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#### NOTIFICATION

No.C. 31015/1/90-DCA(M), the 19<sup>th</sup> September, 2019. In pursuance to the paragraph 11 (eleven) of the Sixth Schedule to the Constitution of India, the following Act duly approved by the Hon'ble Governor, Mizoram on 13.9.2019 is hereby published for general information.

**"THE MARA AUTONOMOUS DISTRICT COUNCIL (Land & Revenue) Act, 2018".**

**Sangdingliana,**  
Secretary to the Govt. of Mizoram,  
District Council & Minority Affairs Deptt.

#### THE MARA AUTONOMOUS DISTRICT COUNCIL (LAND AND REVENUE) ACT, 2018

#### AN ACT

to provide for the recognition of right on land and assessment, collection and levy of revenue on such land by the District Council.

Whereas it is expedient to provide for the recognition of rights on land and settlement and the assessment of Revenue on such land and for any other ancillary matters in the Mara Autonomous District Council area;

And Whereas under sub-paragraph (4) of paragraph 8 of the Sixth Schedule to the Constitution of India, the Mara Autonomous District Council is empowered to make regulations to provide for levy and collection of any of the taxes specified in sub-paragraphs (2) and (3) of paragraph 8 of this Schedule;

Now, Therefore, in exercise of the powers conferred on it as aforesaid and of all other powers enabling it in that behalf, the Mara Autonomous District Council is pleased to make the following Act in the Sixty-ninth Year of the Republic of India as follows:-

**Chapter – I**

- Short title, extent and commencement.**
1. (1) This Act may be called the Mara Autonomous District Council (Land & Revenue) Act, 2018.
  - (2) It extends to the whole of the Mara Autonomous District Council area.
  - (3) It shall come into force on and from the date of its publication in the Mizoram Gazette.
- Definitions.**
2. In this Act, unless there is anything repugnant or the context otherwise requires:–
    - (1) "District" means the Mara Autonomous District as provided in Part III of the Table appended to paragraph 20 of the Sixth Schedule to the Constitution of India;
    - (2) "District Council" means the Mara Autonomous District Council;
    - (3) "Executive Committee" means the Executive Committee of the Mara Autonomous District Council;
    - (4) "Land" includes all lands either vacant or occupied. It shall include also benefits arising out of land and things attached to the Earth or permanently fastened to anything attached to Earth but shall exclude 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) "Land holder" means and includes pass holder and settlement holder liable to pay revenue under this Act or any other law in force in the District Council area in this behalf ;
    - (7) "Prescribed" means prescribed under this Act or rules made under this Act;
    - (8) "Reserved forest" means the reserved forest as defined in sub-paragraph (2) of paragraph 3 of the Sixth Schedule to the Constitution;
    - (9) "Settlement Holder" means any person other than a pass holder who has entered into an agreement with the District Council to pay land revenue and is deemed to have acquired status of settlement holder under section 7;
    - (10) "Deputy Commissioner" means the Deputy Commissioner of Siahia District;
    - (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 and conditions as the Executive Committee may prescribe in the pass he holds;
    - (12) "Estate" shall mean land allotted in temporary or permanent to a person under this Act on any other law in force in this behalf;
    - (13) "Person" for the purpose of this Act shall mean and include a living human being, company, firm or other association of persons;
    - (14) "Senior Revenue & Settlement Officer" for the purpose of this Act shall mean and include Senior Revenue & Settlement Officer or any Other Officer as may be designated from time to time by the Executive Committee and appointed as Head Of Department of Land Revenue & Settlement Department under Mara

Autonomous District Council or any other Officer duly designated as Officer in writing for the purpose of this Act by the competent Authority as the case may be;

- (15) "Cost" for the purpose of this Act shall mean any charges or such cost as may be charged and collected by the Executive Committee or Concerned authority in its behalf from land holder on special occasion as and when it may deem necessary in the manner as it may deem fit and proper at such rate and in such manner;
- (16) "Concerned Authority" shall mean and include the Executive Committee or the Land Revenue & Settlement Department of the District Council or any other Department of the District Council or any Officer duly authorised in writing by the Executive Committee to deal with any of the provisions of this Act.

## CHAPTER – II

### **Application.**

3. This Act shall apply to all lands within the MADC area except:-
- (a) a land included in the Reserved Forest area.
  - (b) the areas as may be reserved as reserved or any other protected areas by any law in force.
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 District Council Office or in the Office of the concerned Authority under District Council.

### **Right of pass holder.**

5. A pass holder shall have no right in the soil beyond a right of user for the period for which it is given and shall have no right of transfer or of inheritance beyond the period prescribed if any, in the said pass.

### **District Council power to forfeit unclaimed land.**

6. 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 revenues and taxes due from him in respect of the estate proposed to be relinquished if any, by a written petition to the District Council within such date as may be prescribed and such relinquishment being accepted by the District Council, the pass holder shall cease to have all rights and interests whatsoever conferred on him by the pass on the relinquished land.

### **Settlement holder right over land.**

7. The Settlement holder shall have heritable and transferable right of use or of sub-letting in his land subject to the payment of all revenue and –
- (a) 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 certificate and the rules if any, made there-under;
  - (c) transfer of ownership of land in any form for any purpose shall be done only with prior permission and approval of the Executive Committee on payment of such fee as may be prescribed from

time to time by the Executive Committee by Public Notification or Official Order:

Provided that the Executive Committee may prescribe different fee under this section from different land owners taking into account parties concerned, nature and purpose of transfer, value and location of the land concerned etc. and may exempt certain transfer from payment of fee under this section on the basis of reasonable ground and in such case, the reason thereof shall be recorded in writing.

**Power of the Executive Committee over vacant land.**

8. In the case of any land over which no person has right of use or occupancy the Executive Committee may direct that:-
- (a) such land may be disposed of by grant of lease or otherwise in the manner as may be prescribed;
  - (b) any person who has entered into unauthorised occupation of such vacant land may be evicted in such manner as may find necessary and appropriate as the case may be;
  - (c) any crop, building or other constructions erected without authority may be disposed of in a manner as may deem fit:

Provided that all Official action taken under this section shall be final and shall not be questioned in any civil Courts except in High Court and the Supreme Court of India.

**Right of Fishery.**

9. The District Council may by proclamation in a manner it deems 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 and such a fishery may be leased in the manner as may be prescribed by the Executive Committee from time to time by Official Order or Public Notification.

**CHAPTER – III**

**Recording and demarcation of land.**

10. The District Council or any officer appointed in its behalf shall survey all lands to be recorded.

The demarcated boundary and the assessed revenue to be paid annually shall be recorded in the General Register as may be prescribed by the Executive Committee from time to time. The Executive Committee may prescribe subject to the provisions in paragraph 8 (1) of the Sixth Schedule to the Constitution of India and this Act, the Principles in which the land revenue is to be assessed, the terms for which and the conditions on which settlement may be made by such authorised Officer or the Executive Committee in the manner as may be prescribed from time to time. Recording shall be made in such manner and after such inquiry as may be prescribed by the concerned Authority.

- Certificate of possession and assessment.**
11. A settlement holder shall on the conclusion of survey and of boundary, obtain a certificate of recording for the details of that land on payment of such amount of recording fee as may be prescribed by the Executive Committee from time to time. Different rates of fees may be prescribed for any local area or value and location of the land etc.
- Legal ownership over land.**
12. 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 the certificate.
- Cancellation of Certificate.**
13. (1) If settlement holder violates any terms and conditions of the certificate or pass, as may be prescribed by the concerned authority, the pass or certificate shall be liable to be cancelled as may deem fit and reasonable by the Executive Committee.  
(2) For the purpose of this Act, all terms and conditions incorporated in Land Settlement Certificate or Pass certificate shall be treated as law.
- Transfer of ownership of land.**
14. No transfer of any right, title or interests in any land shall be recognized by the District Council and no person shall be deemed to be exonerated from any liability due to District Council by virtue of such transfer, unless such transfer is duly approved and registered in the office of the District Council in the manner prescribed on payment of such fee as may be prescribed by the Executive Committee from time to time.
- Rate of revenue for towns in the District.**
15. The following rates of land revenue are fixed for the different areas of the District as specified below:-  
(1) Siaha and Tipa town areas at the rate of not less than Rs.100/- per annum which may be increased by the Executive Committee by Public Notification or Official Order from time to time. Provided that an area less than half a hectare shall be assessed as half a hectare and an area exceeding half hectare but not exceeding one hectare shall be assessed as one hectare and area exceeding one hectare but not exceeding one and half hectare shall be assessed as one and half hectare and an area exceeding one and half hectare but not exceeding 2 hectares shall be assessed as two hectares and so on.  
(2) *Other areas:-* At the rate of not less than Rs. 50/- which may be increased as may be prescribed by Public Notification or Official Order by the Executive Committee from time to time per hectare per annum.  
(3) *Exemption from payment of House Tax:-* The Executive Committee shall from time to time, classify the land within the town area into grades and fix the rate of revenue in accordance with clauses (1) and (2) above.

**CHAPTER – IV**  
**LIABILITY FOR REVENUE AND DEFAULT**

- Liability for land Revenue.**                    16. 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 financial year in respect of which that revenue is payable.
- Revenue when due and how to be paid.**                    17. 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 etc. as may be prescribed by the Executive Committee from time to time:
- Provided that the Executive Committee may sanction remission or exemption of Revenue to any deserving person or persons after due consideration being given to the nature and circumstance of each case in accordance with any law in force in this behalf.
- Arrear and defaulters.**                    18. 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 a defaulter.
- Penalty.**                    19. When an arrear has accrued, an additional charge by way of 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 in the manner prescribed by the Executive Committee.
- Attachment and sale of movable properties.**                    20. For the recovery of an arrear, Revenue Collector of the District Council or any other Officer of the District Council authorised in writing by the Executive Committee in accordance with any law for the time being in force for the administration of Justice in the District may Order attachment and sale of a default's movable Property as nearly as may defray:
- Provided that nothing in this section shall authorize the attachment and sale of necessary wearing apparel, implement of husbandry tool of artisans, materials or houses and other buildings belonging or occupied by the defaulter or such cattle or seeds and other necessary instruments and materials that may be necessary to enable the defaulter earn his livelihood as an agriculturist.
- Attachment of Land.**                    21. (1) When an arrear has accrued in respect of any land settled permanently or temporarily with heritable or transferable interests, the Revenue Officer of the District Council or any other officer of the District Council authorized in writing by the Executive Committee may order attachment of such land.
- (2) No attachment or sale of estate or properties shall be final unless a claim or suit is lodged with a competent Court of Law constituted by the District Council.
- Explanation:**—A Village Council shall not be competent to entertain any claim or suit under this section.

**CHAPTER – V**  
**MISCELLANEOUS PROVISIONS**

**Land Survey &  
Spot verification, etc.**

22. (1) No land survey, spot verification and measurement over any land allotted to any person by the District Council in accordance with the Mara Autonomous District Council (Non–Agricultural Land Settlement) Act, 2011 and the Mara Autonomous District Council (Agricultural Land Settlement) Act, 2011 or any other law in force in the District Council area shall be carried on by any person, Governmental or Non-Governmental Department or Agency for any purpose except by the District Council.
- (2) In case any land is necessary for any purpose to be surveyed, verified or measured etc, the owner of the land in question shall apply for the same in writing before the concerned authority under the District Council and the concerned authority shall perform such required work as and when it deems necessary and in the manner as it may deem appropriate. In certain case, the concerned authority may on its own initiative perform such needful work under this section as it may find necessary in presence or consultation with the land owner or otherwise.

**Cess, charges, costs  
and other revenues.**

23. (1) The Executive Committee or concerned authority in its behalf may, by Public Notification or by Official Order levy or collect, fix or control revenue, cess, costs and charges payable by any land owner or pass holder and may prescribe the manner and period in which such revenue, cess, costs and charges are to be paid and collected.
- (2) In exercise of the power vested to it by sub–section (1) of this section and subject to the provision of section 22 of this Act, the Executive Committee or concerned authority shall be competent, by Public Notification or by Official Order:–
- (a) to collect revenue from any land/pass holder as it may deem fit and reasonable;
  - (b) to collect and levy cess to the extent of 15 % or cost (s) or charge (s) which may be increased or decreased and fixed by the Executive Committee from time to time by Official Order or Notification from any land holder from the value of the land and on any other ground and in the manner as may be prescribed from time to time for the conduct of spot verification, survey and measurement or any other administrative work or otherwise as provided and envisaged under sub–section (1) of section 22 of this Act on certain and special occasion as the case may be;
  - (c) to collect such fees, costs or charges for mutation from any land or pass holder;
  - (d) to exempt certain land/pass holder from payment of revenue or other charges on sufficient and reasonable ground.

- Appeals.** 24. Any act done or purported to be done under this Act in good faith by any Officer authorised in this behalf by the Executive Committee shall be final and it shall not be called in question in any Court of law except in the Court constituted by the District Council under any law in force.
- Power to make rules.** 25. Subject to the approval of the Governor, the Executive Committee may make rules, if deems necessary for carrying out any of the purpose of this Act.
- Repeal & savings.** 26. (1) The Lakher District Council (Land and Revenue) Act, 1973, as applicable to the said Lakher District Council (Now, Mara Autonomous District Council) are hereby repealed.  
(2) Notwithstanding such repeal, all actions taken, order made, direction given, decrees passed if any, under the said Lakher District Council (Land and Revenue) Act, 1973 shall be deemed to be taken, made, given or passed under this Act.