

ANDHRA PRADESH IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND ADVANCE BETTERMENT CONTRIBUTION) ACT, 1955

Section 1 Short title and extent

1) This Act may be called the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955.

(2) It extends to the whole of the State of Andhra Pradesh.

Section 2 Definitions

In this Act, unless there is anything repugnant in the subject or context,

(1) "Andhra Area" means the area in the State of Andhra Pradesh other than Telangana area;

(1-a) "advance contribution" means the Advance betterment contribution referred to in Section 3 A;

(1-b) "contribution" means the betterment contribution referred to in Section 3;

(2) "Government" means the State Government;

(3) "notification" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;

(4) "owner" in relation to any land, means the person liable to pay the public revenue due on the land, and includes a ryot having a permanent right of occupancy within the meaning of the Andhra Pradesh (Andhra Area) Estates Land Act, 1908 (Act I of 1908);

Explanation:- The expression "person liable to pay the public revenue," in relation to any land in respect of which no public revenue is payable, means the person who would have been liable to pay public revenue had it been payable on such land.

(5) "prescribed" means prescribed by rules made under this Act;

(5-a) "Telangana area" means the territories specified in sub section (1) of Section 3 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

(6) "work" means an irrigation work or drainage work as defined hereunder

(a) "irrigation work" includes

(i) all canals, channels, tanks, wells, reservoirs, ponds, spring ponds and madugus used for the supply or storage of water for purposes of irrigation, and all dams, embankments, weirs, sluices, groynes 3 {pumping sets} and other works (other than escape channels) connected therewith or auxiliary thereto, which are owned or controlled by the Government, or constructed or maintained by them and not handed over to any person;

(ii) all such lakes and other natural collections of water, or parts thereof, as are situated on lands which are the property of Government;

(iii) all rivers and natural streams or parts thereof;

(b) "drainage work ; includes the following works which are owned or controlled by the Government, or constructed or maintained by them and not handed over to any person:

(i) channels, whether natural or artificial, for the discharge of waste or surplus water, and escape channels from an irrigation work, together with dams, embankments, weirs, sluices, groynes pumping sets and other works connected with or auxiliary to all such channels;

(ii) all works for the protection of lands from floods or from erosion.

### Section 3. Levy of advance betterment contribution

The Government shall be entitled to levy and collect a betterment contribution in accordance with the provisions of this Act from the owner of any land which, in their opinion, is benefited or is capable of benefited, by the completion of the construction, expansion or alteration by the Government of any work,

the cost of which exceeds one lakh and fifty thousand rupees, if the construction, expansion or alteration of such work is completed

(a) in the Andhra area, whether after the commencement of this Act, or at any time before such commencement but not earlier than the 15th August, 1947;

(b) in the Telangana area after the commencement of the Andhra Pradesh Irrigation (Levy of Betterment Contribution) Extension and Amendment Act, 1959:

Provided that nothing in this Act shall apply to any such work in the Telangana area, if not less than two thirds of the total cost of the construction, expansion or alteration thereof was incurred before the commencement of the Act aforesaid:

Provided further that no contribution shall be levied and collected until the expiration of three years from the date of completion of the construction, expansion or alteration of any work.

### Section 3A. Levy of advance betterment contribution

(1) Notwithstanding anything in this Act, where the Government having due regard to the relative priority of works and availability of funds, are of opinion that, unless an advance betterment contribution, as provided hereunder, is paid by the owners of all lands which are capable of being benefited by the completion of the construction, expansion or alteration by them of a work, it is not possible for them, in the normal course,

(a) to commence and complete the construction, expansion or alteration of any work, the estimated cost of which exceeds ten lakhs of rupees; or

(b) to proceed towards the completion, with sufficient expedition in respect of the uncompleted part or stage of any work, the construction, expansion or alteration of which the Government have already commenced and where the estimated cost of the completion of such uncompleted part or stage exceeds ten lakhs of rupees; they may publish a draft of a scheme for the commencement and completion of the construction, expansion or alteration of the work referred to in clause (a), or for the completion of the uncompleted part or stage of the work referred to in clause (b) in the Andhra Pradesh Gazette and in the District Gazette, if any, and in such other manner as may be prescribed.

(2) The draft scheme referred to in sub section (1) shall, specify the lands under the commandable ayacut of the work which, in the opinion of the Government are capable of being benefited by the completion of such work, the approximate amount of advance betterment contribution payable per acre for each class of such lands and such other particulars as may be prescribed and state that when the owners of not less than sixty six per cent., of such lands express their willingness in writing within the time specified therefor to make such advance betterment contribution towards such work, in the case of owners, holding not more than five acres of dry lands each, either in one lumpsum or in six equal annual instalments and in the case of owners holding more than five acres of dry land or holding any extent of wet land, either in one lumpsum or in four equal annual instalments and when three fifths of the first instalment of the advance betterment contribution payable by the owners of all such lands is paid towards such first instalment within the time specified therefor, the Government shall commence the execution of the work, or proceed towards the completion of the uncompleted part or stage of the work, as the case may be, in pursuance of the scheme. There shall be published with the draft of the scheme, a notice inviting objections or suggestions and specifying a date at or after which the draft of the scheme will be taken into consideration.

(3) The Government shall consider any objection or suggestion which may be received from any person with respect to the draft scheme on or before the date specified in the notice thereof, and finalise the scheme with or without modifications and publish the scheme as so finalised in the Andhra Pradesh Gazette and in the District Gazette, if any, and in such other manner as may be prescribed, together with a notice calling upon the owners of all the lands specified in the scheme, to express their willingness in writing to pay the advance betterment contribution towards the work, in the case of owners holding not more than five acres of dry land each, either in one lumpsum or in six equal annual instalments and in the case of owners, holding more than five acres of dry land or holding any extent of wet land, either in one lumpsum or in four equal annual instalments and to make the payment of the first instalment of the advance betterment contribution, within such time as may be specified therein.

(4) Where the owners of not less than sixty six per cent., of the lands specified in the scheme express their willingness in writing to pay the advance betterment contribution and where three fifths of the first instalment of the advance betterment contribution payable by the owners of all the lands specified in the scheme is paid towards the said first instalment, within the time specified therefor, the Government shall commence the execution of the work or proceed towards the completion of the uncompleted part or stage of the work, as the case may be, in pursuance of the scheme.

(5) Where the owners of not less than sixty six per cent., of the lands specified in the scheme have not expressed their willingness to pay the advance betterment contribution, and where the amount so paid is less than three fifths of the first instalment of the advance betterment contribution, the Government shall not be bound to commence the execution of the work or to proceed towards the completion of the uncompleted part or stage of the work, as the case may be; and the owners who have paid any advance betterment contribution shall be entitled to the refund of the amount so paid.

(6) Where the Government commence the execution of the work or proceed towards the completion of the uncompleted part or stage of the work, as the case may be as specified under sub section (4), they shall be entitled to levy and collect the advance betterment contribution from the owners of all the lands specified in the scheme and the District Collector or any officer authorised in this behalf shall, by an order, direct the owners of the lands specified in the scheme, who have failed to pay within the time specified therefor any instalment of the advance betterment contribution to pay it within such time as may be prescribed. Where any owner pays in one lumpsum the entire advance betterment contribution, he shall be entitled to a rebate of ten per cent., calculated on such advance betterment contribution.

(7) As soon as may be, after the date of completion of such work, the amount of contribution payable under Section 3 by an owner in respect of any land specified in the scheme shall be determined in accordance with the provisions of this Act, notwithstanding that a period of three years has not expired from that date. The amount actually paid by such owner towards the advance betterment contribution payable by him under this section together with the amount allowed to him towards rebate under sub section (6) shall be adjusted towards the amount of contribution so determined. If, as a result of such adjustment, any amount becomes due from the owner to the Government or any amount becomes refundable to the owner by the Government, such amount shall be recovered from him or refunded to him, as the case may be. Where the owner of any land who has paid the advance betterment contribution in respect of that land does not become liable to pay any contribution in respect thereof under Section 3, the amount actually paid by him towards advance betterment contribution, shall be refunded to him with interest thereon at such rate as may be prescribed.

#### Section 3B Notification of the dates of commencement and completion of work

The Government shall notify the date of the commencement and the date of the completion of the construction, expansion or alteration by them of any work, either for the entire work or for any part or stage thereof, and all lands benefited or capable of being benefited by the completion of such work, part or stage as so notified shall be liable to pay contribution or advance contribution in accordance with the provisions of this Act.

#### Section 4 Amount of contribution or advance contribution

The amount of contribution or advance contribution payable by an owner for any land in respect of a work shall be so fixed as not to exceed one half of the increase or the estimated increase in value of the land, on account of the completion of the construction, expansion or alteration of the work. Such increase or estimated increase in value shall be the amount or the estimated amount, by which the value of the land on the date of the completion of such work, exceeds or is likely to exceed the value of the land on the date of commencement of that work.

#### Section 5

(1) Before levying the contribution ..... payable in respect of any land, a notice shall be published by the District Collector in the District Gazette and if no such Gazette is published in any district, than in the Andhra Pradesh Gazette and in such other manner as may be prescribed, specifying the lands under the commandable ayacut of the work and liable for the payment of contribution ..... and requiring all

persons interested to submit their objections, if any, in writing to the Inquiring Officer prescribed in this behalf or to appear before him either personally or by agent and state their objections within forty five days of the publication of the notice.

(2) Separate notices to the same effect shall also be served in the prescribed manner on all persons known or believed to be the owners of, or interested in, the lands specified in the notice, so far as such service may be practicable.

#### Section 6 Inquiry and order by District Collector

On the date fixed under Section 5 or on such other date to which the inquiry may be adjourned, the Inquiring Officer shall inquire into the objections received or recorded by him and submit the records of inquiry to the District Collector together with his recommendations. The District Collector shall thereupon pass an order specifying

(a) the lands concerned under the irrigable command of the work;

(b) the increase in value of such lands by the completion of the construction, expansion or alteration of the work;

(c) the amount of the contribution leviable on each of the said lands; and

(d) the fasli year from which the contribution shall be leviable.

#### Section 7 Appeal

Any person aggrieved by an order passed by the District Collector under this Act may, within sixty days from the date of receipt of such order by him, appeal to the Board of Revenue and the Board may pass such order on the appeal as it thinks fit.

Section 8 (omitted)

#### Section 9 Finality of Orders

Any order passed by the Government in revision under Section 8 and subject to such order, the decision of the Board of Revenue on appeal under Section 7, and subject to the order of the Government and the

decision of the Board of Revenue on appeal, the order passed by the District Collector under this Act shall be final.

#### Section 10 When contribution becomes payable

Contribution shall become payable under this Act on a written notice of demand therefor issued by an officer authorised by the Government in this behalf being served on the owner in accordance with the order passed under Section 6, Section 7 or Section 8 specifying the amount payable.

#### 11 Mode of payment of contribution

Omitted

#### 12 Rebate in certain other cases

If the Government accept or have accepted any money contribution from any person for the construction, expansion or alteration of any work and such person becomes liable to pay contribution in respect of any land benefited or capable of being benefited by such contribution, expansion or alteration, the sum accepted from him shall be credited towards the contribution payable by him.

#### 13 Contribution recoverable as arrear of land revenue

Contribution payable under this Act in respect of the land shall be deemed to be public revenue due upon the said land; and the land, its products and the buildings (owned and occupied by the owner) standing upon the land shall be regarded as the security of the contribution. When the whole or portion of an instalment of the contribution payable in any year is not paid on the due date, the amount of the instalment or its unpaid portion and the interest due thereon shall be deemed to be an arrear of land revenue and the provisions of the Andhra Pradesh Revenue Recovery Act, 1864 (Act II of 1864) shall apply to the recovery of the said arrear as they apply to the recovery of the revenue due on the land.

#### 14 Payment of contribution by person having interest in land

Any person having interest in a land may, notwithstanding that he is not the owner of such land, pay the contribution payable by the owner in respect of such land and shall, if such person pays the entire contribution in accordance with the provisions of Section 11, be entitled to the rebate provided by that section.

#### 15 Payment of contribution by actual occupants and ryots with occupancy rights

Where an owner who has paid an instalment of contribution under this Act is not the occupier of the land, he shall, in the absence of a contract to the contrary, be entitled to recover the amount of such instalment from the person other than a tenant, who is in actual occupation of the land during the year in which the said instalment is payable: Provided that, where the owner has paid the entire contribution with a rebate under the proviso to sub section (1) of Section 11, a twentieth part of the sum actually paid shall be deemed to be the instalment of the contribution payable during every year during which an instalment of the contribution would have been payable had the entire contribution not been so paid.

#### 16 Exemption

If, in the opinion of the Government, the enforcement of all or any of the provisions of this Act will cause hardship in any case or cases, the Government may, by notification, setting out the ground therefor,

exempt either permanently or for a specified period, such case or cases from all or any of the provisions of this Act, subject to such conditions, if any, as the Government may deem fit to impose.

#### 17 Bar of jurisdiction of civil courts

No civil court shall entertain any suit or other proceeding to set aside or modify any order or decision passed by the District Collector, the Board of Revenue or the Government under this Act or in respect of any other matter falling within the scope of any of those authorities.

#### 18 Power to make rules

(1) The Government may, by notification, make rules to carry out the purposes of this Act and in particular

(a) for the delegation of their powers to the Board of Revenue, District Collector or other authorities;

(b) for the provision of such appeals and revision as may be found necessary in respect of the orders passed by any authority to whom powers may be so delegated;

(c) for the procedure to be followed in making inquiries under Section 6 and in disposing of appeals under Section 7;

(d) for the manner of service of notices and orders issued under this Act;

(e) for the manner in which the instalments of contribution shall be paid;

(f) for all matters expressly required or allowed by this Act to be prescribed.

(2) All rules made under this section shall be published in the Andhra Pradesh Gazette and upon such publication shall have effect as if enacted in this Act. The rules so made shall be placed on the table of the Legislative Assembly as soon as possible after they are published and shall be subject to such modifications, whether by way of repeal or amendment, as the Assembly may make within fourteen days thereafter during the session in which they are so laid.

#### 18A Power to remove difficulties

If any difficulty arises in giving effect to the provisions of this Act and in particular in their application to the Telangana area, the Government may, by order in the Andhra Pradesh Gazette, make such provisions, not inconsistent with the purposes of this Act, as appear to them to be necessary or expedient for removing the difficulty.

19     Saving

Nothing contained in this Act shall apply to the levy, determination, payment or recovery of betterment contribution from the owners of lands which are benefited, or are capable of being benefited by the construction, expansion or alteration of any work, if provision in that behalf is contained in any other law relating thereto and for the time being in force.