

THE MIZO DISTRICT (LAND AND REVENUE) ACT, 1956

(Passed by the Mizo Council on 4th October, 1956)

(Act No 1 of 1957)

An

Act

to provide for the recognition of rights on land assessment of revenue on such land by the District Council.

Preamble - Whereas it is expedient to provide it)r the recognition of right on land and settlement and the assessment or revenue such land and for other ancillary matter in the Mizo Autonomous District.

CHAPTER I

1. **Short title, extend and commencement:-**

- 1) This Act may be called Mizo District (Land and Revenue) Act, 1956
- 2) It extends to the whole of the Union Territory of Mizoram excepting the areas under the Autonomous District Councils of Pawi, Lakher and Chakma.
- 3) It shall come into force at once

2. **Definition – In this Act unless there is anything repugnant or the context otherwise requires:-**

- 1) “District” means a District Council in Mizoram declared to be as such by order of the Administrator of Mizoram
- 2) (Omitted)

- 3) "Administrator" means the Administrator of the Union Territory of Mizoram appointed by the President of India under Article 239 of the constitution
- 4) "Land" includes all lands either vacant or occupied. It shall include also benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth but shall exclude minerals, mineral oil, natural gas and petroleum;
- 5) "Land Revenue" means any revenue assessed on an estate and includes other taxes assessed in lieu of land revenue.
- 6) "Prescribed" means prescribed by rules made under this Regulation
- 7) "Reserved Forest" means a reserved forest as defined to sub-paragraph (2) of sub-paragraph (3) of the Sixth Schedule to the Constitution.
- 8) "Settlement-holder" means any person other than a pass holder who has entered into an agreement with the Administrator to pay land revenue and is deemed to have acquired status of settlement-holder under section 7.
- 9) "Deputy Commissioner" means the Deputy Commissioner, of a District in Mizoram appointed by the Administrator as such.
- 10) "Financial Year" means the Financial Year commencing on the first day of April;
- 11) "Pass-holder" means a person who has the temporary right of use and occupancy over a specified plot of land for a specified period under such terms as the Administrator may prescribe in the pass he holds.

CHAPTER II

3. **Application:** This Chapter shall apply to all lands within the Station areas of Aizawl, Lunglei, Demagiri, North Vanlaiphai, Champhai, Kolasib and Sairang and any other Station areas as may be notified by the Administrator from time to time except -
 - (a) land included in the State Reserved Forests.
 - (b) the soil of all Government and Public roads.

4. No person shall acquire by length of possession or otherwise any right over land disposed of, allotted or occupied before the commencement of this Act unless such land had been recorded and registered either in the Deputy Commissioner's Office or the District council's Office.
5. **Rights of Pass-holder** - A pass-holder shall have no right in the soil beyond right of user for the period for which it is given and shall have no right of transfer, or of inheritance beyond the period of the pass or of subletting.
6. **Power to forfeit unclaimed land:**

"A pass-holder may at any time during the period of the pass relinquish the whole or part of his estate after paying all the revenue and taxes due from him in respect of the estate proposed to be relinquished, by a written petition to the Administrator within such date as may be prescribed, and on such relinquishment being accepted by the Administrator, the pass holder shall cease to have any rights and interests whatsoever conferred on him by the pass on the relinquished land."
7. **Settlement-holder's right over land**

"The settlement-holder shall have heritable and transferable right use on or of subletting in his land subject to :-

 - a) the payment land revenue and taxes from time to time legally assessed or imposed in respect of the land :-
 - b) such terms and conditions as are expressed in his settlement lease, and the rules made there under."
 8. **Power of the Administrator over vacant land:** In the case of any land over which no person has right of use or occupancy under this Act or which is not under use or occupancy of the Government, the Administrator may direct that :-
 - a) such land may be disposed of by way of grant, lease or other use in the manner prescribed:

- b) the person who has entered into unauthorized occupation of such land may be rejected in the manner prescribed
 - c) any crop, building or other construction erected without authority may be disposed of in a manner it deems fit.
- 9. Right of fishery** - The Administrator may, by proclamation in a manner it seems fit, declare any collection of water running or stagnant to be a fishery and no right, in any fishery, so declared, shall be deemed to have been acquired by the public or any person. Such a fishery may be leased in accordance with the rules prescribed.

CHAPTER III

Recording

- 10. Recording and Demarcation of land:** The Administrator or any officers appointed in its behalf shall survey all lands to be recorded. The demarcation boundary and the assessed revenue to be paid annually shall be recorded in the General Register vide Appendix "A". The Administrator may prescribe subject to a paragraph 8 (1) of the Sixth Schedule to the Constitution of India and to this Regulation principles on which the land revenue is to be assessed, the terms or conditions on which settlement may be made. The settlement-holder shall make proper boundary marks as may be directed by such officer or the Administrator.

Recording shall be made in such manner and after inquiry as may be prescribed.

- 11. Certificate of possession and assessment** - A settlement holder shall on completion of survey and demarcation of boundary, obtain a certificate of recording for the details of that payment of such amount of recording fee as may be prescribed. Different rates of fees may be prescribed for any local area or class of land.

- 12. Local 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 vested in such holder of in such holder of the certificate.
- 13.** If a settlement-holder violates any term of the lease, the lease shall be liable to be cancelled.
- 14. Transfer of ownership of Land:** No transfer of any right, title or interest in any land shall be recognized by the Administrator or the Village Council and no person shall be deemed to be ex-operated from any liability due to the Administrator in the manner prescribed.

CHAPTER IV

General

- 15. Rate of revenue for town in the district** - The following rates of land revenue is fixed for the towns of the district as specified below:-
- 1) Aizawl and Lunglei Town areas - At Rs. 6 to Rs. 18 per bigha per annum provided that an area less than half a bigha shall be assessed to half a bigha and an area exceeding half a bigha but not exceeding one bigha shall be assessed to one bigha, and but not exceeding one bigha but not exceeding one and half bigha shall be assessed to one and half bigha and an area exceeding 1/2 bigha but not exceeding 2, bighas shall be assessed to two bighas and so on.
 - 2) Other Town areas :- At the rate of Rs. 4 to Rs, 12 per bigha per annum.

- 3) Exemption from payment of house. tax :- The Administrator shall, from time to time, classify the land within the town areas into three grades and fix the rates of revenue in accordance with clauses 1 and 2 above,
- 4) Payment of the land revenue as prescribed above shall exempt a person from payment of house tax as prescribed in the Lushai Hills District (Revenue Assessment) Regulation, 1953, if the house is situated within the land for which he pays the land revenue.

CHAPTER V

Liability for Revenue land Default

- 16: Liability for land revenue :** Land Revenue payable in respect of any estate shall be due jointly and severally from all persons who have been in possession of the estate or any part of it during any portion of the financial year in respect of which that revenue is payable.
- 17. 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 installments, at such place and to such person, as may be prescribed.

Provided that the Administrator may sanction remission of revenue to any deserving person or persons due consideration being given to the nature and circumstances of each case.
- 18. 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 for it shall be deemed to be defaulter.
- 19. Penalty:** When an arrear has accrued and additional charge any way or penalty not exceeding the amount due from the defaulter shall be levied.

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

- 20. Attachment and sale of moveable:** For the recovery of an arrear, the "Secretary of Department or any other officer authorised in writing by the Administrator" may, in accordance with the law for the time being in force for the administration of Justice in the District, order attachment and sale of so much of a defaulter's moveable property as well, as nearly as may be defrayed the arrear:

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

21. Attachment of land:

- (1) When an arrear has accrued in respect of any land, settle permanently or temporarily with heritable or transferable interests the Secretary to the Department or any other Officer authorised in writing by the Administrator may order attachment of such land.
- (2) Any attachment or sale of estate or properties shall be final unless a claim or suit is lodged with a competent court of law constituted under Lushai Hills Autonomous District (Administration of Justice) Rules.

Explanation: A Village Council not be competent to enter claim or suit or adjudicate.

CHAPTER VI

22. Appeals :-

- 1) Appeals in all revenue cases under this Act shall be heard and disposed by the Administrator of Mizoram

Provided that nothing done on connection with the recognition on right and interest over land shall preclude any person from bringing a suit in the competent civil court for possession or, or declaration of his right to any immoveable property to which he may deem himself entitled .

- 2) The appeals to the Administrator shall be preferred in such manner and within such time as may be prescribed,
23. The Administrator of Mizoram may, from time to time, may, rules for carrying out the purposes of this Act.

APPENDIX 'A'

Form of general register Section (10)

Serial No	Owner's Name with father's name	Residence	Description of boundary with location	Area in Bigha	Rate per Bigha	Amount of revenue	Reamrks