



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

Re. 2/- per page

VOL - XLI Aizawl, Tuesday 1.5.2012 Vaisakha 11, S.E. 1934, Issue No. 210

NOTIFICATION

No.H.12018 / 98/ 2001- LJD, the 25th April, 2012 . The following Act is hereby published for general information.

The Mizoram (Prevention of Government Land Encroachment)
(Amendment) Act, 2012 (Act No. 7 of 2012)

{Received the assent of the Governor of Mizoram on the 20th April, 2012}

P. Singthanga,
Secretary to the Govt. of Mizoram

**AN
ACT**

further to amend the Mizoram (Prevention of Government Land Encroachment) Act, 2012 (Act No. 7 of 2001) (hereinafter referred to as the ‘ Principal Act’.)

It is enacted by the Legislative Assembly of the State of Mizoram in the Sixty-third year of the Republic of India as follows:

1. **Short title, extent, and commencement-**
 - (1) This Act may be called the Mizoram (Prevention of Government Land Encroachment) (Amendment)Act,2012.
 - (2) It shall have the like extent of the Principal Act.
 - (3) It shall come into force on such date as the State Government may, by Notification in the Official Gazette, appoint.

2. **Amendment of short title of the principal Act-**

In short title of the Principal Act, the words ‘Government Land’ shall be substituted by the words, ‘Public Land’.

3. **Amendment of section 2 of the principal Act-**
 - (1) After clause (g) of section 2 of the Principal Act, the following new clauses shall be inserted namely:-

“ (h) ‘ Public Land’ means any land / area of land recognized by the locality or its surrounding people not as a land belonging to any private individual or person or institution, and shall include Government land, Public Space and Community Land;

(i) ‘ Public Space’ means any space reserved and recognized by the public for the purpose of gathering and other purposes;

(j) ‘ Community Land’ means any land / area of land recognised by the locality or its surrounding people as a ‘ Community Land’ which includes, but is not limited to, village safety reserve, village supply reserve, grazing areas, water bodies, playgrounds, grave-yards and other such common-use-land or area.”

4. **Substitution of section 3-**

Section 3 of the Principal Act shall be substituted by the following, namely :-

“3. PROHIBITION OF ENCROACHMENT OF PUBLIC LAND - No person shall encroach or occupy any Public Land, for whatsoever reason or purpose, without prior and express permission of the Government.”

5. **Substitution of section 4-**

Section 4 of the Principal Act shall be substituted by the following, namely:-

“4. PENALTY FOR UNAUTHORISED OCCUPATION OF PUBLIC LAND - Any person who has willfully encroached upon any Public Land in violation of the provision or provisions of this Act and the rules

made thereunder shall be liable to eviction after being given an opportunity of being heard. Such an offender or offenders shall also pay penal rent for the period of such encroachment, and the crops or other agricultural or forest produce, building or any other construction on such land shall be liable to be forfeited.”

- 6. Amendment of section 5-** In sub-section (2) of section 5 of the Principal Act, the words ‘the Government Land’ shall be substituted by the words, namely, ‘Public Land’.
- 7. Amendment of section 7-** In sub-section (1) of section 7 of the Principal Act, the words “property of the Government,” shall be substituted by the words, namely, ‘Public Land’.
- 8. Amendment of section 9-** In section 9 of the Principal Act, the words “property of the Government” shall be substituted by the words, namely, ‘Public Land’.
- 9. Substitution of section 10-** Section 10 of the Principal Act shall be substituted by the following namely :-
 “10. RECOVERY OF PENAL RENT AS A PUBLIC DEMAND:- Any amount of fine or penal rent as may be imposed under this Act on any person unauthorisedly occupying or encroaching upon any Public Land shall be recoverable from him in form of public demand under the Mizoram Public Demands Recovery Act, 2001, as amended from time to time”.
- 10. Insertion of new section 10A-** After section 10 of the Principal Act, the following new section 10A shall be inserted namely :-
 “10A. PENALTY - (1) Any person, or group of persons, or institution or organisation or public or private entity who willfully aids, abets or encourages any unauthorised occupation or illegal encroachment of any Public Land, or willfully obstructs any person in doing any of the Acts authorised by Section 5, 7, 8, 9 and 10, shall, on conviction, be liable to imprisonment for a term not exceeding one month, or with fine not exceeding two thousand rupees, or with both.
 (2) No court other than the court of a Judicial Magistrate of the First Class shall take cognizance of, or try, an offence under this Act.
 (3) No court shall take cognizance of any offence under this Act except on a complaint in writing of a Revenue Officer specially authorised for the purpose”.
- 11. Amendment of section 11-** After the words, “pass such order” in sub-section (2) of Section 11 of the Principal Act, the following words shall be inserted, namely, “in revision”.
 (2) After sub-section (4) of Section 11 of the Principal Act, a new sub-section shall be added as follows, namely-
 “(5) The manner in which an appeal or a revision may be entertained and disposed of under this section shall be such as may be prescribed”.