

THE MIZORAM (LAND REVENUE) (AMENDMENT) BILL, 2019

A BILL

to amend the Mizoram (Land Revenue) Act, 2013 (Act No. 5 of 2013), hereinafter referred to as the Principal Act.

Be it enacted by the Legislative Assembly of Mizoram in the Seventieth year of the Republic of India as follows, namely:

1. Short title, extent and commencement.—

- (1) This Act may be called the Mizoram (Land Revenue) (Amendment) Act, 2019.
- (2) It shall have the like extent as the Principal Act.
- (3) It shall commence on the date of its publication in the Mizoram Gazette.

2. Amendment of section 2.

- (1) In section 2 of the Principal Act, clause (17) shall be amended as follows, namely:
“(17) “Family” in relation to a person includes persons such as grandparents, parents, spouse, siblings, descendants of that person including adopted children;”
- (2) After clause (18) of section 2 in the Principal Act, a new clause shall be inserted as follows, namely—
“(18A) “Government land” means the land which is declared as the property of the Government under section 12 of this Act;
- (3) After the new subsection (18A) of section 2 of the Principal Act, a new clause shall be inserted as follows, namely –
“(18B) “Gram Sabha” or “Village Assembly” means gram sabha as defined by the Lushai Hills District (Village Councils) Act, 1953 as amended by Act No. 10 of 2014;”
- (4) After clause 19 of section 2 of Principal Act, a new clause (19A) shall be inserted as follows, namely –
“(19A) “household” means a member or members of a family living alone or together as a separate social unit using the same kitchen;”

- (5) After clause (21) of section 2 of the Principal Act, new clause (21A) and (21B) shall be inserted as follows, namely–
- “(21A) “Land Committee” means the Land Committee established under section 10B of this Act;
- (21B) “Land Reform Board” means the Land Reform Board established under section 10A of this Act;
- (6) In the Principal Act, after clause (33) of section 2, a new clause (33A) shall be inserted as follows, namely –
- “(33A) “record of rights” means the record of various information on all land holdings within each specified locality, such as, reference number and date of Government approval for its initial allotment, survey number or plot number, purpose of holding, land-utilisation classification, grade, area, location address, geographical or geodetic reference, and the identity of the holder thereof with the nature of rights including encumbrance on the land, etc., maintained in paper or digitised form, and shall include the General Register;”
- (7) In the Principal Act, after clause (36) of section 2, a new clause shall be inserted as follows, namely–
- “(36A) “set back” means the open space from the proposed building or structure to the plot boundaries beyond which nothing can be constructed towards the boundaries;”
- (8) After clause (41) of section 2 of the Principal Act, a new clause shall be inserted as follows, namely.–
- “(41A) “surveyed area or village” means any area or village which has been surveyed under the Mizoram (Land Survey and Settlement Operation) Act, 2003;”
- (9) After clause (43) of section 2 of the Principal Act, a new clause shall be inserted as follows, namely–
- “(43A) “Tin” means a traditional measure of land area equivalent to 1.0 Acre or approximately 4000 square metres or 0.40 Hectare or 43,560 square feet or 3.025 Bighas;”
- (10) In the principal Act, after clause (46), a new clause (46A) shall be inserted as follows, namely –
- “(46A) “unsurveyed village or area” means any village or area not surveyed under the Mizoram (Land Survey and Settlement Operation) Act, 2003;”

3. Insertion of a new section 10A.

After section 10 of the Principal Act, a new section 10A shall be inserted as follows, namely –

“10A. Land Reform Board.

The Government may constitute a Land Reform Board at the State level, with such composition and terms of reference as may be notified in the Official Gazette.”

4. Insertion of a new section 10B.

In the Principal Act, after the new section 10A, a new section shall be inserted as follows, namely –

“10B. Land Committee.

- (1) The Government may constitute Land Committees at the levels and in the manner as it may deem appropriate, by notification in Official Gazette, to perform the following functions within their respective jurisdictions–
 - (a) assisting the Government in–
 - (i) monitoring the land-utilisation and submit appropriate suggestions thereon to the Government;
 - (ii) protection of community or public land or Government land;
 - (iii) preparation of land-utilisation plans;
 - (iv) detection and prevention of land encroachment;
 - (v) finding amicable solution of disputes on land;
 - (b) screening the applications for allotment of land and renewal of temporary allotment of land, and to submit its observations thereon to the Government;
 - (c) presenting their reports to the Gram Sabhas or village assembly, or to similar bodies where Gram Sabha does not exist.
 - (d) any other function as the Government may specify.
- (2) The Land Committee so constituted shall be a perpetual body unless dissolved or reconstituted by the Government, or rendered inoperative due to factors beyond human control.
- (3) The name “Site Allotment Advisory Board” appearing in the Principal Act shall stand substituted with the name “Land Committee”.

5. Insertion of new section 14A.

After the section 14 of the Principal Act, a new section shall be inserted as follows, namely–

“14A. Government Land Bank.

- (1) Any part of vacant lands free from encumbrance, reserved for allotment or productive use for any purpose shall be recorded as Government land bank in the Land Bank Register which shall be maintained by the Land Revenue and Settlement Department in the manner as may be prescribed.
- (2) The land bank shall include relinquished lands including acquired land reverted to the Government, lands reserved for compensatory afforestation or Government programme, lands earmarked for resettlement of homesteads lost due to natural calamity or acquisition, vacant plots in a Site Plan, freed unutilised acquired land, surplus land or areas reverted to the Government on account of diversion of non-residential land to residential land and regularisation of unregistered land holdings, and any surplus land arising out of enforcement of land ceiling provisions, cancelled allotment, abandoned human habitation, etc.”

6. Amendment of section 28.

After the existing provisions of section 28 of the Principal Act, a new proviso shall be inserted as follows, namely–

“Provided that the rights in the land held under lease by an individual or a non-government organisation, if acquired through purchase or other legal means from a previously registered non-Governmental land holder, may be transferred, subject to prior approval of the Government and as per the provisions of this Act.”

7. Amendment of section 36.

- (1) After the proviso to subsection (1) of section 36 in the Principal Act, new provisos shall be inserted as follows, namely–

“Provided further that when the application for land for house site is granted by the competent authority, such approval shall be intimated to the applicant by the Revenue Officer concerned. The approval for allotment of the land shall expire if the applicant, in spite of the intimation given to him, fails without showing a sufficient reason thereof, to collect the land document concerned within thirty working days from receipt of such intimation.

(2) In subsection (3) of section 36 of the Principal Act, for the words and figures “a house shall be constructed within a period of 10 (ten) years”, the words “the plot so allotted shall be fenced properly with durable materials such as heartwood or reinforced cement concrete posts and other durable materials within the area of the land so allotted, and the land is also prepared for construction of a house” shall be substituted.

(3) Subsection (4) of section 36 of the Principal Act shall be substituted by the following, namely–

“(4) The allotment of land for construction of a house or shop or stall will also be subject to the restriction that no part of the said land shall be transferred within five years from the date of its first allotment from Government land, even if the land has been settled under this Act;

Provided that the restriction on transfer of land under this subsection shall not apply in case of –

- (a) transfer within the family of the land holder; or
- (b) transfer on account of inheritance or order of a competent court; or
- (c) transfer on account of forfeiture of land mortgaged for securing loan; or
- (d) acquisition of any part of the land under land acquisition Act or Government policy in force, or
- (e) transfer to a religious organisation or a non-profit civil society organisation in the interest of the public or community.”

8. Amendment of section 46.

(1) Subsection (2) of section 46 of the Principal Act shall be omitted.

(2) Subsection (3) of section 46 in the Principal Act shall be omitted.

9. Insertion of new section 46A.

After section 46 of the Principal Act, a new section 46A shall be inserted as follows, namely–

“46A. Renewal of temporary allotment of land.

(1) If the holder of a land under temporary allotment, such as, Lease or Periodic Patta or Pass, shall need to use the land beyond the period of the allotment, he may apply for renewal thereof within six months before the expiry of the lease, or for delayed renewal during the succeeding grace periods, in the manner as may be prescribed.

- (2) The application for renewal under subsection (1) may be granted subject to such conditions and on payment of such fee and penalty tax as may be prescribed. Any refusal to such application shall be communicated to the applicant in the manner of a speaking order:

Provided that renewal shall not be allowed if–

- (a) the land has been allotted within a notified protected or restricted area or forest reserve and clearance from competent authority has not been obtained; or
- (b) the disputes relating to the correct area of the land, if any, has not been settled; or
- (c) if the Government decides that continuing the existing use of the land is against the interest of the public, until the objectionable property or manner of use is removed or stopped; or
- (d) in case of residential land, the site has not been fenced properly with durable materials such as heartwood or reinforced cement concrete posts and other durable materials within the area of the land so allotted; or
- (e) in case of agricultural land, the area of the land developed is less than 50 per cent of the total area allotted.

Provided further that the said land holder shall not be exempted from payment of any fine for late renewal as a result of delay caused by disputes or objections indicated under the first proviso.

Provided also that on failure to seek renewal of temporary allotment after the expiry of the grace period, the temporary allotment shall be regarded as expired, and shall be processed for formal cancellation.

- (3) If the land holder who fails to renew the temporarily allotted land as provided under the preceding subsections, requests for renewal of the same after the lapse of the grace periods, his application may be entertained on the satisfaction of the Revenue Officer concerned that the delay was due to factors beyond the control of the land holder concerned, subject to the following conditions:

- (a) Such late application for renewal, even if entertained, shall be processed in the manner similar to that of fresh application for allotment of land, and
- (b) any allotment of land which might have been made by a competent authority within the area of the expired temporary

allotment of land prior to submission of application for renewal, shall be excluded from the area in respect of which such expired allotment is to be renewed; and

- (c) If the application for late renewal is granted, the applicant shall pay twice the maximum penalty tax specified for delayed renewal.
- (4) Payment of land revenue in respect of an expired allotment, unless renewed as provided under this section, shall not entitle or be construed as extension of the temporary allotment.”

10. Amendment of section 48.

After the existing provisions of section 48 of the Principal Act, a new proviso shall be inserted as follows, namely –

“Provided that the annual taxes payable on the lands of the same grade and of the same land-utilisation category shall be assessed at the same rates in terms of percentage of the established valuation thereof, regardless of whether the land is settled or leased, or is held under Pass or Periodic Patta.”

11. Amendment of section 100.

In section 100 of the Principal Act,

- (1) for the words and figures “the Indian Registration Act, 1908”, the words and figures “the Registration Act, 1908” shall be substituted.
- (2) after the figures “1908”, the words and figures “and the Indian Stamp Act, 1899” shall be inserted.