

The Mizoram (Land Revenue) (Amendment) Bill, 2022

Land Revenue & Settlement Department
Government of Mizoram

THE MIZORAM (LAND REVENUE) (AMENDMENT) BILL, 2022

A BILL

Further to amend the Mizoram (Land Revenue) Act, 2013 (Act No. 5 of 2013).

Be it enacted by the Legislative Assembly of Mizoram in the Seventy Third year of the Republic of India as follows, namely:

1	Short title, extent and commencement.—	<p>(1) This Act may be called the Mizoram (Land Revenue) (Amendment) Act, 2022.</p> <p>(2) It shall have the like extent as the Principal Act.</p> <p>(3) It shall come into force on the date of its publication in the Mizoram Gazette.</p>
2	Amendment of section 2.-	<p>In section 2 of the Mizoram (Land Revenue) Act, 2013 (Act No. 5 of 2013) (hereinafter referred to as the Principal Act):-</p> <p>1) After sub-section (23), the following sub-section (23A) shall be inserted as follows, namely :-</p> <p>“(23A) ‘Land Settlement’ means the settling of land under the Act with individual person or persons or juristic person who entered into an agreement with the Government to pay land revenue and include survey, demarcation of boundary and classification of such settlement;”</p> <p>2) After sub-section (25), the following sub-section (25A) shall be inserted as follows, namely :-</p> <p>“(25A) ‘Periodic Patta’ means a prescribed Land document settling agricultural land periodically whereby an individual has entered into an agreement with the Government to pay land revenue, taxes, cesses at the rate legally assessed or imposed in respect of the land so leased out;”</p> <p>3) After sub-section (27), the following sub-section (27A) shall be inserted as follows, namely :-</p>

		<p>“(27A) ‘plot number’ means a portion of land in an area formed into or recognised as a plot number in respect of which the area and the land revenue payable are separately entered in the prescribed records under an indicative number and includes any portion of land entered in the previous records.”</p> <p>4) After sub-section (30), the following sub-section (30A) shall be inserted as follows, namely :-</p> <p>“(30A) ‘Property Card’ means a prescribed land settlement document issued by the Government to an individual person or persons or juristic person who entered into an agreement with Government to pay land revenue, taxes cesses at the legally assessed in respect of land so allotted.”</p> <p>5) After sub-section (48), the following sub-section (48A) shall be inserted as follows, namely :-</p> <p>“(48A) ‘Village inhabited area (Abadi)’ means ‘inhabited area within the village.’”</p>
3	Amendment of section 17A.-	<p>Sub-section (3) of section 17A of the Principal Act shall be substituted as follows, namely.-</p> <p>“(3) All the areas earmarked for public amenities shall be plotted and demarcated, and the earth-works for public roads shall, as far as practicable, be completed as planned before demarcation of the adjacent lands for regularization of the occupation thereof:</p> <p>Provided that no person shall have the right to claim any compensation in respect of any land or any crop or structure thereon within the area earmarked or planned for public amenities.”</p>
4	Amendment of section 21.-	<p>In section 21 of the Principal Act after sub-section (1), the following sub-section (1A) shall be inserted as follows, namely:-</p> <p>“(1A) Property Card holder is a person to whom land has been permanently settled for residential purpose by the government in a Village-inhabited area (Abadi Area) under Section (48A).”</p>

5	Insertion of new section 23A.-	<p>After section 23 of the Principal Act, a new section 23A shall be inserted as follows, namely:-</p> <p>“(23A) Status of a property card holder:- Every person who acquires the right of the Property Card holder under or in accordance with the provisions of this Act and the rules made thereunder and shall be subject to all the liabilities conferred upon the Property Card holder by or under this Act.”</p>
6	Insertion of new section 23B.-	<p>After section 23A of the Principal Act, a new section 23B shall be inserted as follows, namely:-</p> <p>“(23B) “Rights of a property card holder:-</p> <p>(a) Every property Card holder shall have a permanent, heritable and transferable right, title, interest and peaceful possession in his land subject to :-</p> <p>(i) the provisions of this Act and the Rules made there under.</p> <p>(ii) payment of all land revenues, taxes, cesses at the rates fixed by the government from time to time which are legally assessed or imposed in respect of the land as required under this act or any other law for the time being in force; and</p> <p>(b) Nothing in sub section (a) shall entitle a Property Card holder to use his land to the detriment of adjoining land or in contravention of the provisions of any other law for the time being in force applicable to such land.”</p>
7	Amendment of section 38.-	<p>Section 38 of the Principal Act shall be substituted as follows, namely:-</p> <p>“(38) Village Site Plan Map:- A Village Site plan shall be prepared for proper utilization and regulation of house-sites or allotment of property cards in the village. Such plan shall indicate spatial features, such as, road, drains and other land for public and Government areas. The Plan shall also earmark land for future development, such as, roads, drains and land earmarked for future public and government facilities.</p>

		<p>(1) There shall be prepared a map showing the boundaries of survey numbers or plot numbers and waste lands called the field map for every village except when otherwise directed by the State Government.</p> <p>(2) The area to be given for house sites, the area occupied by private holder and the area not so occupied shall be clearly indicated by way of survey number and plot numbers on the basis of the survey. If such marking is not already done, provisional plot numbers shall be given.</p> <p>(3) If the State Government considers that in case of any village it is necessary to show separately in the map prepared under sub-section (2) the plots occupied by private holders, it may direct the Collector to get the map so prepared or revised.</p> <p>(4) If any Village Council passes a resolution that a map of the village should be prepared showing separately the plots occupied by private holders and is willing to contribute to the cost of survey operations in such proportion as may be prescribed, the State Government may undertake the preparation of such map.</p> <p>(5) Such map shall be prepared or revised, as the case may be, by the Settlement Officer and by the Collector at all other times and in all other circumstances.”</p>
8	Amendment of section 48.-	<p>Section 48 of the Principal Act shall be substituted as follows, namely:-</p> <p>“(48) Assessment of land revenue, taxes and fees shall be done in the manner as provided in the rules made under this Act:</p> <p style="padding-left: 40px;">Provided that the annual taxes payable on the lands of the same grade and of the same land-utilisation category shall be assessed at the same rates in terms of percentage of the established valuation thereof, regardless of whether the land is settled or leased, or is held under Property Card, Pass or Periodic Patta.”</p>

9	Insertion of new section 75A.-	<p>After section 75 of the Principal Act, a new section 75A shall be inserted as follows, namely:-</p> <p>“(75A) Share of Government on Acquisition of Land:-</p> <ol style="list-style-type: none">(1) In case of acquisition of land covered by House Pass or Stall Pass or Shop Pass or Periodic Patta or Land Lease, in which the pass holder have a temporary rights, title, interest and possession in the land held, for the purpose of the Union and State crops and building damage compensation as well as land value may be assessed and be paid by the concerned Collector of the District or the concerned Competent Authority for Land Acquisition as the case may be, provided that the validity of the tenure of the said land holding has not expired.(2) Out of the land value paid under sub-section (1) the 15 percent share of the Government shall be deducted by the District Collector or Competent Authority for Land Acquisition as the case may be who shall remit to the State Government Account as revenue.(3) The share of the Government collected under sub-section (2) shall be utilized for the purpose of land administration and other ancillary purposes.(4) The Government of Mizoram may notify such acts under which acquisition made would be subject to such collection of share.(5) Share of the Government shall also be deducted from the Award not yet pronounced even if notification for acquisition was issued under any land acquisition Act by the Union or State.”
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STATEMENT OF OBJECTS AND REASONS

1. The existing provisions of the Mizoram (Land Revenue) Act, 2013 (or MLR Act, 2013 for short) has been amended once vide the Mizoram (Land Revenue) (Amendment) Act, 2019 (Act No. 16 of 2019) and the Mizoram (Land Revenue) (Second Amendment) Act, 2020 (Act No. 4 of 2020). However, the MLR Act, 2013 as amended still needs some additions and modifications to make the law more people-friendly and more practical while ensuring a strengthened mechanism in land-related administration.
- 2.1 The existing provisions of the Mizoram (Land Revenue) Act, 2013 (or MLR Act, 2013 for short) has been amended twice. However, sub section (3) of section 17A of the Mizoram (Land Revenue) Act, 2013 as amended, needs modification since the existing provision demands prior completion of earthwork of public roads as planned in the areas notified for regularisation of unauthorised occupation of lands; and the prior completion of the said work is possible only during normal or sound financial conditions of the State Government which, at present, is not so.
- 2.2 The present proposal aims to allow regularisation of unauthorised occupation of land even if the earthwork of the roads passing through the notified area have not been completed, and to bar claims for compensation on any property land within the road area a, offering a sound and reasonable procedure for implementation of the provisions of section 17A of the Mizoram (Land Revenue) Act, 2013, and speed up the regularisation process.
- 3.1 The Government of the India implemented the Central Sector Scheme "SVAMITVA" to provide an integrated property validation solution for rural India. Under the said scheme 'property card' have to be issued to the rural household owners in the village inhabited areas whose land are surveyed under the scheme. There is no provision for issuance of property card and to collect revenue under the provision of the existing act.

- 3.2 The present proposal aims to incorporate the provision for issuance of property card holder and their status and rights as well as collection of taxes from the land held under the Property Card.
- 4.1 Rule 47(4) of The Mizoram (Land Revenue) Rules, 2013 provides for deduction of 15 percent cess from the compensation paid to the land holder of temporary land holding when the land is acquired under the acquisition act. But there is no provision to deduct the said cess under the provision of The Mizoram (Land Revenue) Act, 2013.
- 4.2 The present proposal aims to incorporate the levy of Government share from the compensation paid to the land holder of temporary land holding when the land is acquired under the acquisition act.
- 5.1. The proposal, being for the interest of both the Government and the people may, therefore, be kindly considered favourably by the Hon'ble Council of Ministers.

Dated Aizawl,
The 7th July, 2022.



(LALRUATKIMA)

Minister

Land Revenue & Settlement Department
Mizoram, Aizawl.

FINANCIAL MEMORANDUM

The present proposal to amend the Mizoram (Land Revenue) Act, 2013 does not involve any additional financial implication for the State Government; it will instead allow collection of Government share from the compensation paid to the land holder of temporary land holding when the land is acquired under the acquisition act

Dated Aizawl,
The 7th July, 2022.



(LALRUATKIMA)

Minister,
Land Revenue & Settlement Department,
Mizoram, Aizawl.