



The Arunachal Pradesh (Land Settlement and Records) Act, 2000

Act 10 of 2003

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**GOVERNMENT OF
ARUNACHAL PRADESH**

**The Arunachal Pradesh
(Land Settlement and Records) Act, 2000**

**LAND MANAGEMENT DEPARTMENT
ITANAGAR**
(<http://arunachalpwd.org>)

CHAPTER I PRELIMINARY

1. Short title extent and commencement

- (1) The Act may be called the Arunachal Pradesh (Land Settlement and Records) Act, 2000.
- (2) It extends to the whole of the State of Arunachal Pradesh.
- (3) It shall come into force on such date as the Government may, by notification in the Official Gazette appoint, and different dates may be appointed for different areas and for different provisions of this Act.

2. Definitions

In this Act, unless the context otherwise requires :-

- (a) "Agriculture" includes horticulture, the raising of annual or periodical crops or garden produce, dairy farming, poultry farming, stock breeding and grazing pisciculture;
- (b) "Commencement of this Act" in relation to any provision, means the date specified in respect of that provision i.e. a notification issued under sub-section (3) of section 1;
- (c) "Common land" means any land used or reserved for the common use of a community or a village;
- (d) "Community" means residents of a village as a whole and includes a clan, sub-clan, kindered;
- (e) "Competent authority" in relation to any provision, means any officer appointed by the Governor to be the competent authority for the purpose of that provision;
- (f) "Deputy Commissioner" means the Deputy Commissioner in charge of a district;
- (g) "Government" means the State Government of Arunachal Pradesh;
- (h) "Government land" means land acquired by the Government under Land Acquisition Act for through donation of the public for establishment of Administrative Headquarter, Government Institutions and facilities under various wings of the Government or such land as defined under Section-9;
- (i) "Improvement" in relation to any land, means any work which materially adds to the value of the land and which is suitable to the land an consistent with the character thereof, and includes:-
 - (i) the construction of tanks, wells water channels and other works for the storage, supply an distribution of water for agricultural purposes or for the use of man and cattle employed in agriculture ;
 - (ii) the construction of works for the drainage of land or for the protection of land from floods or from erosion or from other damage by water;
 - (iii) the preparation of land for irrigation;
 - (iv) the conversion of one crop land into two-crop land;
 - (v) the reclaiming, clearing, enclosing, leveling or terracing of land used for agricultural purpose;
 - (vi) the erection on land or in the immediate vicinity thereof otherwise than on the village site, of a building or house for the occupation of the tenant, his family and servants or a cattle shed, a store-house or other construction for agricultural purpose or of any building required for the convenient or profitable use or occupation of the land; and
 - (vii) the renewal or reconstruction of any of the foregoing works or such alteration therein or addition thereto as are not of the nature of ordinary repairs;

- (j) “Jhum Land” means Jhum land as defined in a clause (b) of section 2 of the Balipara, Tirap, Sadiya Frontier Tracts Jhum Land Regulation, 1947 (Regulation 3,4 & 5 of 1947).
- (k) “Holding” means a parcel of land separated assessed to land revenue;
- (l) “Land Owner” in relation to any land means a person who acquires rights of ownership in respect of such land by :-
 - (i) in heritance or acquisition in accordance with a local custom;
 - (ii) purchase, if such purchase is not contrary to local customs;
 - (iii) gift or donation as per local custom;
 - (iv) according to provisions under section 88;
- (m) “Pay” “payable” and “payment”, used with reference to rent, include “deliver”, “deliverable” and “delivery”;
- (n) “Persons under disability” means
 - (i) a widow;
 - (ii) a minor;
 - (iii) a woman who is unmarried or who, if married, is divorced or judicially separated from her husband or whose husband is a person falling under clause (iv) or (v);
 - (iv) a member of the Armed Forces of the Union;
 - (v) a person incapable of cultivation by reason of physical or mental disability;
- (o) “Personal cultivation” with its grammatical variations and cognate expressions means cultivation by a person on his own account:-
 - (i) by his own labour, or
 - (ii) by the labour of any member of his family, or
 - (iii) by servants or by hired labour of wages payable in cash or in kind but not as a share of produce under his personal supervision or the personal supervision of any member of his family;
- (p) “Public purpose” includes a purpose connected with settlement of land with cultivators, tenants ejected as a result of resumption, landless agricultural workers or co-operative farming societies;
- (q) “Revenue” means any revenue assessed by the Government on an estate and shall always be deemed to have included any tax assessed in lieu of land revenue;
- (r) “Rent” means whatever is lawfully payable by a tenant to the Land Lord in cash or in kind or partly in cash and partly in kind, whether as a fixed quantity of produce or as a share of produce on account of the use or occupation of land or on account of any right in land but shall not include land revenue ;
- (s) “Resident” means an indigenous person ordinarily residing in a village or area;
- (t) “Tenant” means a person who cultivates or holds the land of another person under an agreement, expressed or implied, on condition of paying rent in cash or in kind or delivering a share of the produce;
- (u) “Village” means any tract of land which before the commencement of this Act was recognized as or was declared to be a village under any law for the time being in force or which may after such commencement be recognized as a village at any settlement or which the State Government may, by notification in the official Gazette, declare to be a village;
- (v) “Village Authority” and “village council” means a village authority and council as constituted in accordance with or under any statutory law for the time being in force or under any local custom respectively;
- (w) “Year” means the agricultural year commencing on such date as the Government may, in the case of any specified area, by notification in the Official Gazette, appoint.

CHAPTER II

REVENUE DIVISIONS REVENUE OFFICERS AND OTHER APPOINTMENTS

3. Power to create, alter or abolish Revenue districts, sub-divisions, etc.:

- (1) The State Government may, by notification in the Official Gazette, divide the territories to which this Act extends into one or more Revenue districts, and may similarly divide any Revenue district into sub-divisions and blocks and may alter the limits of, or abolish any Revenue district, sub-division or blocks.
- (2) The districts, sub-divisions and blocks existing at the commencement of this Act shall continue respectively to be district, sub-divisions and blocks under this Act unless otherwise provided under sub-section (1).

4. Appointment or Revenue Officers:

The Government or such officer as may be authorized by the Government in this behalf, may appoint the following classes of Revenue Officers, namely: -

- (a) Revenue Commissioner (ex-officio);
- (b) Deputy Commissioner;
- (c) Director of Settlement and Land Management;
- (d) Additional Deputy Commissioner;
- (e) Sub-divisional Officers /EAC;
- (f) Circle Officers / BDO;
- (g) Deputy Director or Assistant Director, Officer Surveyor of Settlement and Land Management ;
- (h) Survey and Settlement Officers;
- (i) Assistant Survey and Settlement Officers; Plane-Tablers;
- (j) Surveyors Supervisor Kanungos/Recorder Kanungos;
- (k) Mandals; and
- (l) Chainman;
- (m) Such other village officers as may be appointed by order made under this Act.

5. Deputy Commissioner and certain other Revenue Officers:

- (1) Each districts shall be placed under the charge of a Deputy Commissioner who shall be in charge of the revenue administration of the district and exercise the powers and discharge the duties of the Deputy Commissioner under this Act or any other law for the time being in force and shall exercise so far as is consistent therewith such other powers of superintendence and control within the district and over the officers subordinate to him as may from time to time be prescribed.
- (2) The Additional Deputy Commissioner shall exercise all such powers and perform all such duties of the Deputy Commissioner or other Revenue Officer as the State Government may specify by notification in the official Gazette.
- (3) Each Sub-divisions shall be placed under the charge of a sub-divisional officer / Extra Assistant Commissioner.
- (4) Each circle of block shall be placed under the charge of a Circle Officer or a Block Development Officer as the case may be.
- (5) The duties and powers of the sub-divisional officers, the Circle Officers and other Revenue Officers shall be such as may be imposed or conferred on them by or

under this Act or any other law in force for the time being or any general or special order of the Government published in the official Gazette in this behalf.

6. Settlement Officers:

The officers specified in terms (a), (b), (c), (d) and (e) of Section 4 shall have power to take cognizance of all matters connected with the survey of land and the settlement of the revenue-rates and the preparation and maintenance of land records and other registers and shall exercise all such powers and perform all such functions and perform all such duties as may be prescribed by or under this Act or by any general or special order of the Governor published in the official Gazette.

7. Combination of Officers:

It shall be lawful for the Governor to appoint one and the same person by virtue of office to any two or more assignments provided for in this Chapter, and to confer on any officer of the Government all or any of the powers and duties of any of the revenue officers including that of the Deputy Commissioner.

8. Seals:

The Governor shall, from time to time, by notification in the official Gazette, specify the revenue officers who shall use Seal and also the size and description of Seal which each such officer shall use.

CHAPTER III

RIGHTS OVER LAND

9. Title of lands etc.:

- (1) All lands, public roads, lanes and paths and bridges, ditches, dikes and fences on or beside the same, the beds or fivers, streams, nallahs, lakes and tanks, and all canals and water course and all standing and flowing water, and rights in or over the same or appertaining thereto, which are not the property of any person or community are hereby declared to be the property of the Government.
- (2) Unless it is otherwise expressly provided in the terms of a grant made by the Government, the right to mines, quarries, mineral products including mineral oil, natural gas and petroleum shall vest in the Government, and it shall have all the powers necessary for the proper enjoyment of such rights.

10. Government's right to trees forest etc.

- (1) The right to all trees. Jungles or other natural products growing on land set apart for forest reserves an all trees, brush wood, jungle or other natural product, wherever growing, except in so far as the same may be the property of any person or community, vests in the Government, and such trees, brush wood, jungle or other natural products shall be preserved or disposed of in such manner as may be prescribed, keeping in view the interests of the people in the area with regard to the user of the natural products.
- (2) All roads side trees which have been planted and reared by or under the orders or at the expense of the Government and all trees which have been planted and reared at the expense of local authorities by the side of any road belonging to the Government vest in the Government.

11. Assignment of land for special purposes:

Subject to rules made in this behalf under this Act, the Deputy Commissioner, may set apart land belonging to the Government or pasturage for the village cattle, for forest reserves or for any other purpose.

12. Allotment of Government land for Agricultural and housing purpose:

- (1) The Deputy Commissioner may allot land belonging to the Government for agricultural purposes or for construction of dwelling houses, in accordance with such rules as may be made in this behalf under this Act.
- (2) The Government shall have power:-
 - (a) to allot any such land for the purpose of an industry or for any purpose of public utility on such conditions as may be prescribed or
 - (b) to entrust the management of any such land or any rights therein to the Gram Panchayat of the village established under any law for time being in force.
- (3) The rules made under sub-sections (1) and (2) for allotment of land shall provide for giving preference to the members of the co-operative farming societies formed by marginal farmers, landless agricultural labourers, in allotting land.

13. Liability of land to land revenue:

- (1) All lands, to whatever purpose applied, are liable to payment of land revenue to the Government.
- (2) The Government may exempt any land from the liability to such payment by means of special grant or contract or in accordance with the rules made under this Act.

14. Alluvial land:

All alluvial lands, newly formed islands, or abandoned river beds, which vest under any law for the time being in force in any holder of land shall be subject in respect of liability to land revenue to the same privileges, conditions and restrictions as are applicable to the original holding by virtue of which such lands, islands or river beds vests in the said holder, but no revenue shall be leviable in respect of any such lands, islands or river beds unless the area of the same exceeds 5 (five) acre.

15. Land Revenue in case of diluvion:

Every holder of land paying land revenue in respect thereof shall be entitled subject to such rules as may be made in this behalf, to a decrease of assessment if any portion thereof, not being less than one acre in extent, is lost by diluvion.

16. Assessment of land to land revenue:

- (1) The assessment of land revenue on any land shall be made or deemed to have been made with respect to the use of the land.
 - (a) for purposes of agriculture,
 - (b) for industrial or commercial purposes,
 - (c) as sites for dwelling houses, and,
 - (d) for any other purposes.
- (2) where land assessed for use for any one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed at a different rate in accordance with the rules made under this Act.

17. Diversion of land for other purposes:

- (1) If any person holding land for any purpose wishes to divert such land or any part thereof to any other purpose except agriculture, he shall apply for permission to the competent authority which may, subject to the provisions of this section and to the rules made under this Act, refuse permission or grant it on such conditions as it may think fit.
- (2) Permission to divert, may be refused by the competent authority, only on the ground that the diversion is likely to cause a public nuisance or that it is not in the interest of the general public or that the holder is unable or unwilling to comply with the conditions that be imposed under sub-section (3).
- (3) Conditions may be imposed on diversion for the following objects and no others namely in order to secure the public health, safety and convenience. And in the case of land which is to be used as building sites, in order to secure, in addition that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of occupiers or are suitable to the locality.
- (4) If any land has been diverted without permission by the holder or by any other person with or without the consent of the holder, the competent authority, on receiving information thereof, may impose on the person responsible of the diversion, a penalty not exceeding Five hundred rupees, and may proceed in accordance with the provisions of sub-section (1) as if an application for permission to divert had been made.
- (5) If any land has been diverted in contravention of an order passed or of a condition imposed under any of the foregoing sub-sections, the competent authority may serve a notice on the person responsible for such contravention, directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or to observe the condition; or to take such other steps as may be required in order that the land may be used for its original purpose, or that the condition may be satisfied, and the competent authority may also impose on such person a penalty not exceeding Five hundred rupees for such contravention and a further penalty not exceeding ten rupees for each day during which such contravention continues.

Explanation : - “Diversion” in this section means using land for the purpose of agriculture where it is assessed with reference to any other purpose shall not be deemed to be diversion.

18. Remission or suspension of revenue on failure of crops:

The Government may, in accordance with the rules made in this behalf under this Act, grant a remission or suspension of land revenue in such year or years in which crops have failed in any particular notified area.

19. Responsibility for payment of land revenue:

- (1) the following persons shall be primarily liable for the payment of land revenue assessed on land, namely-
 - (a) the person to whom the land belongs;
 - (b) the tenant or any person in possession of the land, provided that such tenant or other person shall be entitled to credit from the owner of the land for the amount paid by him.
- (2) Where there are two or more persons liable to pay revenue under sub-section (1), all of them shall be jointly and separately liable for its payment.

20. Receipt for land revenue:

Every revenue officer receiving payment of land revenue shall at the time when such payment is received by him shall give a written receipt for the same.

CHAPTER IV SURVEY AND SETTLEMENT OF LAND REVENUE

21. **Definitions of “revenue survey” “settlement” and term of “settlement”:**

The operations carried out in accordance with the provisions of this chapter in order to determine or revise the land revenue payable on lands in any local area are called a “revenue survey”, the results of the operations are called a “settlement” and the period during which such results are to be in force is called the “term of settlement”.

22. **Inquiry into profits of agriculture:**

- (1) As soon as may be after the commencement of this Act, the Government shall take steps to institute and shall cause to be constantly maintained, in accordance with the rules made under this Act, an inquiry into the profits of agriculture and into the value of land used for agricultural and non-agricultural purposes.
- (2) For the purpose of determining the profits of agriculture, the following matters shall be taken into account in estimating the cost of cultivation, namely:
 - (a) the depreciation of stock and buildings ;
 - (b) the money equivalent of the labour and supervision by the cultivator and his family;
 - (c) all other expenses usually incurred in the cultivation of the land which is under inquiry ; and
 - (d) interest on the cost of buildings and stock, on all expenditure for seed and manure and on the cost of agricultural operations paid for in cash.

23. **Revenue Survey:**

Whenever the Government thinks it expedient so to do, it may by notification in the official Gazette, direct the revenue survey of any local area with a view to the settlement of the land revenue and to the preparation of a record of right connected therewith or the revision of any existing settlement or record of rights.

24. **Power to require assistance from land holders:**

A survey officer deputed to conduct or take part in any revenue survey may, by special order or by general notice to be published in the prescribed manner, require the attendance of holders of lands to assist in the measurement or classification of the lands to which the revenue survey extends and, when hired labour is employed for purposes incidental to the revenue survey, may assess and apportion the cost thereof on the lands surveyed, for collection as land revenue due on such lands.

25. **Survey numbers and villages:**

Subject to the rules made in this behalf under this Act, the survey officer may:-

- (a) divide the land to which the revenue survey extends into villages and the villages into plots survey numbers; and
- (b) recognize the existing village and survey numbers, reconstitute them or from new survey numbers,

26. **Division of survey numbers into sub-divisions:**

The Survey Officer may sub-divide survey numbers into as many sub-divisions as may be required in the manner prescribed.

27. **Preparation of settlement and other records:**

It shall be the duty of the survey officer or the settlement officer on the occasion of making or revising a settlement of land revenue to prepare a register to be called the "settlement register", showing the area and assessment of each survey number, with any other particulars that may be prescribed, and other records in accordance with such orders as may from time to time, be made in this behalf by the Government.

28. Determination of revenue rates:

- (1) The Government may at any time direct the determination or the revision of the revenue-rates for all lands in any area of which a revenue survey has been made.
- (2) For the purpose of determining the revenue rates,. The settlement officer may divided any area into units and in forming such units, he shall have regard to the physical features, agricultural and economic conditions, and shall then determine the revenue-rates for different classes of lands in each such unit in the manner prescribed and in particular, in the case of agricultural land, to the profits of agriculture, to the consideration paid for leases, to the market prices of land to the principal monies mortgages and in the case of non-agricultural land, to the value of the land for the purpose for which it is held.

29. Publication of table of revenue-rates:

- (1) The settlement officer shall prepare a tale of revenue-rates in the prescribed form and publish it in the prescribed manner for the prescribed period.
- (2) Any person objecting to any entry in the table or revenue may present petition in writing to the settlement officer within the prescribed period and the settlement officer shall consider such objections after giving a hearing to the objector.
- (3) The settlement officer shall submit the table of revenue-rates to the Government together with a summary of objections, if any, his decisions on such objections and a statement of the grounds in support of his proposals.

30. Confirmation of the table of revenue-rates:

- (1) The Government may confirm the table of revenue-rates submitted to him by the settlement officer with such modifications, if any, as it may consider necessary.
- (2) The table of revenue-rates confirmed under sub-section (1) shall be finally published in the official Gazette.

31. Rates of revenue to form part of settlement register:

The table of revenue-rates published under section 29 shall be incorporated in and form part of the settlement register of the village.

32. Introduction of revenue-rates:

When the revenue-rates are determine under this chapter in respect of any area, such rates shall take effect from the beginning of the year next after the date of final publication of the table of revenue-rates under section 29.

33. Duration of revenue-rates:

- (1) When the table of revenue-rates for any area has been finally published, the rates specified therein shall remain in force for a period of thirty years.
- (2) Notwithstanding anything contained in sub-section (1) :
 - (a) revenue-rates may be altered or revise in any year after the expiry of every ten years from the date on which the table of revenue-rates was introduced, in such manner and to such extent as may be prescribed :
 - (b) When the circumstances of a local area are such that a fresh determination of the revenue-rates is in the opinion of the Government inexpedient, he may extend the term of settlement by such further period as it may think necessary.

34. Assessment on holding:

- (1) The settlement officer shall calculate the assessment on each holding in accordance with the revenue-rates confirmed and finally publish under section 30 and such assessment shall be the fair assessment.
- (2) The settlement officer shall have the power to make fair assessment on all lands whatsoever to which the revenue-survey extends, whether such lands are held with liability to pay full land revenue or land revenue at concessional rates or are held revenue frees.
- (3) The fair assessment of all lands shall be calculated in accordance with rules made in this behalf and having regard to the following principles, namely : -
 - (a) no regard shall be had to any claim to hold land on privileged terms;
 - (b) regard shall be had in the case of agricultural land to the profits of agriculture, to the consideration paid for leasers, to the market prices of land and to the principal monies on mortgages, and in the case of non-agricultural land, to the value of the land for the purpose for which it is held;
 - (c) where any improvement has been effected any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the fair assessment of such holding shall be fixed as if the improvement had not been made.

35. Additional assessment for water advantages:

Notwithstanding anything contained in this chapter, the Government may direct that any land in respect of which the rate of revenue has been determined shall be liable to be assessed to additional land revenue during the term of the settlement for additional advantages accruing to it from water received on account of irrigation works or improvements in existing irrigation works completed after the table of revenue-rates came into force and not effected by or at the expense of the holder of the land.

36. Continuance of survey operations and rates in force at the commencement of the Act:

Notwithstanding anything contained in this chapter, all survey operations commenced under any law, executive or procedural instructions for the time being in force and continuing at the commencement of this Act shall be deemed to have been commenced and to be continuing under the provisions of this chapter, and all revenue-rates in force at such commencement shall be deemed to have been determined and introduced in accordance with the provisions of this chapter and shall remain in force until the introduction of revised revenue-rates and such revised revenue-rates may be introduced at any time, notwithstanding anything contained in section 32.

37. Power of Deputy Commissioner to correct errors etc.:

- (1) The powers and duties exercisable by the officers referred to in section 6 may also be exercised during the term of settlement, by the Deputy Commissioner or such other revenue officer as may be specified by the Government for the purpose, by notification in the official Gazette.
- (2) The Deputy Commissioner, may, at any time during the term of settlement, correct any error in the area or the assessment of any survey number or sub-division due to a mistake of survey or arithmetical miscalculations.

**CHAPTER V
LAND RECORDS**

38. Preparation of record of rights:

It shall be the duty of the survey officer to prepare a record of rights for each village showing the area of each survey number and other particulars and any other record or register, in accordance with the rules made under this Act;

Provided that where for any reason a record of rights can not be prepared in respect of the entire village it shall be lawful for the survey officer to prepare separate records-of-rights for difference areas of such village and notwithstanding anything contained in this Act of any rule made thereunder, a record-of-rights, when finally published shall not be called in question in any court on the ground that it was not prepared in respect of the entire village.

39. Publication of the record of rights:

- (1) When a record of rights has been prepared, the survey officer shall publish a draft of the record in such manner and for such period as may be prescribed and shall receive and consider any objections which may be made during the period of such publication, to any entry therein or to any omission there-from.
- (2) When all objections have been considered and disposed of in accordance with the rules made in this behalf, the survey officer shall call the record to be finally published in the prescribed manner.
- (3) Every entry in the record of rights as finally published shall, until the contrary is proved, be presumed to be correct.

40. Jurisdiction :

The Village council and Civil courts shall have jurisdiction to decide any dispute which is recorded in the record of rights.

41. Correction of bonafide mistake in register:

The survey officer may, on application made to him in this behalf or on his own motion, within one year from the date of final publication of the record of rights, correct and enter in such record which he is satisfied that it has been made owing to a bonafide mistake.

42. Preparation of field index:

- (1) As soon as may be after survey and settlement, the Revenue officer shall prepare and publish in the prescribed manner a draft field index in respect of every plot in a village recording the status of the actual possessor and the conditions on which he holds the land and shall fix a date not less than fifteen days from the date of such publication, for filing claims and objections.
- (2) The Revenue Officer, shall after giving the person who have filed claims and objections and also the person whose interests are likely to be affected, an opportunity of being heard, prepare the field index and publish it in the prescribed manner.

43. Decision as to conflict in any case:

Notwithstanding anything herein before contained an entry regarding the status of the actual possessor of a plot and the conditions on which he holds the land in the field index as finally published shall, in case of conflict with an entry in the record-of-rights,

prevail and be transferred to the record-of-rights for correction of such record under certificate of such officer as may be prescribed in this behalf.

44. Register of mutations:

- (1) There shall be maintained for every village a register of mutations in such form as be prescribed.
- (2) Any person acquiring by succession, survivorship, inheritance, partition, purchase, gift, mortgage, lease or otherwise any right in land or, where such person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property, shall report his acquisition of such right to the Revenue officer within three months from the date of such acquisition and the Revenue officer shall give at once a written acknowledgement in the prescribed form for such report to the person making it.
- (3) The Revenue officer shall enter the substance of every report made to him under sub-section (2) in the register of mutations and also make an entry therein respecting the acquisition of any right of the kind mentioned in sub-section (2) which he has reason to believe to have taken place and of which a report has not been made under said sub-section and at the same time, shall make or paste up a complete copy of the entry in a conspicuous place in the village and shall give a written intimation to all persons appearing from the record of rights of the register of mutations to be interested in the mutations and to any other person whom he has reason to believe to be interested therein.
- (4) Should any objection to an entry made under sub-section (3) in the register of mutations be made either orally or in writing to the Revenue Officer, he shall enter the particulars of the objection in the prescribed form and furnish a copy of same for the objection to the person making it.
- (5) The objections made under sub-section (4) shall be decided on the basis of possession by the competent authority and orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutation by the competent authority.
- (6) After the entries in the register of mutations have been tested and found correct, the entries shall be transferred to the record of rights and shall be certified by such officer as may be prescribed in this behalf.

45. Penalty for neglect to afford information:

The Deputy Commissioner may, if he is of opinion that any person has willfully neglected to make the report required by section 43, within the prescribed period, impose on such person a penalty not exceeding twenty five rupees.

46. Assistance in preparation of maps:

Subject to rules made under this Act :

- (a) any Revenue officer may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this chapter, exercise any of the powers of the survey officer under section 24 except the power of assessing the cost of hired labour; and
- (b) any revenue officer not below the rank of sub-divisional officer may assess the cost of the preparation or revision of such maps or plans and all expenses incidental thereto, and such costs and expenses shall be recoverable in the same manner as an arrear of land revenue.

47. Certified copies:

Certified copies of entries in the record of rights may be granted by such officers on payment of such fees as may be prescribed.

48. Maps and other records open to inspection:

Subject to such rules and on payment of such fees, if any, as may be prescribed, all maps and land records shall be open to inspection by the public during office hours, and certified extracts there from or certified copies thereof may be given to all persons applying for the same.

49. Power to transfer duty of maintaining maps and records to settlement officer:

When a local area is under settlement, the duty of maintaining the maps and records may, under the orders of the Government, be transferred from the Deputy Commissioner to the settlement officer.

CHAPTER VI BOUNDARIES AND BOUNDARY MARKS

50. Determination of village boundaries:

The boundaries of villages, survey umbers sub-divisions and fields shall be fixed and all disputes relating thereto shall be determined by survey officers or by such other officer as may be appointed by the Government for the purpose, in accordance with the rules made in this behalf.

51. Effect of settlement of boundary:

- (1) The settlement of boundary under this Chapter shall be determinative :-
 - (a) of the proper position of the boundary line or boundary marks and
 - (b) of the rights of the land holders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.
- (2) Where a boundary has been so fixed the Deputy Commissioner may at any time summarily evict any land holder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

52. Construction and repair of boundary marks:

It shall be lawful for any survey officer authorized in this behalf to specify or cause to be constructed, laid out, maintained or repaired, boundary marks of villages or survey numbers of Sub-Divisions and to assess all charges incurred thereby on he holders or others having an interest therein.

53. Description of boundary marks:

The boundary marks shall be of such description and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimensions and materials as may, subject to rules made under this Act, be determined by the Deputy Commissioner or other officer appointed for the purpose.

54. Responsibility for maintaining boundary marks:

Every land holder shall be responsible for the maintenance and good repair of the boundary marks of his holding and for any charge reasonably incurred on account of the same by the revenue officers in case of alteration, removal or repair. It shall be the duty of the Revenue Officers and servants to prevent the destruction or unauthorized alteration of the village boundary marks.

55. Deputy Commissioner to have charge of boundary marks:

After the introduction of survey and settlement in a district, the charge of the boundary marks shall devolve on the Deputy Commissioner and it shall be his duty to take measures for their construction, laying out, maintenance and repair.

56. Tempering of boundary marks:

Any person willfully erasing, removing or injuring a boundary mark shall be liable to such penalty not exceeding one thousand rupees as the competent authority may impose.

CHAPTER VII

REALISATION OF LAND REVENUE AND OTHER PUBLIC DEMANDS

57. Land revenue to be first charge.

Land Revenue assessed on any land shall be the first charge on that land on the crops, rents and profits thereof.

58. Payment of land revenue.

Land revenue shall be payable at such times, in such installments, to such persons, and at such places, as may be prescribed.

59. Arrear of land revenue.

- (1) Any installment of land revenue of part thereof which is not paid on the due date shall become an arrear of land revenue and the person responsible for the payment shall become a defaulter.
- (2) A statement of account certified by the Revenue Officer shall, for the purpose of this chapter, be conclusive evidence of the existence of the arrear of its amount and of the person who is the defaulter:

Provided that nothing in this sub-section shall prejudice the right of such person to make payment under protest and to question the correctness of the account in separate proceedings before the competent authority.

60. Recovery of arrears.

The arrear of land revenue may be recovered by any one or more the following processes, namely;

- (a) by serving a written notice of demand to the defaulter;
- (b) by distraint and sale of the defaulter's moveable property including the produce of the land;
- (c) by attachment and sale of the defaulter's immoveable property.

61. Notice of demand.

The form and contents of the notice of demand and the officers by whom such notices shall be issued shall be in such manner as may be prescribed.

62. Distraint and sale of moveable property.

- (1) The distraint and sale of the movable property of a defaulter shall be may by such officers or class of officers, in such manner as may be prescribed.
- (2) Nothing in sub-section (1) shall be deemed to authorize the distraint or sale of any property which, under the Code of Civil Procedure, 1908, (5 of 1908) is exempt from attachment or sale in execution of a decree or of any articles set aside exclusively for religious use.

63. **Sale of immovable property.**

- (1) When the Deputy Commissioner is of opinion that the processes referred to in clauses (a) and (b) of Section 59 are not sufficient for recovery of an arrear, he may, in addition to or instead of any of those processes, cause the land in respect of which such arrear is due to be attached and sold in the prescribed manner.
- (2) The Deputy Commissioner may also cause the right, title and interest of the defaulter in any other immovable property to be similarly attached and sold.

64. **Notice of sale.**

- (1) Before effecting the sale of any land or other immovable property under the provisions of this Chapter, The Deputy Commissioner or other Officer empowered in this behalf shall issue such notices and proclamations, in such form, in such manner and containing such particulars, as may be prescribed and such notices and proclamations shall also be published in such manner as may be prescribed.
- (2) A copy of every notice or proclamation issued under sub-section (1) shall be served on the defaulter.

65. **Sale to be by auction.**

All sales of property, moveable or immovable, under this Chapter shall be by public auction held in accordance with such rules as may be prescribed.

66. **Prohibition to bid at auction.**

No officer having any duty to perform in connection with any such sale and no person employed by or subordinate to such officer shall, either directly or indirectly bid for or acquire any property except on behalf of the Government.

67. **Sale of Perishables.**

Perishable articles shall be sold by auction with the least possible delay and such sale shall be finally concluded by the officer conducting the sale.

68. **Sales not to be excessive.**

Every sale of property, moveable or immovable, under the provisions of this chapter shall, as far as may be practicable, be proportionate to the amount of the arrear of the land revenue to be recovered together with the interest thereon and the expenses of attachment and sale.

69. **Deposit by purchaser of immovable property.**

In all cases of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty five percent of amount of his bid and the balance within fifteen days of the date of sale.

70. **Failure to make deposit.**

- (1) In default of the payment of deposit referred to in section 69 the property shall be put up for re-sale and the expenses incurred in connection with the first sale shall be borne by the defaulting bidder.
- (2) In default of payment of balance of the bid amount within the period prescribed in Section 69 the deposit after defraying there from the expenses of the sale shall be forfeited to the Government and the property shall be re-sold.
- (3) Where the proceeds of the re-sale are less than the price bid by such defaulting purchaser, the difference shall also be recoverable from him in the same manner as an arrear of land revenue.

71. **Setting aside sale.**

Where immovable property has been sold under this Chapter, the defaulter, or any person owing such property or holding an interest therein, may, at any time, within thirty days of the date of sale or within such further period not exceeding thirty days as the Deputy Commissioner may for sufficient cause allow, apply in the prescribed manner to the Deputy Commissioner to have the sale set aside;

- (a) on the ground of some material irregularity or mistake or fraud resulting in substantial loss or injury to him, or
- (b) on his depositing in the Deputy Commissioner's office the amount of the arrear specified in the proclamation of sale, the cost of the sale and for payment to the purchaser, as sum equal to five percent, of the purchaser money.

72. **Confirmation of sale.**

If, on the expiration of thirty days from the date of sale of any immoveable property or of the further period, if any allowed under Section 71, no application has been made and rejected, the Deputy Commissioner shall make an order confirming the sale unless, for reasons to be recorded, the Deputy Commissioner sets aside the sale notwithstanding that no application therefore has been made.

73. **Refunds.**

- (1) The Deputy Commissioner shall order the refund and payment to the purchaser, of:-
 - (a) the amounts deposited by him under Section 69 and
 - (b) the sum equal to five percent of the purchase money deposited under clause (b) of Section 71, if the sale is not confirmed or is set aside.
- (2) The Deputy Commissioner shall order the refund and payment of all the money deposited under clause (b) of Section 71 to the person who made the deposit, if the sale is confirmed:

Provided that the Deputy Commissioner may set off the whole or any part any such money against any arrear of land revenue, or any other arrear recoverable as an arrear of land revenue, which may be outstanding against the person who made the deposit.

74. **Certificate of purchase.**

When a sale held under this chapter is confirmed the Deputy Commissioner shall put the person declared to be the purchaser in possession of the property and shall grant him a certificate in the prescribed form to the effect that he has purchased the property specified therein, and such certificate shall be deemed to be a valid transfer of such property.

75. **Application of proceeds of sale.**

The proceeds of the sale of any property under this chapter shall be applied in defraying the expenses of the sale which shall be determined in the prescribed manner and the balance shall be applied to the payment of the arrears on account of which the sale was held and the surplus, if any, shall be paid to the person whose property has been sold.

76. **Liability of certificate purchaser.**

The person who has purchased any land and to whom a certificate of purchase has been granted shall not be liable for the land revenue in respect of the land for any period prior to the date of the sale.

77. **Precautionary measure in certain cases.**

When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, the Deputy Commissioner may, if he thinks it necessary, prevent its being removed from the land until the demand for the current year in respect of the said land is paid, whether the date fixed for the payment of the same has arrived or not.

78. **Recovery of other public demands.**

The following money may be recovered under this Act in the same manner as an arrear of land revenue, namely:

- (a) rent, fees and royalties due to the Government for use or occupation of land or water or any product of land;

- (b) all moneys falling due to the Government under any grant, lease or contract which provides that they shall be recoverable as arrears of land revenue;
- (c) all sums declared by this Act or any other law for the time being in force to be recoverable as an arrear of land revenue.

CHAPTER VIII APPEALS AND REVISIONS

79. **Revenue officers to be courts.**

- (1) A revenue officer, while exercising power under this act or any other law for the time being in force to inquire into or to decide any question arising for determination between the Government and any person or between parties to any proceeding, these shall be a revenue court and when trying such disputes shall be guided by the principles of the Civil procedure code, 1908 in respect of summoning witnesses, production of documents recording of evidence and other relatable provisions.
- (2) Nothing in this Act shall be deemed to limit or otherwise affect the inherent power of the revenue court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the revenue court.

80. **Power to enter upon and survey the land.**

All revenue officers and persons acting under their orders may enter upon and survey the land and demarcate boundaries and so all other acts necessary for the purpose of discharging their duties under the Act or any other law for the time being in force and in so doing, shall cause no more damage than the circumstances of the case may require.

81. **Power to transfer cases.**

- (1) The Government may transfer any case or class of cases arising under this Act or any other law for the time being in force from any revenue officer to any other revenue officer competent to deal with it.
- (2) The Deputy Commissioner may transfer any case or class of cases arising under this Act or any other law for the time being in force for inquiry or decision from his own file or from the file of the revenue officer subordinate to him competent to deal with such case or class of cases.

82. **Use of force.**

Where any order is passed under this Act directing any person to deliver possession of land or directing the eviction from land, such order shall be executed by the competent authority in such manner as may be prescribed and it shall be lawful for such authority, in accordance with rules to be prescribed, to take such steps and use or cause to be used such force as may be reasonably necessary for securing compliance with the order.

83. **Appeals.**

- (1) Save as otherwise expressly provided, an appeal shall lie from every original order passed under this Act.
 - (a) if such an order is passed by an Officer sub-ordinate to the Deputy Commissioner, to the Deputy Commissioner.
 - (b) if such an order is passed by the Deputy Commissioner to the government represented by the concerned Secretary;
 - (c) if such an order is passed by Assistant Survey and settlement Officer, to the survey and settlement Officer or to a revenue officer notified by the government in the official Gazette as the appellate authority; and

- (d) if such an order is passed by a survey and settlement officer, to the Director of settlement and land management or to a revenue officer notified by the Government in the official Gazette to be the appellate authority.
- (2) A second appeal shall lie against any order passed in first appeal;
- (a) if such an order is passed under clause (a) of sub-section (1), to the Government;
 - (b) if such order is passed under clause of sub-section (1), to the Director of settlement and land management or to a revenue officer notified by the Government in the Gazette to be the second appellate authority and
 - (c) if such an order is passed under clause (d) of sub-section (1), to the Secretary concerned in the Government.
84. **Limitation appeals.** (1) No appeal shall lie, - (a) in the case of first appeal, after the expiry of thirty days from the date of the order appealed against; and (b) in the case of a second appeal, after the expiry of sixty days from the date of the order appealed against. In computing the above periods, the time required to obtain copies of the order appealed against shall be excluded.
85. **Revision.** The Government represented by the concerned Secretary or the Deputy Commissioner may, at any time, either on his own motion or on the application of any party, call for the records of any proceedings before any revenue officer subordinate to him for the purpose of satisfying himself as to the legality or the propriety of any order passed by such revenue officer, and may pass such order in reference thereto as he thinks fit:
- Provided that he shall not vary or reverse any order affecting any right between private persons without having given to the parties, notice to appear and be heard.
86. **Review of orders.**
- (1) A revenue officer may, either on his own motion or on the application of any party interested review any order passed by himself or by any of his predecessors-in-office and pass such order in reference thereto as he thinks fit.
- Provided that a revenue officer subordinate to the Deputy Commissioner shall, before reviewing an order under this section, obtain the permission of the Deputy Commissioner and the Deputy Commissioner shall, before reviewing any order passed by any of his pre-decessors-in-office obtain the permission of the Government.
- (2) No order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings or except after notice to the other party an no application for the review of such order shall be entertained unless it is made within ninety days from the date of the order.
 - (3) No order shall be reviewed except on the following grounds, namely; (i) discovery of new and important matter of evidence; (ii) some mistake or error apparent on the face of the record, or (iii) any other sufficient reason.
 - (4) For the purpose of this section, the Deputy Commissioner shall be deemed to be successor-in-office of any revenue officer who has left the district or who has ceased to exercise powers as a revenue officer and to whom there is no successor in the district.

- (5) An order which has been dealt with in appeal or on revision shall not be reviewed by any officer subordinate to the appellate or revisional authority.
87. **Stay of execution of orders.**
- (1) A revenue officer who has passed any order or his successor-in-office may, at any time before the expiry of the period prescribed for Appeal, direct the stay of execution of such order for such period as he thinks fit provided that no appeal has been filed.
- (2) Any authority before whom a case is pending in appeal or revision may direct the stay of execution of the order appealed against or under revision for such period as it may think fit.
- (3) The revenue officer or other authority directing such stay of execution of any order may impose such conditions, or order such security to be furnished, as he or it may think fit.

CHAPTER IX RIGHTS OF LAND OWNERS

88. **Accrual of ownership rights on Government land allotted for agricultural purposes.**

- (1) Every person, who, at the commencement of this Act, holds any land from the Government for agricultural purposes, and his successors-in-interest shall, subject to the provisions of sub-section (2), become the owner thereof as and from such commencement.

Provided that all leasees of Government land on the date of commencement of the Act, shall continue to hold such land on lease as per original terms of allotment until such time as appropriate rules for allotment of Government land for purposes other than agriculture are framed under appropriate provisions of the Act with the right to transfer the allotted land to any member of indigenous. Arunachal Pradesh Scheduled Tribe of the State on payment of fees as may be prescribed by the Government.

- (2) No rights shall accrue under sub-section (1) in respect of lands which:-
- (i) are a part of the bed of a river, nallah, a stream or a public tank, or
 - (ii) have been acquired by the Government for any purpose according to the provisions of any law in force for the time being relating to acquisition of land, or
 - (iii) have been used at any time during the five years immediately preceding the commencement of this Act for any public, community or village purpose, or
 - (iv) are declared by the Government by notification in the official Gazettes as reserved or required for any public, community or village purpose.
- (3) Objections to accrual of rights under sub-section (1) may be filed before the competent authority within such time and in such form and manner as may be prescribed by any person who has interest or claims to have an interest in the land either in his individual capacity or as a member of the village or community.
- (4) Should any objection be made under sub-section (3), the competent authority shall inquire into objection in such manner as may be prescribed and decide the same.

- (5) Subject to the provisions of this Act the decision of the competent authority shall be final.
- (6) Every person who, at the commencement of this Act, holds land from the Government for the purpose other than agriculture shall, subject to sub-section (2), be entitled to the settlement of that land on such terms and conditions as may be prescribed.
- (7) Nothing in this section shall entitle any person to sub-let rights in respect of the land, of which he has become the land owner under sub-section (1), or which has been settled with him under sub-section (6).

89. Rights of land owners on Government land allotted for agricultural purposes.

- (1) Every persons who has become a landowner under sub-section (1) of section 88 shall :-
 - (a) have transferable rights in the land to the successor subject to the declaration and satisfaction of the District authorities;
 - (b) be entitled by himself, his servant, tenants, agent or their representatives to erect farm buildings, construct wells or tanks or make any other improvements thereon for the better cultivation of the land or its convenient use;
 - (c) be entitled to plant trees on the land, to enjoy the products thereof and to fell, utilize or dispose of the timber of any trees on the land.
- (2) Nothing in sub-section (1) shall entitled a land owner to use his land to the detriment of any adjoining land which is not his or in contravention of the provisions of any other law for the time being in force applicable to such land.

90. Rights to lease.

- (1) Subject to the provisions of this Act, a landowner may lease out his land to another person on such rent not exceeding the maximum rent as may be agreed upon between him and such person but shall not exceed; (a) where the rent is payable in kind as a share of the produce, one-fourth of the produce of such land or its value estimated in the prescribed manner if plough cattle for the cultivation of such land is supplied by the landowner and one-fifth of such produce or its value as so estimated if plough cattle is not supplied by the landowner; (b) in any other case, four times the land revenue payable in respect of the land.
- (2) Every lease of land made after the commencement of this Act, shall be for a period of five years and at the end of the said period, and thereafter at the end of each period of five years, the tenancy shall, subject to the provisions of sub-section (3), be deemed to be renewed for a further period of five years on the terms and conditions except to the extent that a modification thereof consistent with this Act is agreed to by both parties.
- (3) In respect of any lease made after the commencement of this Act, landowner who is a member of the Armed Forces of the Union, on his discharge from service or posting to the reserve, may by giving the tenant three months notice in writing before the expiry of any year, and any other landowner may by giving the tenant one year's notice in writing before the expiry of any term of five years terminate the tenancy if the land owner requires the land bonafide for personal cultivation by him.

91. Land left uncultivated.

- (1) Where the Deputy Commissioner is satisfied that any land has remained uncultivated for a period not less than two consecutive years otherwise than in

accordance with rules made in this behalf under this Act, and that it is necessary for the purpose of ensuring the full and efficient use of the land for agriculture too do so, he may after making such inquiry as may be prescribed lease out the land in accordance with rules made under this Act.

- (2) Any lease made under sub-section (1) shall be deemed to be a lease made by the landowner under sub-section (1) of section 90.

92. Relinquishment by the land owner of the Government land.

- (1) Subject to any rules that be made under this Act. Landowner may relinquish his rights in respect of any land in his possession in favour of the Government by giving a notice in writing to the competent authority in such form and manner as may be prescribed, not less than three months before the close of any year and thereupon, he shall cease to be a landowner in respect of that land from the year next following the date of notice:

Provided that relinquishment of only a part of a holding or of a holding which, or part of which is subject to an encumbrance or charge, shall not be valid.

- (2) if any person relinquishes his rights to a land under sub-section (1), the way to which lies through other land retained by him, any future holder of the land relinquished shall be entitled to a right of way through the land retained.

CHAPTER X RIGHTS OF TENANTS

93. Interest of tenants.

- (1) The interest of a tenant in any land held by him as such shall be in accordance with such terms and conditions as agreed between the parties:

Provided that right to create change over such land so transferred on lease, right to make improvements and compensation thereof, payments of rent; determination of reasonable rent by the authorities; suspension or revision of rent, eviction of tenant; termination of tenancy and other related provisions shall be in such manner as may be prescribed in the Rules made under this Act.

CHAPTER X GENERAL AND MISCELLANEOUS

94. Recovery of amount due as an arrear of land revenue.

Without prejudice to any other provision of this Act, any amount due to the Government, whether by way of costs, penalty or otherwise, and any other amount which is ordered to be paid to or recoverable by the Government, under this Act shall be recovered in the same manner as an arrear of land revenue.

95. Jurisdiction of civil Courts excluded.

No suit or proceeding shall, unless otherwise expressly provided for in this Act or in any other law for the time being in force, lie or be instituted in any civil court with respect to any matter arising under any provision of this Act.

Provided that if in a dispute between parties a question of title is involved, a civil suit may be brought for the adjudication of such question:

Provided further that the Civil court shall have jurisdiction to decide any dispute to which the government is not a party relating to any right or entry which is recorded in the record of rights.

96. **Revenue settlement officers to be public servants.**

Every plane-table, surveyor, supervisor Kanungo, mandal, chairman and every other village officers appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

97. **General provisions as to penalties.**

Whoever contravenes any provisions of this Act for which no penalty has been otherwise provided for therein shall be punishable with fine which may extend to one thousand rupees.

98. **Delegation of powers.**

The State Government may, by notification in the official Gazette, delegate to any officer or authority subordinate to it any of the powers conferred on it or on any officer subordinate to him by this Act, other than the power to make rules, to be exercised subject to such restrictions and conditions as may be specified in the said notification.

99. **Power to make Rules.**

- (a) The State Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.
- (b) In particular, and without prejudice to the generality of the foregoing power, which rules may be provided for all or any of the following matters:-
 - (1) the manner of appointment of revenue officers, survey officers and settlement officers, and other village officers and servants, their powers and duties, the official seals, if any, to be used by them and the size and description of the seals;
 - (2) The Deputy Commissioner's powers of superintendence and control over other officers;
 - (3) the officers who should hear and decide disputes regarding rights in or over many property claimed by or against the Government and the procedure to be followed by them;
 - (4) the disposal of Government lands by assignment or grant to individuals or for public purchases and the terms and conditions subject to which such assignments or grants may be made;
 - (5) the preservation and disposal of trees, brush wood, jungle and other natural products on Government land and the recovery of the values of trees or other natural product un-authorisedly appropriated by persons;
 - (6) the procedure for summary eviction of trespassers on Government land;
 - (7) the alteration and revision of the land revenue in cases of alluvion or diluvion or of diversion of land for purposes other than agriculture;
 - (8) the grant or permission to use agricultural land for non-agricultural purpose;
 - (9) the determination of additional rates for use of water;
 - (10) the circumstances in which remission or suspension of revenue may be made and the rate of such remission or suspension;
 - (11) the form of receipt for payment of land revenue;
 - (12) the conduct of surveys and settlements of land revenue;
 - (13) the manner of estimating the cost of cultivation and other expenses relating to the inquiry into profits of agriculture;
 - (14) the division of survey number's into sub-divisions and the assessment of sub-divisions;
 - (15) the statistical, fiscal and other records and registers to be prepared and maintained under this Act;
 - (16) the manner in which the costs and expenses incidental to revenue survey of the construction, repair and maintenance of boundary marks shall be

determined and apportioned between persons who are liable to bear the same;

- (17) the fixing, construction, laying out, maintenance and repair of boundary marks, and the settlement of disputed relating thereto;
- (18) the division of areas into units for determining the revenue-rates and the preparation of the table of revenue-rates;
- (19) the preparation and the preliminary and final publication of the record of rights and the table of revenue-rates;
- (20) the hearing and disposal of objections to any entry of omission in the table of revenue-rates, the record of rights, and the register of mutations;
- (21) the manner and extent of alteration or revision of revenue-rates during the term of settlement;
- (22) the correction of bonafide errors and mistakes in the revenue records, registers and maps prepared under this Act;
- (23) the manner in which the average yield of crops of land shall be ascertained;
- (24) the manner of holding inquires by revenue officers under this Act;
- (25) the application of the provisions of the code of Civil Procedure, 1908, to cases and proceeding before a revenue court;
- (26) the forms of summons and other processes, notices, orders and proclamations to be issued or made by revenue officers and the manner of their services;
- (27) the procedure for the attachment and sale of property and the confirmation and the setting aside of sales of immovable property under Chapter VII;
- (28) the manner of publication of notice and proclamations of attachment and sale of property;
- (29) the manner in which the cost and expenses incidental to the attachment and sale of property shall be determined;
- (30) the manner of payment of deposit and of the purchase money of property sold for arrears of land revenue;
- (31) the circumstances in which precautionary measures for securing the land revenue under section 76 may be taken;
- (32) the procedure for the transfer of cases from one revenue officer to another;
- (33) the manner of preferring appeals or applications for revision or review, the documents to accompany the memorandum of appeal or such application and the fee, if any, leviable therefore;
- (34) the grant of certified copies and the payment of fees for inspection and grant of certified copies of revenue records and registers;
- (35) the mode of execution of any orders directing any person to deliver possession of land or to be evicted from land, including the use of force for securing compliance with such order;
- (36) the form of notices to be issued under this Act and the manner of their service;
- (37) the manner of holding inquires under this Act;
- (38) the circumstances in which and the period for which land used for agricultural purposes may be left uncultivated;
- (39) the conditions subject to which lands may be leased by the Deputy Commissioner under Section 91;
- (40) the form of applications to be made under this Act, the authorities to whom they may be made and the procedure too be followed by such authorities in disposing of the application;

- (41) the determination of the value of the procedure of land, the profits of agriculture, and the rental value of land, for the purposes of this Act;
 - (42) the time and manner of payment of rent by the tenant;
 - (43) the form of receipt for rent to be given by the land owner;
 - (44) the factors to be taken into account in determining reasonable rent for land and in commuting rent in kind into money rent;
 - (45) the nature and the extent of relief to the tenant incases of suspension or remission of land revenue by the Government;
 - (46) the determination of compensation for improvements to tenants who are evicted from land;
 - (47) the grant of permission to surrender land;
 - (48) the determination of the price to be paid by the tenant for land in respect of which the first option to purchase is exercised;
 - (49) any other matter which is to be or may be prescribed.
100. (1) On and from the date on which any of the provisions of this Act are brought into force in any area in the State of Arunachal Pradesh, the laws/instructions or such executive directions as relate to the matters covered by the provisions so brought into force shall stand superseded/cancelled in-such area/areas.
- (2) Such supersession or cancellation shall not effect:
- (a) the previous operation of anything duly done or suffered thereunder;
 - (b) any right, privilege, obligation or liability acquired, accrued or incurred;
 - (c) any penalty, forfeiture or punishment incurred in respect of any offence committed;
 - (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 proceedings or remedy may be instituted or enforced and any such penalty, forfeiture or punishment may be imposed as if such executive notification had not been superseded or cancelled.
- (3) Subject to the provisions contained in sub-section (2), any appointment, rule, order, notification or proclamation made or issued, any lease rent right or liability granted, fixed acquired or incurred and any other thing done or action taken under any of the enactment or parts thereof repealed under sub-section (1) shall, in so far as it is not inconsistent with the provisions of this Act brought in to force, be deemed to have been made, issued, granted, fixed, acquired, incurred, done or taken under this Act and shall continue to be in force until superseded by anything done or any action taken under this Act.

CHAPTER VII

REALISATION OF LAND REVENUE AND OTHER PUBLIC DEMANDS

57. **Land revenue to be first charge.**
Land Revenue assessed on any land shall be the first charge on that land on the crops, rents and profits thereof.
58. **Payment of land revenue.**
Land revenue shall be payable at such times, in such installments, to such persons, and at such places, as may be prescribed.

59. **Arrear of land revenue.**

- (1) Any installment of land revenue of part thereof which is not paid on the due date shall become an arrear of land revenue and the person responsible for the payment shall become a defaulter.
- (2) A statement of account certified by the Revenue Officer shall, for the purpose of this chapter, be conclusive evidence of the existence of the arrear of its amount and of the person who is the defaulter:

Provided that nothing in this sub-section shall prejudice the right of such person to make payment under protest and to question the correctness of the account in separate proceedings before the competent authority.

60. **Recovery of arrears.**

The arrear of land revenue may be recovered by any one or more the following processes, namely ;

- a. by serving a written notice of demand to the defaulter;
- b. by distraint and sale of the defaulter's moveable property including the produce of the land;
- c. by attachment and sale of the defaulter's immovable property.

61. **Notice of demand.**

The form and contents of the notice of demand and the officers by whom such notices shall be issued shall be in such manner as may be prescribed.

62. **Distraint and sale of moveable property.**

- (1) The distraint and sale of the movable property of a defaulter shall be may by such officers or class of officers, in such manner as may be prescribed.
- (2) Nothing in sub-section (1) shall be deemed to authorize the distraint or sale of any property which, under the Code of Civil Procedure, 1908, (5 of 1908) is exempt from attachment or sale in execution of a decree or of any articles set aside exclusively for religious use.

63. **Sale of immovable property.**

- (1) When the Deputy Commissioner is of opinion that the processes referred to in clauses (a) and (b) of Section 59 are not sufficient for recovery of an arrear, he may, in addition to or instead of any of those processes, cause the land in respect of which such arrear is due to be attached and sold in the prescribed manner.
- (2) The Deputy Commissioner may also cause the right, title and interest of the defaulter in any other immovable property to be similarly attached and sold.

64. **Notice of sale.**

- (1) Before effecting the sale of any land or other immovable property under the provisions of this Chapter, The Deputy Commissioner or other Officer empowered in this behalf shall issue such notices and proclamations, in such form, in such manner and containing such particulars, as may be prescribed and such notices and proclamations shall also be published in such manner as may be prescribed.
- (2) A copy of every notice or proclamation issued under sub-section (1) shall be served on the defaulter.

65. **Sale to be by auction.**

All sales of property, moveable or immovable, under this Chapter shall be by public auction held in accordance with such rules as may be prescribed.

66. **Prohibition to bid at auction.**

No officer having any duty to perform in connection with any such sale and no person employed by or subordinate to such officer shall, either directly or indirectly bid for or acquire any property except on behalf of the Government.

67. **Sale of Perishables.**

Perishable articles shall be sold by auction with the least possible delay and such sale shall be finally concluded by the officer conducting the sale.

68. **Sales not to be excessive.**

Every sale of property, moveable or immovable, under the provisions of this chapter shall, as far as may be practicable, be proportionate to the amount of the arrear of the land revenue to be recovered together with the interest thereon and the expenses of attachment and sale.

69. **Deposit by purchaser of immovable property.**

In all cases of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty five percent of amount of his bid and the balance within fifteen days of the date of sale.

70. **Failure to make deposit.**

- (1) In default of the payment of deposit referred to in section 69 the property shall be put up for re-sale and the expenses incurred in connection with the first sale shall be borne by the defaulting bidder.
- (2) In default of payment of balance of the bid amount within the period prescribed in Section 69 the deposit after defraying there from the expenses of the sale shall be forfeited to the Government and the property shall be re-sold.
- (3) Where the proceeds of the re-sale are less than the price bid by such defaulting purchaser, the difference shall also be recoverable from him in the same manner as an arrear of land revenue.

71. **Setting aside sale.**

Where immovable property has been sold under this Chapter, the defaulter, or any person owing such property or holding an interest therein, may, at any time, within thirty days of the date of sale or within such further period not exceeding thirty days as the Deputy Commissioner may for sufficient cause allow, apply in the prescribed manner to the Deputy Commissioner to have the sale set aside:

- (a) on the ground of some material irregularity or mistake or fraud resulting in substantial loss or injury to him, or
- (b) on his depositing in the Deputy Commissioner's office the amount of the arrear specified in the proclamation of sale, the cost of the sale and for payment to the purchaser, as sum equal to five percent, of the purchaser money.

72. If, on the expiration of thirty days from the date of sale of any immovable property or of the further period, if any allowed under Section 71, no application has been made and rejected, the Deputy Commissioner shall make an order confirming the sale unless, for reasons to be recorded, the Deputy Commissioner sets aside the sale notwithstanding that no application therefore has been made.

73. **Refunds.**

- (1) The Deputy Commissioner shall order the refund and payment to the purchaser, of:-
 - (a) the amounts deposited by him under Section 69 and
 - (b) the sum equal to five percent of the purchase money deposited under clause (b) of Section 71, if the sale is not confirmed or is set aside.

- (2) The Deputy Commissioner shall order the refund and payment of all the money deposited under clause (b) of Section 71 to the person who made the deposit, if the sale is confirmed:

Provided that the Deputy Commissioner may set off the whole or any part any such money against any arrear of land revenue, or any other arrear recoverable as an arrear of land revenue, which may be outstanding against the person who made the deposit.

74. **Certificate of purchase.**

When a sale held under this chapter is confirmed the Deputy Commissioner shall put the person declared to be the purchaser in possession of the property and shall grant him a certificate in the prescribed form to the effect that he has purchased the property specified therein, and such certificate shall be deemed to be a valid transfer of such property.

75. **Application of proceeds of sale.**

The proceeds of the sale of any property under this chapter shall be applied in defraying the expenses of the sale which shall be determined in the prescribed manner and the balance shall be applied to the payment of the arrears on account of which the sale was held and the surplus, if any, shall be paid to the person whose property has been sold.

76. **Liability of certificate purchaser.**

The person who has purchased any land and to whom a certificate of purchase has been granted shall not be liable for the land revenue in respect of the land for any period prior to the date of the sale.

77. **Precautionary measure in certain cases.**

When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, the Deputy Commissioner may, if he thinks it necessary, prevent its being removed from the land until the demand for the current year in respect of the said land is paid, whether the date fixed for the payment of the same has arrived or not.

78. **Recovery of other public demands.**

The following money may be recovered under this Act in the same manner as an arrear of land revenue, namely:

- (a) rent, fees and royalties due to the Government for use or occupation of land or water or any product of land;
- (b) all moneys falling due to the Government under any grant, lease or contract which provides that they shall be recoverable as arrears of land revenue;
- (c) all sums declared by this Act or any other law for the time being in force to be recoverable as an arrear of land revenue.

CHAPTER VIII APPEALS AND REVISIONS

79. **Revenue officers to be courts.**

- (1) A revenue officer, while exercising power under this act or any other law for the time being in force to inquire into or to decide any question arising for determination between the Government and any person or between parties to any proceeding, these shall be a revenue court and when trying such disputes shall be guided by the principles of the Civil procedure code, 1908 in respect of

summoning witnesses, production of documents recording of evidence and other relatable provisions.

- (2) Nothing in this Act shall be deemed to limit or otherwise affect the inherent power of the revenue court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the revenue court.

80. Power to enter upon and survey the land.

All revenue officers and persons acting under their orders may enter upon and survey the land and demarcate boundaries and so all other acts necessary for the purpose of discharging their duties under the Act or any other law for the time being in force and in so doing, shall cause no more damage than the circumstances of the case may require.

81. Power to transfer cases.

- (1) The Government may transfer any case or class of cases arising under this Act or any other law for the time being in force from any revenue officer to any other revenue officer competent to deal with it.
- (2) The Deputy Commissioner may transfer any case or class of cases arising under this Act or any other law for the time being in force for inquiry or decision from his own file or from the file of the revenue officer subordinate to him competent to deal with such case or class of cases.

82. Use of force.

Where any order is passed under this Act directing any person to deliver possession of land or directing the eviction from land, such order shall be executed by the competent authority in such manner as may be prescribed and it shall be lawful for such authority, in accordance with rules to be prescribed, to take such steps and use or cause to be used such force as may be reasonably necessary for securing compliance with the order.

83. Appeals.

- (1) Save as otherwise expressly provided, an appeal shall lie from every original order passed under this Act.
- (a) if such an order is passed by an Officer sub-ordinate to the Deputy Commissioner, to the Deputy Commissioner.
 - (b) if such an order is passed by the Deputy Commissioner to the government represented by the concerned Secretary;
 - (c) if such an order is passed by Assistant Survey and settlement Officer, to the survey and settlement Officer or to a revenue officer notified by the government in the official Gazette as the appellate authority; and
 - (d) if such an order is passed by a survey and settlement officer, to the Director of settlement and land management or to a revenue officer notified by the Government in the official Gazette to be the appellate authority.
- (2) A second appeal shall lie against any order passed in first appeal;
- (a) _if such an order is passed under clause (a) of sub-section (1), to the Government;
 - (b) if such order is passed under clause (c) of sub-section (1), to the Director of settlement and land management or to a revenue officer notified by the Government in the Gazette to be the second appellate authority and
 - (c) _if such an order is passed under clause (d) of sub-section (1), to the Secretary concerned in the Government.

84. Limitation appeals.

No appeal shall lie, -

- (a) in the case of first appeal, after the expiry of thirty days from the dte of the order appealed against; and

- (b) in the case of a second appeal, after the expiry of sixty days from the date of the order appealed against. In computing the above periods, the time required to obtain copies of the order appealed against shall be excluded.

85. Revision.

The Government represented by the concerned Secretary or the Deputy Commissioner may, at any time, either on his own motion or on the application of any party, call for the records of any proceedings before any revenue officer subordinate to him for the purpose of satisfying himself as to the legality or the propriety of any order passed by such revenue officer, and may pass such order in reference thereto as he thinks fit:

Provided that he shall not vary or reverse any order affecting any right between private persons without having given to the parties, notice to appear and be heard.

86. Review of orders.

- (1) A revenue officer may, either on his own motion or on the application of any party interested review any order passed by himself or by any of his predecessors-in-office and pass such order in reference thereto as he thinks fit.

Provided that a revenue officer subordinate to the Deputy Commissioner shall, before reviewing an order under this section, obtain the permission of the Deputy Commissioner and the Deputy Commissioner shall, before reviewing any order passed by any of his pre-decessors-in-office obtain the permission of the Government.

- (2) No order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings or except after notice to the other party and no application for the review of such order shall be entertained unless it is made within ninety days from the date of the order.
- (3) No order shall be reviewed except on the following grounds, namely; (i) discovery of new and important matter of evidence; (ii) some mistake or error apparent on the face of the record, or (iii) any other sufficient reason.
- (4) For the purpose of this section, the Deputy Commissioner shall be deemed to be successor-in-office of any revenue officer who has left the district or who has ceased to exercise powers as a revenue officer and to whom there is no successor in the district.
- (5) An order which has been dealt with in appeal or on revision shall not be reviewed by any officer subordinate to the appellate or revisional authority.

87. Stay of execution of orders.

- (1) A revenue officer who has passed any order or his successor-in-office may, at any time before the expiry of the period prescribed for Appeal, direct the stay of execution of such order for such period as he thinks fit provided that no appeal has been filed.
- (2) Any authority before whom a case is pending in appeal or revision may direct the stay of execution of the order appealed against or under revision for such period as it may think fit. (3) The revenue officer or other authority directing such stay of execution of any order may impose such conditions, or order such security to be furnished, as he or it may think fit.

**CHAPTER IX
RIGHTS OF LAND OWNERS**

88. Accrual of ownership rights on Government land allotted for agricultural purposes.

- (1) Every person, who, at the commencement of this Act, holds any land from the Government for agricultural purposes, and his successors-in-interest shall, subject to the provisions of sub-section (2), become the owner thereof as and from such commencement.

Provided that all leasees of Government land on the date of commencement of the Act, shall continue to hold such land on lease as per original terms of allotment until such time as appropriate rules for allotment of Government land for purposes other than agriculture are framed under appropriate provisions of the Act with the right to transfer the allotted land to any member of indigenous. Arunachal Pradesh Scheduled Tribe of the State on payment of fees as may be prescribed by the Government.

- (2) No rights shall accrue under sub-section (1) in respect of lands which:- (i) are a part of the bed of a river, nallah, a stream or a public tank, or (ii) have been acquired by the Government for any purpose according to the provisions of any law in force for the time being relating to acquisition of land, or (iii) have been used at any time during the five years immediately preceding the commencement of this Act for any public, community or village purpose, or (iv) are declared by the Government by notification in the official Gazettes as reserved or required for any public, community or village purpose.
- (3) Objections to accrual of rights under sub-section (1) may be filed before the competent authority within such time and in such form and manner as may be prescribed by any person who has interest or claims to have an interest in the land either in his individual capacity or as a member of the village or community.
- (4) Should any objection be made under sub-section (3), the competent authority shall inquire into objection in such manner as may be prescribed and decide the same.
- (5) Subject to the provisions of this Act the decision of the competent authority shall be final.
- (6) Every person who, at the commencement of this Act, holds land from the Government for the purpose other than agriculture shall, subject to sub-section (2), be entitled to the settlement of that land on such terms and conditions as may be prescribed.
- (7) Nothing in this section shall entitle any person to sub-let rights in respect of the land, of which he has become the land owner under sub-section (1), or which has been settled with him under sub-section (6).

89. Rights of land owners on Government land allotted for agricultural purposes.

- (1) Every person who has become a landowner under sub-section (1) of section 88 shall :- (a) have transferable rights in the land to the successor subject to the declaration and satisfaction of the District authorities. (b) be entitled by himself, his servant, tenants, agent or their representatives to erect farm buildings, construct wells or tanks or make any other improvements thereon for the better cultivation of the land or its convenient use: (c) be entitled to plant trees on the land, to enjoy the products thereof and to fell, utilize or dispose of the timber of any trees on the land.
- (2) Nothing in sub-section (1) shall entitle a land owner to use his land to the detriment of any adjoining land which is not his or in contravention of the provisions of any other law for the time being in force applicable to such land.

90. **Rights to lease.**

- (1) Subject to the provisions of this Act, a landowner may lease out his land to another person on such rent not exceeding the maximum rent as may be agreed upon between him and such person but shall not exceed; (a) where the rent is payable in kind as a share of the produce, one-fourth of the produce of such land or its value estimated in the prescribed manner if plough cattle for the cultivation of such land is supplied by the landowner and one-fifth of such produce or its value as so estimated if plough cattle is not supplied by the landowner; (b) in any other case, four times the land revenue payable in respect of the land.
- (2) Every lease of land made after the commencement of this Act, shall be for a period of five years and at the end of the said period, and thereafter at the end of each period of five years, the tenancy shall, subject to the provisions of sub-section (3), be deemed to be renewed for a further period of five years on the terms and conditions except to the extent that a modification thereof consistent with this Act is agreed to by both parties.
- (3) In respect of any lease made after the commencement of this Act, landowner who is a member of the Armed Forces of the Union, on his discharge from service or posting to the reserve, may by giving the tenant three months notice in writing before the expiry of any year, and any other landowner may by giving the tenant one year's notice in writing before the expiry of any term of five years terminate the tenancy if the land owner requires the land bonafide for personal cultivation by him.

91. **Land left uncultivated.**

- (1) Where the Deputy Commissioner is satisfied that any land has remained uncultivated for a period not less than two consecutive years otherwise than in accordance with rules made in this behalf under this Act, and that it is necessary for the purpose of ensuring the full and efficient use of the land for agriculture to do so, he may after making such inquiry as may be prescribed lease out the land in accordance with rules made under this Act.
- (2) Any lease made under sub-section (1) shall be deemed to be a lease made by the landowner under sub-section (1) of section 90.

92. **Relinquishment by the land owner of the Government land.**

- (1) Subject to any rules that be made under this Act. Landowner may relinquish his rights in respect of any land in his possession in favour of the Government by giving a notice in writing to the competent authority in such form and manner as may be prescribed, not less than three months before the close of any year and thereupon, he shall cease to be a landowner in respect of that land from the year next following the date of notice:

Provided that relinquishment of only a part of a holding or of a holding which, or part of which is subject to an encumbrance or charge, shall not be valid.

- (2) if any person relinquishes his rights to a land under sub-section (1), the way to which lies through other land retained by him, any future holder of the land relinquished shall be entitled to a right of way through the land retained.

CHAPTER X RIGHTS OF TENANTS

93. **Interest of tenants.**

The interest of a tenant in any land held by him as such shall be in accordance with such terms and conditions as agreed between the parties:

Provided that right to create change over such land so transferred on lease, right to make improvements and compensation thereof, payments of rent; determination of reasonable rent by the authorities; suspension or revision of rent, eviction of tenant; termination of tenancy and other related provisions shall be in such manner as may be prescribed in the Rules made under this Act.

CHAPTER X GENERAL AND MISCELLANEOUS

94. **Recovery of amount due as an arrear of land revenue.**

Without prejudice to any other provision of this Act, any amount due to the Government, whether by way of costs, penalty or otherwise, and any other amount which is ordered to be paid to or recoverable by the Government, under this Act shall be recovered in the same manner as an arrear of land revenue.

95. **Jurisdiction of civil Courts excluded.**

No suit or proceeding shall, unless otherwise expressly provided for in this Act or in any other law for the time being in force, lie or be instituted in any civil court with respect to any matter arising under any provision of this Act.

Provided that if in a dispute between parties a question of title is involved, a civil suit may be brought for the adjudication of such question:

Provided further that the Civil court shall have jurisdiction to decide any dispute to which the government is not a party relating to any right or entry which is recorded in the record of rights.

96. **Revenue settlement officers to be public servants.**

Every plane-tableer, surveyor, supervisor Kanungo, mandal, chairman and every other village officers appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

97. **General provisions as to penalties.**

Whoever contravenes any provisions of this Act for which no penalty has been otherwise provided for therein shall be punishable with fine which may extend to one thousand rupees.

98. **Delegation of powers.**

The State Government may, by notification in the official Gazette, delegate to any officer or authority subordinate to it any of the powers conferred on it or on any officer subordinate to him by this Act, other than the power to make rules, to be exercised subject to such restrictions and conditions as may be specified in the said notification.

99. **Power to make Rules.**

- (a) The State Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.
- (b) In particular, and without prejudice to the generality of the foregoing power, which rules may be provided for all or any of the following matters:-

- (1) the manner of appointment of revenue officers, survey officers and settlement officers, and other village officers and servants, their powers and duties, the official seals, if any, to be used by them and the size and description of the seals;
- (2) The Deputy Commissioner's powers of superintendence and control over other officers;
- (3) the officers who should hear and decide disputes regarding rights in or over many property claimed by or against the Government and the procedure to be followed by them;
- (4) the disposal of Government lands by assignment or grant to individuals or for public purchases and the terms and conditions subject to which such assignments or grants may be made;
- (5) the preservation and disposal of trees, brush wood, jungle and other natural products on Government land and the recovery of the values of trees or other natural product un-authorisedly appropriated by persons;
- (6) the procedure for summary eviction of trespassers on Government land;
- (7) the alteration and revision of the land revenue in cases of alluvion or diluvion or of diversion of land for purposes other than agriculture;
- (8) the grant or permission to use agricultural land for non-agricultural purpose;
- (9) the determination of additional rates for use of water;
- (10) the circumstances in which remission or suspension of revenue may be made and the rate of such remission or suspension;
- (11) the form of receipt for payment of land revenue;
- (12) the conduct of surveys and settlements of land revenue;
- (13) the manner of estimating the cost of cultivation and other expenses relating to the inquiry into profits of agriculture;
- (14) the division of survey number's into sub-divisions and the assessment of sub-divisions;
- (15) the statistical, fiscal and other records and registers to be prepared and maintained under this Act;
- (16) the manner in which the costs and expenses incidental to revenue survey of the construction, repair and maintenance of boundary marks shall be determined and apportioned between persons who are liable to bear the same;
- (17) the fixing, construction, laying out, maintenance and repair of boundary marks, and the settlement of disputed relating thereto;
- (18) the division of areas into units for determining the revenue-rates and the preparation of the table of revenue-rates;
- (19) the preparation and the preliminary and final publication of the record of rights and the table of revenue-rates;
- (20) the hearing and disposal of objections to any entry of omission in the table of revenue-rates, the record of rights, and the register of mutations;
- (21) the manner and extent of alteration or revision of revenue-rates during the term of settlement;
- (22) the correction of bonafide errors and mistakes in the revenue records, registers and maps prepared under this Act;
- (23) the manner in which the average yield of crops of land shall be ascertained;
- (24) the manner of holding inquires by revenue officers under this Act;
- (25) the application of the provisions of the code of Civil Procedure, 1908, to cases and proceeding before a revenue court;

- (26) the forms of summons and other processes, notices, orders and proclamations to be issued or made by revenue officers and the manner of their services;
- (27) the procedure for the attachment and sale of property and the confirmation and the setting aside of sales of immovable property under Chapter VII;
- (28) the manner of publication of notice and proclamations of attachment and sale of property;
- (29) the manner in which the cost and expenses incidental to the attachment and sale of property shall be determined;
- (30) the manner of payment of deposit and of the purchase money of property sold for arrears of land revenue;
- (31) the circumstances in which precautionary measures for securing the land revenue under section 76 may be taken;
- (32) the procedure for the transfer of cases from one revenue officer to another;
- (33) the manner of preferring appeals or applications for revision or review, the documents to accompany the memorandum of appeal or such application and the fee, if any, leviable therefore;
- (34) the grant of certified copies and the payment of fees for inspection and grant of certified copies of revenue records and registers;
- (35) the mode of execution of any orders directing any person to deliver possession of land or to be evicted from land, including the use of force for securing compliance with such order;
- (36) the form of notices to be issued under this Act and the manner of their service;
- (37) the manner of holding inquires under this Act;
- (38) the circumstances in which and the period for which land used for agricultural purposes may be left uncultivated;
- (39) the conditions subject to which lands may be leased by the Deputy Commissioner under Section 91;
- (40) the form of applications to be made under this Act, the authorities to whom they may be made and the procedure to be followed by such authorities in disposing of the application;
- (41) the determination of the value of the procedure of land, the profits of agriculture, and the rental value of land, for the purposes of this Act;
- (42) the time and manner of payment of rent by the tenant;
- (43) the form of receipt for rent to be given by the land owner;
- (44) the factors to be taken into account in determining reasonable rent for land and in commuting rent in kind into money rent;
- (45) the nature and the extent of relief to the tenant in cases of suspension or remission of land revenue by the Government;
- (46) the determination of compensation for improvements to tenants who are evicted from land;
- (47) the grant of permission to surrender land;
- (48) the determination of the price to be paid by the tenant for land in respect of which the first option to purchase is exercised;
- (49) any other matter which is to be or may be prescribed.

100. (1) On and from the date on which any of the provisions of this Act are brought into force in any area in the State of Arunachal Pradesh, the laws/instructions or such executive directions as relate to the matters covered by the provisions so brought into force shall stand superseded/cancelled in-such area/areas.

- (2) Such supersession or cancellation shall not effect:
- (a) the previous operation of anything duly done or suffered thereunder;
 - (b) any right, privilege, obligation or liability acquired, accrued or incurred;
 - (c) any penalty, forfeiture or punishment incurred in respect of any offence committed;
 - (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 proceedings or remedy may be instituted or enforced and any such penalty, forfeiture or punishment may be imposed as if such executive notification had not been superseded or cancelled.

- (3) Subject to the provisions contained in sub-section (2), any appointment, rule, order, notification or proclamation made or issued, any lease rent right or liability granted, fixed acquired or incurred and any other thing done or action taken under any of the enactment or parts thereof repealed under sub-section (1) shall, in so far as it is not inconsistent with the provisions of this Act brought in to force, be deemed to have been made, issued, granted, fixed, acquired, incurred, done or taken under this Act and shall continue to be in force until superseded by anything done or any action taken under this Act.



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GOVERNMENT OF ARUNACHAL PRADESH
LAW, LEGISLATIVE AND JUSTICE DEPARTMENT
CIVIL SECRETARIAT
ITANAGAR

NOTIFICATION

The 11th April, 2018

No. Law/Legn-9/2018.—The following Act of Arunachal Pradesh Legislative Assembly which was passed in the Fifteenth Session of the Sixth Legislative Assembly and received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 7th May, 2018)

THE ARUNACHAL PRADESH (LAND SETTLEMENT AND RECORDS) (AMENDMENT) ACT, 2018

ACT NO. 11 OF 2018)

An

Act

to amend the Arunachal Pradesh (Land Settlement and Records) Act, 2000 (Act No.10 of 2003).

BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Sixty-ninth Year of the Republic of India as follows,-

1. (1) This Act may be called the Arunachal Pradesh (Land Settlement and Records) (Amendment) Act, 2018. Short title, extent and commencement.
- (2) It shall extend to the whole of the State of Arunachal Pradesh.
- (3) It shall come into force on the date of its publication in the Official Gazette.
2. In the Arunachal Pradesh (Land Settlement and Records) Act, 2000 (Act No. 10 of 2000), (hereinafter referred to as the Principal Act), in section 88, after sub-section (1), the following Sub-Section shall be inserted,-
"(1A) Every person, who holds valid land possession document issued by the competent authority, outside notified forest shall be entitled to be conferred ownership rights on such terms and conditions, as may be prescribed".
Amendment of section 88.
3. (1) In the Principal Act, in section 90, for sub-section (1), the following shall be substituted,-
"(1) Subject to the provisions of this Act or any other law for the time being in force, a land owner may lease out his land to another person or entity for the permissible land use on such terms and conditions as may be agreed upon between him and such person or entity for such period not exceeding thirty three years".
Amendment of section 90.

(2) In section 90, for sub-section (2), the following shall be substituted,-

“(2) Every lease of land made after the commencement of this Amendment Act shall be for a period, not exceeding thirty three years and at the end of the said period, the same can be renewed for a period not exceeding thirty three years on such modified terms and conditions as may be agreed between both the parties”.

G.S. Meena, IAS
Commissioner to the
Government of Arunachal Pradesh,
Itanagar.
