



The Mizoram Gazette
EXTRA ORDINARY
Published by Authority

REGN. NO. NE—313 (MZ)

VOL. XXX Aizawl, Wednesday 28. 3. 2001, Chaltra, 7, S.E. 1923, Issue No. 61

NOTIFICATION

No. H. 12018/96/2000-LJD/5, the 21st March, 2001, The following Act of the Mizoram Legislative Assembly which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Land Holding and Settlement Act, 2000 (Act No. 1 of 2001)
(Received the assent of the Governor of Mizoram on 12.3.2001)

**AN
ACT**

to consolidated and reform the law relating to land holding and settlement of land in Mizoram.

It is enacted by the Mizoram Legislative Assembly in the Fifty-first year of the Republic of India as follows :

CHAPTER—I

Preliminary

1. SHORT TITLE, EXTENT AND COMMENCEMENT.

- (1) This Act may be called the Mizoram Land Holding and Settlement Act, 2000.
- (2) It shall extend to the whole of Mizoram excepting the areas under the jurisdiction of the Autonomous District Councils constituted under the Sixth Schedule to the Constitution of India.

- (3) It shall come into force on such date or dates as the State Government may by notification in the official Gazette appoint, and different dates may be appointed for different provisions of the Act.

2. DEFINITIONS

In this Act, unless the context otherwise requires :—

- (a) "agriculture" means and includes the raising of crops grass or garden produce, horticulture, pisciculture, dairy farming, poultry keeping, and use of land as pasture, plantation of for any other purpose where such use is ancillary to agriculture;
- (b) "District Revenue Officer" means the District Revenue Officer of an administrative or revenue district in Mizoram and it shall include the Additional District Revenue Officer appointed by the Government to assist the District Revenue Officer in the matter of revenue administration;
- (c) "Director" means the Director of Land Revenue and Settlement.
- (d) "District" means a Revenue District:
- (e) "Government" means the State Government of Mizoram:
- (f) "Holding" means the aggregate area of land held by a person as a land owner.
- (g) "House means any building, hut or shed let or to be let separately for residential purposes and includes garden, ground and out-house, appurtenant to it.
- (h) "mixed farming" means an area used for cultivation of crops, plantation of trees, animal husbandary, pisciculture and other agricultural activities with out confining to a particular agricultural activities;
- (i) "person" means any person natural or legal and includes an Institution, company, corporation or establishment
- (j) "prescribed" means prescribed by rules made under this Act;
- (k) "Revenue Court" means a court to hear and dispose of the case in respect of land disputes and matters relating to land revenues and it will not include civil court or criminal court.
- (l) "Revenue Officer" means and includes any officer appointed to take up any matter relating to land revenues as may be specified by rules made under this Act.
- (m) "Town Area" means such areas as are declared by the government as area for any specific town or sub-town.

- (n) "Village" means an area classified and recorded as a distinct village;
- (o) "Year" means the financial year commencing on the first day of April;
- (p) "Char and diara land" means land lost by submergence in water or land left by the change of river course.
- (q) All words and expression used in this Act and not defined herein shall have the same meaning assigned to them in the General Clauses Act, 1897.

CHAPTER - II

LAND HOLDING

3. CLASSES OF HOLDERS

On and from the commencement of this Act, there shall be the following classes of holders

- (1) "SETTLEMENT CERTIFICATE HOLDER" is a person to whom agricultural land has been settled for growing particular crops or for mixed farming, or for construction of a house. The land held under this certificate is heritable and transferable subject to any provisions of law in this respect:

 Provided that the settlement certificate holder shall not have sub-soil rights and shall not quarry sand or stone, or dig or extract minerals unless permits are obtained from the competent authority under this Act or any other Act and rules.
- (2) "LEASE HOLDER" is a person to whom land is leased out for construction of building for residential or commercial purposes. The land held under this lease shall not be heritable and transferable. Construction of houses shall be subject to the provisions of the Mizoram Urban and Regional Development Act, 1990 and the rules made under the said Act.
- (3) "LIMITED LEASE HOLDER" is a person to whom land has been leased for a fixed period for specific purpose such as, industry, commercial plantation, horticulture. The land held under the limited lease shall not be heritable and transferable and the period of lease may be extended according to the requirement.
- (4) "PERMIT HOLDER" is a person to whom a permit has been given for construction of a house, in a place intended to be given under Settlement Certificate or reclamation of land for the purpose of giving it under settlement certificate. The permit shall be valid for 5 (five) years.
- (5) "PASS HOLDER" is a person to whom a permission is given by a Village Council for construction of a house inside the village site where survey and settlement operation has not been done.

4. PENALTY AND EVICTION OF PERSON FOR MISUSE OF LAND.

- (1) If a person does not use at all or use the land given under settlement certificate, lease or limited lease for a purpose other than the purpose for which the land had been given, the Revenue Officer may impose a fine to the extent of financial benefit the person is likely to get for such misuse of the land.
- (2) For such misuse of land as mentioned in sub-section (1) the Revenue Officer may, with the approval of competent authority instead of imposing penalty, or in addition of imposing penalty, evict the person.
- (3) Before passing an order for penalty or eviction, the person shall be given an opportunity of being heard.
- (4) If the person is evicted, the settlement certificate or lease or limited lease shall be deemed to have been cancelled. The person shall be given time for removal of structures, if any, and if the structure is not removed within the time given, the Revenue Officer may get the structure removed and put into public auction. The cost of the structure put into auction shall be handed over to the person after deducting the cost for removal of the structure if any. If the cost of the structure obtained is not sufficient to cover the expenditure for removal of the structure, the Revenue Officer may collect the balance from the person as an arrear of land revenue.
- (5) An appeal shall lie to the District Revenue Officer from the order of the Revenue Officer for imposing penalty or eviction order if a petition is submitted within a month. The time required for obtaining a copy of the order shall be excluded in the calculation of the time. The District Revenue Officer may entertain an appeal submitted after one month if he considers that there is reasonable cause for the delay.

5. CONVERSION OF AGRICULTURAL LAND FOR PURPOSE OTHER THAN AGRICULTURE.

- (1) The government may, when an application is made by a person for conversion of any Agricultural land belonging to him for purposes other than Agriculture, allow such conversion, if it is satisfied that such conversion shall not violate-
 - (a) any master plan, improvement scheme, development or town planning or village planning scheme made under any law for the time being in force and applicable to such land, and
 - (b) any other condition or conditions as may be prescribed for the purpose of dealing with bona fide cases of such conversions.
- (2) In every case where conversion of agricultural land for other purposes is allowed, the person shall be deemed to have surrendered his land to

the Government and thereafter the land shall be settled on lease and permit basis to the person who has surrendered the land in the manner and on such terms and conditions other government land is settled.

- (3) The order of the Government shall be final in this case.

Provided that no order refusing to allow any conversion shall be made unless the concerned person has been given an opportunity of being heard in the matter.

6. SURRENDER OR ABANDONMENT OF HOLDING.

A person may surrender his holding by writing to the Revenue Officer. On such surrender of holding the Revenue Officer shall revert the land to the Government. If any holding is abandoned the Revenue Officer shall revert the land to the Government and may take action as may be necessary and practicable for collection of arrear due for the land, if any.

CHAPTER - III

SETTLEMENT OF LAND FOR HOUSE SITE IN TOWN OR SUB-TOWN AREA

7. LAND IN TOWN OR SUB-TOWN AREA NOT TO BE SETTLED FOR AGRICULTURAL PURPOSES.

In the area declared by the government as town or sub-town area no land shall be allotted or settled for agricultural purposes:

Provided that limited land lease for a period not exceeding 10 (ten) years may be given in outlying area for growing crops and small industries.

8. MASTER PLAN

- (1) A Master plan shall be drawn up as prescribed for any area declared by the government as town or sub-town. The Master plan shall indicate the existing roads, drains, and other areas used for public purposes, government buildings and area or areas already given to individuals for construction of houses or for any other purposes, and also government land earmarked for roads, drains, and other public requirements. In the area where survey and settlement have not been done the Master Plan will be drawn up on the basis of a sketch plot numbers.
- (2) For the land to be allotted for house-site and small industries, detail plan shall be drawn up as prescribed indicating the areas reserved for public purposes and government purposes and detail plotting shall be done for the land to be allotted for house-sites. Normally the area of the plot shall not exceed 600 (six hundred) sq.m. and shall not be less than 50 sq.m (fifty) sq.m.

- (3) The Master Plan or detail town plan as drawn up under sub-section (1) or (2), shall become effective only after it is approved by the government or any other delegated with such power by the government, and any change or alteration shall also be approved by such competent authority.

When Master plan or detailed plan is made under Mizoram Urban and Regional Development Act, 1990 and the Mizoram Urban and Regional Development Rules, 1998 and the Rules made thereunder, no other separate Master Plan or Detail Plan shall be necessary.

9. ALLOTMENT OF HOUSE-SITES IN TOWN AND SUB-TOWN AREA.

- (1) Allotment of house-sites and other plots in the area declared by the government as town or sub-town area shall be made in the prescribed manner and guidance.
- (2) When a plot of land is allotted to a person, the person concerned shall be given a permit to construct a house within a period of 5 (five) years and Settlement Certificate for the plot shall be issued only when the house is constructed and other formalities, if any, are fulfilled.
- (3) On coming of this Act into force, all the house-sites allotted earlier shall be governed by the provisions of this Act, and accordingly if a house is not constructed and other formalities are fulfilled within 5 (five) years from the date this Act comes into force, the allotment of the house-site shall become void.

CHAPTER-IV

ALLOTMENT OF LAND IN RURAL AREA

10. VILLAGE MASTER PLAN

- (1) For a village which is not declared by the government as town or sub-town, the Revenue Officer shall, with the help of the Village Council, draw up a Master plan indicating the village site, village safety reserve, area to be used for jhumming and allied cultivation, area to be given on a permanent basis for mixed farming, or cultivation of particular crops, area to be used for limited lease and other purposes considered necessary and desirable.
- (2) The Master plan shall be made on the basis of a sketch map drawn up for the village. If settlement operation has been done for the village the plan shall be drawn up on that basis.
- (3) The Master plan and any change or alteration therein shall require approval of the prescribed authority.

11. VILLAGE SITE PLAN

Village plan shall be drawn up for proper utilisation and regulation of land in the village site. Such plan shall indicate the road, drains, and other land used for public and government purposes; and also future development plan indicating where the roads shall be made, and drains, and land earmarked for future use by the public and the government. The area to be given for house sites shall be indicated and plot number shall be given as far as practicable.

12. ALLOTMENT OF HOUSE-SITES

In the village where Master plan and detail plan or site plan have been done, house site shall be allotted by the Village Council by giving a pass where survey and settlement operation has not been done. In an area where settlement operation has been done the Revenue Officer shall allot house-sites by giving a permit and then issuing lease or settlement certificate on fulfilment of the condition of the permit and other formalities.

13. ALLOTMENT OF HOUSE-SITE TO BE REGULATED.

Allotment of house-site by the Village Council or by the Revenue Officer shall be done in a prescribed manner.

14. EARMARKED LAND FOR PERMANENT CULTIVATION.

The land earmarked for permanent cultivation and limited lease shall be about 1/3 (one-third) of land under the jurisdiction of the village and shall include the area already used for permanent cultivation, such as wet rice cultivation, mixed farming, and land already given on limited lease.

Provided that the land earmarked for permanent cultivation or limited lease is not likely to be required within a year, the Revenue Officer may, on the request of the Village Council, allow the land to be used for jhumming cultivation for one year.

15. ALLOTMENT OF EARMARKED LAND.

Allotment of land in the earmarked land shall be made by the Revenue Officer in a prescribed manner and a permit shall be issued for the purpose.

16. REVENUE OFFICER TO ISSUE A PERMIT.

For issue of lease or permit for house-site, and agriculture land the Revenue Officer shall issue a permit with the prior approval of the government or any other prescribed authority for reclamation or otherwise prepare the land. The permit shall be valid for 5 (five) years. After a period of 5 (five) years if the land has not been reclaimed or prepared the permit shall lapse automatically. In exceptional case where it can-

not be reclaimed or prepared during the period of 5 (five) years due to reasons beyond the control of the permit-holder, the prescribed authority may renew the permit and the reasons for renewal shall be recorded.

17. ISSUE OF SETTLEMENT CERTIFICATE.

On expiry of the permit if the land has been reclaimed or otherwise prepared for the purpose the Revenue Officer shall issue a settlement certificate in a prescribed form and in a prescribed manner.

18. ISSUE OF LIMITED LEASE.

If the land under permit had been properly prepared for industry, commercial tree plantation and such other purposes for which limited lease is suitable, the Revenue Officer shall issue a limited lease in a prescribed manner. The lease period shall be decided according to the requirement. If the time required cannot be ascertained the lease shall be made out for a period of 25 (twenty-five) years. The lease shall be renewable.

19. JHUMMING CULTIVATION.

In the village where jhumming cultivation is practised, the Village Council concerned subject to any rules or regulations in force in this respect, shall be the competent authority to allot a land for jhumming cultivation for a period of 1 (one) year. As far as possible the land for jhumming shall be earmarked.

Provided that the state government may make rules regulating the manner of allotment of land for jhumming purposes.

CHAPTER - V

JURISDICTION AND PROCEDURE

20. JURISDICTION OF COURTS.

- (1) All authorities hearing a petition, appeal or revision under any provision of this Act shall do so as Revenue Court.
- (2) The authorities mentioned in sub-section (1) shall have the powers of a Civil Court under the Code of Civil Procedure, 1908.
- (3) Proceedings in the revenue courts shall be summary, and only substance of the evidences need be recorded along with the decision of the court.

21. BAR OF JURISDICTION OF CIVIL COURT.

No civil court shall have jurisdiction to entertain any suit or proceedings in respect of any matter which the Officer or authority is em-

is empowered by this Act to determine, and no injunction shall be granted by any civil court in respect of any action taken or to be taken in exercise of any power conferred by or under this Act and rules.

22. APPEAL.

An appeal shall lie against any order passed under this Act by the Revenue Officer, to the District Revenue Officer, by the District Revenue Officer to the Director, and by the Director to the Government, if the appeal is preferred within 45 (forty-five) days from the date of the order appealed against.

23. REVISION.

A District Revenue Officer in respect of an order passed by a Revenue Officer, or the Director in respect of an order passed by a District Revenue Officer may, of his own motion, or otherwise call for and examine the record of any proceedings for the purpose of satisfying himself that any such order was not passed under a mistake of fact or fraud or misrepresentation or on account of any material irregularity of procedure, and may pass such order thereon as he thinks fit.

Provided that no such order shall be passed unless the person affected by the proposed order has been given a reasonable opportunity of being heard in the matter, provided further that no proceedings under this section shall be initiated after expiry of 14 (fourteen) years from the date of the order.

24. IMMUNITY.

No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended or purported to be done in pursuance of this Act or any rule or order made thereunder.

25. RESERVATION AND SETTLEMENT OF LAND.

Notwithstanding anything to the contrary in any law or any custom, practice or usage having the force of law, the government shall not be deemed debarred from exercising all or any of the following powers in respect of lands.

- (a) to reserve such portion of the land as they deem proper for the purpose of being used as house-site or for any public or individual purposes or any other purpose whatsoever.
- (b) to charge premium for settlement or lease of any land.
- (c) to charge rent for the lands so settled.
- (d) to charge fees on application for settlement or lease or such other fees as may be necessary or incidental to the disposal of such

application at such rates as may be prescribed and all such fees shall be payable in the prescribed manner and

- (e) to authorise any officer of the government not below the rank of Revenue Officer to dispose of such application for settlement and lease of land and to settle or lease the same in such manner as may be prescribed.

26. DERESERVATION OF RESERVED LAND.

The government or any officer authorised on this behalf, may dereserve the land reserved under section 25 if satisfied that such land or portion thereof.

- (a) is no longer required for the purpose for which it was reserved: or
- (b) can no longer serve the purpose for which it was reserved: or is in excess of the reasonable requirement for which it was reserved.
- (c) is in excess of the reasonable requirement for which it was reserved.

27. REVENUE OFFICER TO ISSUE SETTLEMENT CERTIFICATE, LEASE AND OTHER ALLOTMENT.

All settlement certificates, leases, permit, etc. or order reserving land or allotment of land for any purpose shall be issued by the Revenue Officer or any other Officer authorised by the government on this behalf with the prior approval of government occupation of land without lawful authority shall be deemed to be an encroachment under the appropriate Act or Law in force.

CHAPTER—IV

MISCELLANEOUS

28. TEMPORARY SETTLEMENT OF CHAR AND DIARA LAND.

The Revenue Officer may, with the approval of government settle or lease temporarily any char or diara land by public auction or by any other means as prescribed.

29. REPEAL AND SAVING.

With effect from the date this Act comes into force, the Acts mentioned below with the rules made thereunder shall stand repealed.

- (1) Lushai Hills District (House Site) Act; 1953
- (2) The Mizo District (Land and Revenue) Act, 1956
- (3) The Mizo District (Agricultural Land) Act, 1963

Provided that all the actions done or taken under the Acts repealed shall be deemed to have been done under the corresponding provisions of this Act.

Provided further that, the repeal of any enactment or part thereof shall not affect-

- (a) the previous operation of such enactment or anything duly done or suffered thereunder;
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under such enactment;
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against such enactment.
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted or enforced and any such penalty, forfeiture or punishment may be imposed as if such enactment or part thereof had not been repealed.

30. POWER TO MAKE RULES.

- (1) The government, by notification in the Official Gazette and after previous publication, make rules for carrying out the provisions of this Act.
- (2) All rules made under this section shall be laid before the Legislative Assembly as soon as may be after they are made.

31. REMOVAL OF DOUBT AND DIFFICULTY.

If any doubt or difficulty arises in giving effect to the provision of this Act, the government may, as occasion may require, by order, do anything not inconsistent with the provisions of this Act or rules made thereunder, which appears to them necessary for the purpose of removing such doubt and difficulty.

P. Chakraborty,
Secretary,
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Govt. of Mizoram.