayacut.	Survey number or other particulars of the lands.	Extent of lands mentioned column (4)	Rate of betterment contribution per acre fixed by the authorised Officer.	Rate of betterment contribution per acre as modified.	Remarks
(1)	(2)	(3-a)	(3-b)	(4)	(5)	(6)	(7)	(8)

Place :

Date :

District Collector

FORM No.IV

Notice of demand for betterment contribution under the pondicherry Irrigation (Levy of Betterment Contribution) Regulation, 1976.

To

Thiru

Patta No.

Village

Take notice that in respect of your land /lands particulars of which are given below a betterment contribution as specified therein has been determined and that you should pay the amount due in 10 equal annual instalments subject to minimum of Rs. 5 per acre commencing from fasli . The instalment shall be payable in the first kist month of each year. You have the option to pay the entire amount within two years from the date of service of this notice in which case you shall be entitled to a rebate calculated at 6 percent on the entire amount of contribution.

Name of notified work	Survey number/ Survey Nos. or other particulars of the land	Extent	Description of the ayacut (i.e) whether new ayacut or improved old ayacut.	Description of the zone and the block if the lands are in the new ayacut	Amount of betterment contribution fixed.	Amount of contribution if any previously paid to Govt.	Balance of contribution payable.	Amount of annual instalment	Remarks
(1)	(2)	(3)	(4-a)	(4-b)	(5)	(6)	(7)	(8)	(9)

Place :

Date :

Authorised Officer.