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NOTIFICATION

No. DCA/R—19/79/24, the 30th. August, 1980. In pursuance of paragraph II of the Sixth Schedule to the Constitution of India, the following Act made by the Pawi Autonomous District Council under paragraph 3 of the said schedule and assented to by the Administrator of Mizoram is hereby published for general information.

J. W. Sundara Raj,
Secretary to the Govt. of Mizoram

Pawi District Council Act No. 2 of 1980

Pawi Autonomous District Agricultural Land Act, 1979.

An Act

to provide for the control and allotment of land for agriculture in the Pawi Autonomous District.

Preamble—Whereas it is expedient to provide for the control and allotment of land for the improvement of agriculture within the Pawi Autonomous District of Mizoram.

It is hereby enacted in the Thirtieth Year of the Republic of India as follows :—

1. *Short title, extent and commencement*—

- (1) This Act may be called the Pawi Autonomous District Agricultural Land Act, 1979.
- (2) It extends to the whole of the Pawi Autonomous District.
- (3) It shall come into force at once.

2. *Definitions*—In this Act, unless the context otherwise requires—

- (a) “Administrator” means the Administrator of the Union territory of Mizoram appointed under article 239 of the Constitution ;
- (b) “allotment” with respect to land means allotted in writing by the Executive Committee or any Officer authorised by it in writing in this behalf and registered in the District Council Office ;
- (c) “District” means the Pawi Autonomous District ;
- (d) “District Council” means the Pawi Autonomous District Council ;
- (e) “Executive Committee” means the Executive Committee of the Pawi District Council ;
- (f) “garden” means any land cultivated for fruits, vegetables, sugar cane or other plantations including flowers, bamboos, trees for timbers and other products ;
- (g) “wet cultivation” means an area or areas suitable for permanent cultivation and used for such purposes and shall also include terraces for permanent cultivation and wet paddy cultivation ;
- (h) “farm” means cattle farm, poultry farm, fish farm, piggery farm ;
- (i) “land” includes all lands either vacant or occupied within the District and also benefits to arise out of lands, and things attached to the earth or permanently fastened to anything attached to the earth, but shall not include minerals, mineral oil, natural gas, petroleum and reserved trees ;
- (j) “vacant land” means any land which has not been allotted to any one, whether occupied or unoccupied and over which no body has acquired any right ;
- (k) “prescribed” means prescribed by rules.

3. *Application of the Act*— This Act shall apply to all lands within the District, except the following:—

- (a) Land included in the State reserved forest.
- (b) The soil of all Government and public roads.
- (c) All lands in the Council reserved forest and any other area or areas as may be notified from time to time by the Executive Committee.

4. *Allotment*— (1) The Executive Committee or any Officer authorised by it in writing shall have the power to allot any vacant land for the purpose of garden, or wet cultivation or any farm.

(2) All such allotments shall be made by issue of patta or periodic patta in a prescribed form in which the location and the area in hectares of the allotment shall be clearly and specifically defined.

(3) The Executive Committee may, by rules, impose such conditions and terms as it may deem reasonable on all allotments of lands made under sub-section (1) of this section in the interest of general public or of Scheduled Tribes.

5. *Land to be occupied only under patta*— No person shall occupy and take possession of any land unless allotted and patta or periodic patta obtained in accordance with the provisions of this Act.

6. *Patta for lands already occupied*— (1) All lands already occupied under any pass or permit granted by any authority before the commencement of this Act shall have to be registered and fresh patta or periodic patta obtained from the District Council within such time and in such manner and on payment of such fees as may be prescribed ;

(2) Failure to carry out the provisions of sub-section (1) and the rules there under may entail cancellation of the pass or permit by the Executive Committee/ provided that due notice is served to the person concerned :

Provided further that the Executive Committee shall not refuse fresh patta or periodic patta, as the case may be, in any case where registration is applied for in accordance with the provisions of sub-section (1) and the rules thereunder.

7. *Rights over land*— (1) The patta holder shall have heritable and transferable right of use on, or of subletting, in his land subject to :—

- (a) the payment of all revenues and taxes from time to time legally assessed or imposed in respect of the land ;
 - (b) such terms and conditions as are imposed by rules made under this Act ;
- Provided that a periodic patta holder shall have such rights only during the term of the periodic patta.

(2) No person shall acquire by length of possession or otherwise any right over land disposed of, allotted or occupied unless registered and patta or periodic patta obtained in accordance with the provisions of this Act.

8. *Registration*— The Executive Committee or any Officer authorised by it in writing in this behalf shall maintain a register of land records in which all allotments of land shall be registered :

Provided that the Executive Committee or such Officer may refuse to register any unauthorised garden or wet cultivation or farm and in such case such land shall be deemed to be open for allotment by the appropriate authority.

9. *Transfer of lands*— Any transfer in respect of any registered garden or wet cultivation or any farm due to sale or otherwise shall be reported to the Executive Committee for necessary in-corporation in the register, failing which the permit or pass may be liable to be cancelled.

10. *Eviction*— (1) If any person is found to be in possession of land otherwise than in accordance with the provisions of this Act, any officer authorised by the Executive Committee may evict the person after serving a notice on him requiring him to vacate the land within three months from the date of service of the notice and to remove any building or fence which may have been raised on such land, subject to the condition that crops actually growing on the land may be allowed to remain till they are ripe for ensuing harvest.

(2) Any person aggrieved by an order under sub-section (1) may, within a period of sixty days from the date of such order, prefer an appeal to the Executive Committee. Every order passed in appeal under this section shall be final.

11. *Penalty*—(1) If any person contravenes any of the provisions of this Act or the rules thereunder, he shall be liable to a fine which may extend to five hundred rupees and in case of continuing breach to a further fine which may extend to ten rupees for each day during which the breach continues.
- (2) The Executive Committee may impose fine for the contravention of any provisions of this Act or any rule thereunder to the extent prescribed in sub-section (1) of this section after giving reasonable opportunity for hearing and recording the reasons and findings or all facts on which the order is based.
12. *Rules*—Subject to the previous approval of the Administrator, the Executive Committee may make rules for carrying out the provisions of this Act.
13. *Power of Administrator to give directions*—The Administrator may, if he is of opinion that it is expedient in the public interest so to do, give such directions as he may deem necessary to the District Council, regarding the carrying into execution of the provisions of this Act, and in particular regarding the allotment of land for the purposes of the Government or for any other public purpose and the District Council shall comply with such directions.
14. *Repeal*—(1) The Pawi—Lakher Autonomous Region (Agricultural Land) Act, 1959 (Act 1 of 1960) (hereinafter referred to as the said Act) is hereby repealed.
- (2) Notwithstanding such repeal, and subject to the provisions of section 6, all actions taken or orders made or directions given under the provisions of the said Act shall be deemed to be taken, made or given under the respective provisions of this Act and subsequent actions, if any, with regard to any such action, order or direction shall be in accordance with the provisions of this Act.