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NOTIFICATION

No. C. 31012/5/2001-DCA, the 2nd July 2003. In pursuance of paragraph 1 of the Sixth Schedule to the Constitution of India, the following Acts of the Lai Autonomous District Council which received the approval of the Governor of Mizoram is hereby published for General information.

1. THE LAI AUTONOMOUS DISTRICT COUNCIL

(Land Holding and settlement) Act. 2002 (vide Governor of Mizoram's approval dt. 23.6.2003).

P. Chakraborty,
Secretary to the Government of Mizoram,
District Council Affairs Department.

AN
ACT

Whereas it is expedient to consolidate and reform the law relating to land holding and settlement of land in the Lai Autonomous District.

And whereas under clause (a) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council of an Autonomous District is empowered to make laws for the allotment, occupation or use, or the setting apart of land, other than any land which is a reserved forest for the purpose of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town within the District.

Now, therefore, in exercise of the said powers and all other powers enabling it in that behalf the Lai Autonomous District Council is pleased to make the following Act in the Fifty Third Year of the Republic of India as follows:-

CHAPTER - I PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT.

- (1) This Act may be called the Lai Autonomous District Land Holding and Settlement Act, 2002.
- (2) It shall extend to the whole of the Lai Autonomous District.
- (3) It shall come into force on the date of publication in the Mizoram Gazette.

2. DEFINITIONS.

- (a) "Agriculture" means and includes the raising of crops grass or garden produce, horticulture, pisciculture, dairy farming, poultry keeping, and use for other purpose where such use is ancillary to agriculture;
- (b) "Char and Dhiara Land" means land lost by submergence in water or land left by the change of river course;
- (c) "District" means the Lai Autonomous District;
- (d) "District Council" means the Lai Autonomous District Council;
- (e) "Executive Committee" means the Executive Committee of the Lai Autonomous District Council;
- (f) "Governor" means the Governor of Mizoram;
- (g) "Holding" means the aggregate area of land held by a person as a land owner;
- (h) "House" means any building, hut or shed let or to be let separately for residential purpose and includes garden, ground and out-house, appurtenant to it;
- (i) "Mixed farming" means an area used for cultivation of crops, plantation of trees, animal husbandry, pisciculture and other agricultural activities without confining to a particular agricultural activities;
- (j) "prescribed" means prescribed by rules made under this Act;
- (k) "person" means any person natural or legal and includes an Institution, company, corporation or establishment;
- (l) "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;
- (m) "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;

- (n) "Senior Revenue Officer" means the Senior Revenue Officer of the Lai Autonomous District Council appointed by the Executive Committee;
- (o) "Town Area" means such area as are declared by the District as area for any specific town or sub-town;
- (p) "Village" means an area classified and recorded as a distinct village;
- (q) "Year" means the financial year commencing on the first day of April and ending on 31st March;
- (r) All words and expressions used in this Act and not defined herein shall have the same meaning assigned to them in the General Clause 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 Holders" 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 certificates 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 of the District Council.

(2) "Lease Holder" is a person to whom land is leased out for construction of building for residential or commercial purpose. The land held under this lease shall not be heritable and transferable. Construction of houses shall be subject to the permission of the Executive Committee.

(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 three 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 to 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 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.

expenditure for removal of the structure, the Revenue Officer may collect the balance from the person as an arrears of land revenue.

(5) An appeal shall lie to the Senior Revenue Officer from the order of the Revenue Officer 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 Senior 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 Executive Committee may, when an application is made by a person for conversion of any Agriculture 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 bona fide cases of such conversions.

(2) In every case such conversion of agricultural land for other purpose is allowed, the person shall be deemed to have surrendered his land to the District Council 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 District Council land is settled.

(3) The order of the Executive Committee 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 District Council and may take action as may be necessary and practicable for collection of arrears 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 District Council 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 District Council as town or sub-town. The master plan shall indicate the existing roads, drains and other areas used for public purposes. Government buildings area or areas already given to individuals for construction of houses or for any other purpose, 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 Sq. m. shall not be less than 50 sq.m.

(3) The master plan or detailed town plan as drawn up under sub-section (1) or sub-section (2), shall become effective only after it is approved by the Executive Committee or any other Officer delegated with such power by the Executive Committee, 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 detailed plan shall be necessary.

9. ALLOTMENT OF HOUSE-SITE IN TOWN AND SUB-TOWN AREA :—

(1) Allotment of house-site and other plots in the area declared by the District Council 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 three 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-site allotted earlier shall be governed by the provisions of this Act, and accordingly if a house is not constructed and other formalities are not fulfilled within three 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 District Council 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 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 road shall be made, and drains, and land earmarked for future use by the public and the government. The area to be given for house site shall be indicated and plot number shall be given as far as practicable.

12. ALLOTMENT OF HOUSE SITE -

In the village where master plan and detailed 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 been done the Revenue Officer shall allot house-site by giving a permit and then issuing lease or settlement certificate on fulfilment or 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 a house site and agriculture land, the Revenue Officer shall issue a permit with the prior approval of the Executive Committee for reclamation or otherwise prepare the land. The permit shall be valid for three years. After a period of three years if the land has not been reclaimed or prepared the permit shall lapse automatically. In exceptional case where it cannot be reclaimed or prepared during the period of three years due to reasons beyond control, the prescribed authority may renew the permit and the reason for renewal shall be recorded.

17. ISSUE OF SETTLEMENT CERTIFICATE -

On expiry of the permit if the land has been reclaimed or 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 has been properly prepared for industry, mercantile tree plantation and such other purpose 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 twenty five years. The lease shall be renewable.

19. JHUMMING CULTIVATION.

Jhumming Cultivation within the District shall be done as per provisions under the Pawi Autonomous District (Jhumming Regulation) Act, 1983.

CHAPTER-V LAND RECORD.

20. REGISTRATION.

(1) All land occupied under settlement certificate, donation certificate, permit or pass granted by any authority before the commencement of this Act shall have to be registered in the District Council Office and fresh settlement certificates, lease, limited lease, permit shall be obtained from the Executive Committee or Officer so authorised within such time and in such manner and on payment of such fees as may be prescribed.

(2) Failure to carry out the provision of sub-section (1) of this section and the rules made thereunder may entail cancellation of the pass, permit, settlement certificate or donation certificates by the Executive Committee:

Provided that due notice is served to the person concerned.

CHAPTER-VI JURISDICTION AND PROCEDURE

21. JURISDICTION OF COURTS.

(1) Revenue Court is for hearing a petition, appeal or revision under any provision of this Act.

(2) The authorities mentioned in sub-section (1) shall have the powers of Civil Court under the Code of Civil procedure, 1908.

(3) Proceedings in the Revenue Court shall be summary, and only substance of the evidences need be recorded along with the decision of the Court.

22. 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 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 made thereunder.

23. APPEAL.

An appeal shall lie against any order passed under this Act by the Revenue Officer, to the Senior Revenue Officer, by the Senior Revenue Officer to the Executive Committee, if the appeal is preferred within forty five days from the date of the order appealed against.

24. REVISION. A Senior Revenue Officer in respect of an order passed by a Revenue Officer, or the Executive Committee in respect of an order passed by a Senior 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 effected 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 ten years from the date of the order.

25. 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.

26. 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 Executive Committee shall not be deemed debarred from exercising all or any of the following power 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 Revenue Officer of the District Council not below the rank of Assistant 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.

27. DERESERVATION OF RESERVED LAND.

The Executive Committee or any Officer authorised in this behalf, may dereserve the land reserved under section 26, 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.

28. REVENUE OFFICER TO ISSUE SETTLEMENT CERTIFICATES, LEASE AND OTHER ALLOTMENT.

All settlement certificates, lease, 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 Executive Committee in this behalf with the prior approval of Executive Committee. Occupation of land without lawful authority shall be deemed to be an encroachment under the appropriate Act or law in force.

CHAPTER - VII MISCELLANEOUS

29. TEMPORARY SETTLEMENT OF CHAR AND DIARA LAND -

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

30. POWER TO MAKE RULES.

Subject to the previous approval of the Governor, the Executive Committee may make rules for carrying out the provisions of this Act.

31. REPEAL AND SAVING.

With effect from the date this Act comes into force, the Act mentioned below shall stand repealed.

- (1) The Pawi – Lakher Autonomous Region (Land and Revenue) Act, 1960.
- (2) The Pawi Autonomous District (Agriculture land) Act, 1979.

Provided that all the actions done or taken under the Act 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 enforce and any such penalty, forfeiture or punishment may be imposed as if such enactment or part thereof had not been repealed.

32. REMOVAL OF DOUBT AND DIFFICULTY.

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

STATEMENT OF OBJECTS AND REASONS

The existing laws i.e. the Pawi-Lakher Autonomous Region (Land and Revenue) Act, 1960 and the Pawi Autonomous District (Agriculture Land) Act, 1979 were now out dated in view of the modernisation of land management in the parent State of Mizoram.

Therefore, to promote the interest of general public legislation of law to consolidate and reform the land management in the Lai Autonomous District is imperative.

Hence the Bill

K. Liansiama,
Executive Member i/c Revenue etc.
Lai Autonomous District Council Lawngtlai.