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NOTIFICATION

No.C.31012/2/2001-DCA, the 13th September, 2004. In pursuance of paragraph 11 of the sixth schedule to the Constitution of India, the following Act of the Chakma Autonomous District Council, which received approval of the Governor of Mizoram is hereby published for general information.

1. THE CHAKMA AUTONOMOUS DISTRICT COUNCIL

(Land and Revenue) Act, 2002. (vide Governor of Mizoram approval dt. 02.09.2004).

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

CHAKMA AUTONOMOUS DISTRICT (LAND AND REVENUE) ACT, 2003.

A BILL

To provide for the recognition of right on land and assessment of Revenue on such land.

Preamble :- Whereas under clause (a) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council is empowered to make law on land and other connected matters.

And whereas it is expedient to provide for the recognition of rights on land settlement and the assessment of revenue on such land and for other ancillary matters in the Chakma Autonomous District Council.

Be it enacted by the Chakma Autonomous District Council in the Fifty third Year of the Republic of India as follows:-

1. SHORT TITLE, EXTENT AND COMMENCEMENT :-

(1) This Act may be called the Chakma Autonomous District Council (Land and Revenue) Act, 2002.

(2) It shall extend to the whole of the Chakma Autonomous District Council.

(3) It shall come into force at once.

2. DEFINITIONS :-—In this Act, unless the context otherwise requires,

(a) "DISTRICT" means the Chakma Autonomous District;

(b) "DISTRICT COUNCIL" means the Chakma Autonomous District Council;

(c) "EXECUTIVE COMMITTEE" means the Executive Committee of the Chakma Autonomous District Council;

(d) "GOVERNOR" means the Governor of Mizoram;

(e) "LAND" includes all lands either vacant or occupied. It shall include also benefits arising out of land and things attached to the earth but shall not include minerals, minerals oil, natural gas and petroleum;

(f) "LAND REVENUE" means any revenue assessed on an estate and includes other taxes assessed in lieu of land Revenue;

(g) "PERMANENT SETTLEMENT PATTA HOLDER" means any person other than a temporary patia holder who has entered into an engagement for use of a specified plot of land;

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

(i) "RESERVED FOREST" means a reserved forest as defined under sub-Paragraph (2) of paragraph 3 of the Sixth Schedule to the Constitution of India;

(j) "SECRETARY" means the secretary to the Executive Committee of the Chakma Autonomous District Council;

(k) "TEMPORARY PATTA HOLDER" means a person who has the temporary right of use and occupancy over a specified plot of land under such terms and conditions.

3. EXCEPTED LAND :- This Act shall apply to all lands within the District except the following :-

(a) land includes in the Reserved Forest and

(b) the soil of all Government and public roads.

4. LAND DONATION/ALLOTMENT ALREADY MADE :—

All lands already donated or allotted to Government, Voluntary organisations, Society and Firm before and after commencement of the Chakma Autonomous District Council (Agricultural land) Act, 1983 and before commencement of this Act, shall stand cancelled.

Provided fresh allotment certificate shall be issued on proper survey of the land in such manner and on payment of such fee and liable payment of annual tax, as may be fixed by the Executive Committee from time to time;

Provided further that due notice is served to the allottees.

EXPLANATION: Generally the former donation/allotment of lands were made without proper survey and as such the boundary demarcation and areas of the lands are found almost wrong resulting in dispute. Hence it is imperative to make allotment afresh after proper survey.

5. PERMANENT SETTLEMENT PATTa HOLDER'S RIGHT OVER LANDS:—

The permanent settlement/Patta Holders shall have heritable and transferable right of use or sub-leasing his lands subject to :—

(a) the payment of all revenue and taxes legally assessed or imposed in respect of the land from time to time;

(b) such terms and conditions are as expressed in his settlement certificate and the rules made thereunder; and

(c) the surrounding area of Wet Rice Cultivation land of a settlement/temporary Patta Holder may claim 0 (twenty) metres from the actual cultivated lands, provided this shall not be applicable within the proper town area declared by the District Council.

6. POWER OF THE EXECUTIVE COMMITTEE OVER VACANT LAND:—

In the case of any land over which person has right to use or occupy under this Act or which is under use or occupancy of the Government or any individual, the Executive Committee may direct that,

(a) such land may be disposed of by grant, lease or by way of otherwise in the manner prescribed;

(b) any person who is found to be in unauthorised occupation of such land may be evicted in the manner prescribed;

(c) any crops, building or other construction erected without authority may be disposed of in the manner prescribed.

7. RIGHT OF FISHERY :—

The Executive Committee may by notification in the manner prescribed declare any collection of water running stagnant and pond be a fishery and no right, any fishery, so declared shall be deemed to have been acquired by the public or any person. Such fishery may be leased out in accordance with the rules prescribed.

8. RECORDING AND DEMARCATION OF LAND :-

The Executive Committee or any officers appointed in its behalf shall survey all lands to be recorded. The demarcation of boundary and the assessed revenue to be paid annually shall be recorded in the General Register vide Appendix 'A'. The Executive Committee may prescribe subject to the provisions of subparagraph (1) of paragraph 8 of the Sixth Schedule to the Constitution of India, the principles on which the land revenue is to be assessed, and the term on which settlement may be made, the Settlement or temporary patta holder shall make proper boundary marks under supervision of an officer authorised by the Executive Committee. Recording shall be made after spot verifications prescribed in the rules.

9. CERTIFICATE OF POSSESSION AND ASSESSMENT :-

(1) A settlement or temporary patta holder shall on the completion of survey and demarcation of boundary, obtain a Certificate of Recording of the details of land on payment of such recording fees as may be prescribed.

(2) Land regardless of ownerships may be leased out at the rate and in the manner to be prescribed.

10. LEGAL OWNERSHIP OVER LAND :-

Possession of such Certificates showing details of boundary area and assessed revenue to be paid annually shall be deemed to be the conclusive proof that the land has been settled with the holder of the certificate and that all rights and interests arising out of such settlement have been vested in such holder of the certificate.

11. CANCELLATION OF TEMPORARY PATTA :-

If and when a temporary patta holder violates any terms and conditions of the temporary patta specified therein shall be liable to cancellation.

12. TRANSFER OF OWNERSHIP OF LAND :-

No transfer of any right, title or interest in any land shall be recognised by the Executive Committee and no person shall be deemed to be exonerated from any liability due to the District Council by virtue of such transfer, unless such transfer is registered in the office to the District Council in the manner prescribed.

13. RATE OF REVENUE FOR STATION AREAS IN THE DISTRICT :—

(1) The different rates of land revenue are fixed subject to the revision from time to time.

(2) Exemption from payment of house tax; persons who constructed his house on the land for which he pays the land revenue is exempted from payment of house tax.

14. LIABILITY FOR LAND REVENUE :—

Land Revenue payable in respect of any estate shall be due from any person who has been in any possession of the estate or any part of it during the financial year in respect of which that revenue be payable.

15. REVENUE WHEN DUE AND HOW TO BE PAID :—

Every sum payable under this Act on account of land revenue shall fall due on such date and shall be payable in such manner, in such instalment, at such place and to such person as may be prescribed.

16. ARREAR AND DEFAULTER :—

Land Revenue not paid on the date when it falls due shall be deemed to be an arrear and every person liable to pay for it shall be deemed to be defaulter.

17. PENALTY :—

When an arrear has accrued an additional charge by way of penalty shall be levied from the defaulters prescribed by rules made under this Act.

Provided that a notice of demand for payment of an arrear shall be issued within the stipulated time and in specified manner.

18. ATTACHMENT AND SALE OF MOVABLES :—

For the recovery of arrears, the Executive committee may in accordance with the provision of this Act order attachment and sale of so much of a defaulters movable property as well, as nearly as may defray the arrear.

Provided that nothing in the section shall authorise the attachment and sale of necessary wearing apparel, implements of husbandry, tools of artisans, materials, houses and other buildings belongings to and occupied by the defaulter or such cattle or seeds, other necessary instruments and materials that may be necessary to enable the defaulter to earn his livelihood as an agriculturist.

19. ATTACHMENT OF IMMOVABLE PROPERTIES :—

(1) When an arrear has accrued in respect of any land settled permanently or temporarily with heritable or transferable interests, the Secretary or any Officer authorised in writing by the Executive Committee may order attachment of such land.

AUTHENTICATION CERTIFICATE

Certified that the Chakma Autonomous District Council (Land Revenue) Act, 2002 was unanimously passed in the third sitting of Monsoon Session, 2002 of the Sixth Chakma Autonomous District Council held on 31/7/2002

And

In authentication signed on this day of Second day of August Two Thousand Two Anno Domini.

SMT.Aroti Chakma,
Deputy Chairperson,
Chakma Autonomous District Council,
Kamalanagar.