

THE MANIPUR LAND REVENUE AND LAND REFORMS ACT, 1960 ---

(No. 33 of 1960)

[13th September, 1960]

An Act to consolidate and amend the law relating to land revenue in the State of Manipur and to provide for certain measures of land reform.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:-

PART I

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement :**

(1) This Act may be called the Manipur Land Revenue and Land Reforms Act, 1960.

(2) It extends to the whole of the State of Manipur except the hill areas thereof:

Provided that the State Government may, by notification in the official Gazette, extend the whole or any part of any section of this Act to any of the hill areas of Manipur also as may be specified in such notification.

(3) It shall come into force on such, date as the State Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different areas and different provisions of this Act.

2. **Definitions :**

In this Act, unless the context otherwise requires-

- (a) (Omitted).
- (b) 'agriculture' includes horticulture, the raising of annual or periodical crops or garden produce, dairy farming, poultry farming, stock breeding and grazing and pisciculture ;
- (c) 'basic holding' means land used for agricultural purposes which is equal to one hectare in area;
- (d) 'commencement of this Act', in relation to any provision, means the date specified in respect of that provision in a notification under sub-section (3) of Section 1;

- (e) 'competent authority', in relation to any provision, means any officer appointed by the State Government to be the competent authority for the purposes of that provision;
- (f) 'Deputy Commissioner', means the Deputy Commissioner of the district and includes any officer appointed by the State Government to exercise and perform all or any of the powers and functions of a Deputy Commissioner under this Act;
- (g) 'family', except in Chapter XI, means, in relation to a person, the wife or husband of such person, his children, grand-children, parents and brothers, and in the case of a joint Hindu family, any member of such family;
- (h) 'family holding' means land used for agricultural purposes which is equal to three hectares in area;
- (i) (i) 'Government', means the State Government;
- (ii) 'District Council', means the 'Council' constituted under Section 4 of the Manipur (Hill Areas) District Councils Act, 1971;
- (j) 'hill areas' means such areas in the hill tracts of the State of Manipur as the State Government may, by notification in the official Gazette, declare to be hill areas;
- (k) 'holding' means a parcel of land separately assessed to land revenue;
- (l) '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 and consistent with the character thereof, and includes-
 - (i) the construction of tanks, wells, water channels and other works for the storage, supply and 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 into two-crop land;
 - (v) the reclaiming, clearing, enclosing, levelling or terracing of land used for agricultural purposes;
 - (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 of a cattle shed, a store-house or other construction for agricultural purposes 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 alterations therein or additions thereto as are not of the nature of ordinary repairs;
- (m) 'land owner', in relation to any land, means a person who acquires rights of ownership in respect of such land under sub-section (1) of Section 99 and includes the successors-in-interest of such person;
- (n) 'minor' means a person who is deemed not to have attained majority under the Indian Majority Act, 1875;
- (o) 'official Gazette' means the Manipur Gazette;
- (p) 'pay', 'payable', and 'payment', used with reference to rent, include 'deliver', 'deliverable' and 'delivery' :
- (q) "person 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 (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;
- (r) '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 on wages payable in cash or in kind but not as a share of produce under his personal supervisions or the personal supervision of any member of his family;

Explanation I – Land shall not be deemed to be cultivated under the personal supervision of a person unless such person or member resides in the village in which the land is situated or in a nearby village, within a distance to be prescribed, during the major part of the agricultural season;

Explanation II – In the case of a person under disability, supervision by a paid employee on behalf of such person shall be deemed to be personal supervision;

- (s) 'prescribed' means prescribed by rules made under this Act;
- (t) 'public purpose' includes a purpose connected with settlement of land with cultivators, tenants ejected as a result of resumption, landless agricultural workers, ex-servicemen or co-operative farming societies;
- (u) "rent" means whatever is lawfully payable, 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 the produce, on account of the use or occupation of land or on account of any right in land but shall not include land revenue;

- (v) 'tenant' means a person who cultivates or holds the land of another person under an agreement, express or implied, on condition of paying therefore rent in cash or in kind or delivering a share of the produce and includes a person who cultivates or holds land of another person on payment of lousal;
- (vv) 'Tribunal' means any officer appointed by the State Government to be the tribunal for the purposes of this Act and any other law for the time being in force in the State of Manipur;
- (w) 'village' means any tract of land which before the commencement of this Act was recognised as or was declared to be a village under any law for the time being in force or which may after such commencement be recognised as a village at any settlement or which the State Government may, by notification in the official Gazette, declare to be a village;
- (x) 'year' means the agricultural year commencing on such date as the State Government may, in the case of any specified area, by notification in Gazette, appoint.

PART II
CHAPTER II

REVENUE DIVISIONS, REVENUE OFFICERS
AND THEIR APPOINTMENT

3. **Power to create, alter or abolish 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 districts, and may similarly divide any district into sub-divisions and tehsils, and may alter the limits of, or abolish, any district, sub-division or tehsil.

(2) The districts, sub-divisions and tehsils existing at the commencement of this Act shall continue respectively to be districts, sub-divisions and tehsils under this Act unless otherwise provided under subsection (1).

4. **Appointment of revenue officers :**

The Government or such officer as may be authorised by the Government in this behalf, may appoint the following classes of revenue officers, namely:-

- (a) revenue commissioner;
- (b) deputy commissioner;
- (c) additional deputy commissioner;
- (d) director of settlement and land records;
- (e) sub-divisional officers;
- (f) extra-assistant commissioners;
- (g) survey and settlement officers;
- (h) assistant survey and settlement officers;
- (hh) settlement supervisor;
- (i) sub-deputy collectors;
- (j) revenue inspectors;
- (k) supervisor kanungos;
- (l) jilladars;
- (m) mandals; and
- (n) such other village officers and servants as may be appointed by order made under this Act.

5. **Deputy Commissioner and certain other revenue officers:**

(1) Each district 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-division shall be placed under the charge of a sub-divisional officer.

(4) The extra-assistant 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.

(5) Each tehsil shall be placed under the charge of a sub-deputy collector.

(6) The duties and powers of the sub-divisional officers, the sub-deputy collectors 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 State Government published in the official Gazette.

6. **Settlement Officers:**

The officers specified in items (c), (f) and (g) of Section 4 shall have power to take cognizance of all matters connected with the survey of land and the settlement of revenue rates and the preparation and maintenance of land records and other registers and shall exercise all such powers and perform all such duties as may be prescribed by any general or special order of the State Government published in the official Gazette.

7. **Subordinate of revenue Officers :**

(1) All revenue officers shall be subordinate to the Revenue Commissioner and all revenue officers in the district or a sub-division shall be subordinate to the deputy commissioner or the sub-divisional officer, as the case may be.

(2) All revenue officers in the settlement department shall be subordinate to the Director of Settlement and Land Records.

8. **Combination of offices :**

It shall be lawful for the State Government to appoint one and the same person to any two or more of the offices provided for in this Chapter, to make any appointment by virtue of office and also to confer on any officer of the Government or any of the powers and duties of any of revenue officers including the deputy commissioner.

9. **Notification of appointment :**

All appointments made under this Chapter except appointments of revenue inspectors, supervisor kanungos, zilladars, mandals and other village officers and servants shall be notified in the official Gazette.

10. **Seals :**

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

CHAPTER III
LAND AND LAND REVENUE

11. **Title of Government to lands, etc:**

(1) All lands, public roads, lanes and paths and bridges, ditches, dikes and fences on or the same, the beds of rivers, streams, nallahs, lakes and tanks and all canals and water courses, and all standing and flowing water and all rights in or over the same or appertaining thereto, which are not the property of any person are and 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, minerals and mineral products shall vest in the Government, and it shall have all the powers necessary for the proper enjoyment of such rights.

(3) Where any property or any right in or over any property is claimed by or on behalf of the Government or by any person as against the Government and the claim is disputed, such dispute shall be decided by the deputy commissioner whose order shall, subject to the provisions of the Act, be final.

(4) Any person aggrieved by an order made under sub-section (3) or in appeal or revision there from may institute a civil suit to contest the order within a period of six months from the date of such order, and the decision of the civil court shall be binding on the parties.

12. **Right to trees, forest, etc:**

(1) The right to all trees, jungles or other natural products growing on land set apart for forest reserves and to 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, vest in Government, and such trees, brush-wood, jungle or other natural product shall be preserved or disposed of in such manner as may be prescribed, keeping in view the interest of the people in the area with regard to the user of the natural products.

(2) All trees or other natural products growing on or by the side of any public road or path vest in the Government.

13. **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 for pasturage for the village cattle, for forests reserves or for any other purpose.

13-A. **Right to fisheries:**

(1) The Deputy Commissioner with the previous sanction of the State Government may, by notification published in the prescribed manner declare any collection of water, running or still, to be a fishery, and no right in any fishery so declared shall be deemed to have been acquired by

any person or group of persons, either before or after the commencement of this Act, except as provided in the rules framed under sub-Section (2).

(2) The State Government may, without prejudice to the generality of the provisions of Section 98, make rules for carrying out the purposes of this section and such rules shall be published in official Gazette.

14. **Allotment of land:**

(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, and such rules may provide for allotment of land to persons evicted under Section 15.

(2) The State 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 the time being in force.

15. **Unauthorised occupation of land:**

(1) Any person who occupies or continues to occupy any land belonging to Government without lawful authority shall be regarded as a trespasser and may be summarily evicted there from by the competent authority and any building or other construction erected or anything deposited on such land, if not removed within such reasonable time as such authority may from time to time fix for the purpose, shall be liable to be forfeited to the Government and to be disposed of in such manner as the competent authority may direct:

Provided that the competent authority may, in lieu of ordering the forfeiture of any such building or other construction, order the demolition of the whole or any part thereof.

(2) Such trespasser shall also be liable by way of penalty to pay a sum which may extend to six times the annual assessment on such land as may be specified by the competent authority and such sum shall be recoverable in the same manner as an arrear of land revenue.

(3) Upon payment of the penalty referred to in sub-section (2), the trespasser shall have the right of tending, gathering and removing any un-gathered crops.

16. **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 State Government may exempt any land from the liability to such payment by means of a special grant or contract or in accordance with any law for the time being in force or the rules made under this Act.

17. **Alluvial land:**

(1) 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 vest 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 two fifths of a hectare.

18. **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 two-fifths of a hectare in extent, is lost by diluvion.

19. **Assessment of 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 purpose.

(2) Where land assessed for use for any 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 rules made under this Act.

20. **Diversion of land:**

(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 may 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 for the diversion a penalty not exceeding one 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; and such notice may require such person to remove any structure, to fill up any excavation, 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. The competent authority may also impose on such person a penalty not exceeding one hundred rupees for such contravention, and a further penalty not exceeding four rupees for each day during which such contravention continues.

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

21. **Remission of suspension of revenue on failure of crops:**

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

22. **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; and
- (b) the tenant or any other 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 land revenue under sub-section (1), all of them shall be jointly and severally liable for its payment.

23. **Receipt for land revenue :**

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

CHAPTER IV

SURVEY AND SETTLEMENT OF LAND REVENUE

24. **Definition of “revenue survey”, “settlement” and “term of settlement ”:**

The operation 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 “term of settlement”.

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

(1) As soon as may be after the commencement of this Act, the State Government shall take steps to institute and shall cause to be constantly maintained, in accordance with rules made under this Act, and 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 building and stock, on all expenditure for seed and manure and on the cost of agricultural operations paid for in cash.

26. **Revenue Survey:**

Whenever the State 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 rights connected therewith or the revision of an existing settlement or record of rights.

27. **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 of 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.

28. **Survey numbers and villages:**

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

- (a) divide the lands to which the revenue survey extends into survey numbers and group the survey numbers into villages, and
- (b) recognise the existing survey numbers, reconstitute them or form new survey numbers.

29. **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.

30. **Determination of revenue rates:**

The State 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.

31. **Preparation of statistical and fiscal 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 order as may from time to time be made in this behalf by the State Government.

32. **Revenue-rates how determined:**

For the purpose of determining the revenue-rates, the settlement officer may divide any area into units and in forming such units, he shall have regard to the physical features, the agricultural and economic conditions and trade facilities and communications; and shall then determine the revenue-rates for different classes of lands in each such unit in the manner and according to the principles prescribed and in particular, in the case of agricultural land, to the profits of agriculture, to the consideration paid for leases, to the sale 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.

33. **Publication of table of revenue-rates:**

(1) The settlement officer shall prepare a table of revenue-rates in the prescribed form and publish it in the prescribed manner for the prescribed period.

(2) Any person objecting to an entry in the table of revenue-rates may present a petition in writing to the settlement officer within the prescribed period and the settlement officer shall consider such objection after giving a hearing to the objector.

(3) The settlement officer shall submit the table of revenue-rates to the State Government together with a summary of objections, if any, this

decisions on such objections and a statement of the grounds in support of his proposals.

34. **Confirmation of the table of revenue-rates :**

(1) The Government may confirm with modifications, if any, the table of revenue rates submitted by the settlement officer.

(2) The table of revenue-rates confirmed under sub-section (1) shall be finally published in the official Gazette .

35. **Rates of revenue to form part of settlement register:**

The table of revenue rates published under Section 34 shall be incorporated in and form part of the settlement register of the village.

36. **Introduction of revenue-rates:**

When the revenue-rates are determined 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 34.

37. **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 revised in any area 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) The Government may extend the term of settlement if the circumstances of a local area be such that a fresh determination of the revenue-rate may be inexpedient:

Provided that the term of settlement so extended shall in no case exceed the period of ten years.

38. **Assessment on Holdings:**

(1) The settlement officer shall calculate the assessment on each holding in accordance with the revenue-rates confirmed and finally published under Section 34 and such assessment shall be the fair assessment:

Provided that the revenue of any holding, irrespective of its size, shall not be less than rupees two.

(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-free.

(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 leases, to the sale 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 at 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.

39. **Additional assessment for water advantages :**

Notwithstanding anything contained in this Chapter, the State 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 improvement in existing irrigation works completed after the table of revenue- rates came into force and not affected by or at the expense of the holder of the land.

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

Notwithstanding anything contained in this Chapter, all survey operations commenced under any law 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 at any time, notwithstanding anything contained in Section 37.

41. **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 State 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 miscalculation:

Provided that no arrear of land revenue shall become payable by reason of such correction.

CHAPTER V**LAND RECORDS**42. **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 particular and any other record or register, in accordance with the rules made under this Act.

43. **Publication of the record of rights:**

(1) When a record of rights has been prepared, the survey officer shall publish a draft of record in such manner and for such period as may be prescribed and shall receive and consider any objections which may be made to any entry therein or to any omission there from during the period of such publication.

(2) When all objections have been considered and disposed of in accordance with the rules made in this behalf, the survey officer shall cause 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.

44. *(Omitted).*45. **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 any entry in such record which he is satisfied has been made owing to a *bona fide* mistake.

46. **Register of mutation:**

(1) There shall be maintained for every village a register of mutations in such form and in such manner as may be prescribed.

(2) Any person acquiring by succession, survivorship, inheritance, partition, purchase, exchange, gift 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 competent authority within three months from the date of such acquisition and such authority shall give at once a written acknowledgement in the prescribed form for such report to the person making it,

(3) The competent authority shall enter the substance of every report made to it 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 it has reason to believe to have taken place and of which a report has not been made under the said sub-section and, at the same time, shall post up a complete copy of the entry in a conspicuous place in the village and shall give written intimation to all persons appearing from the record of rights or the register of mutations to be interested in the mutations and to any other person whom it has reason to believe to be interested therein.

(4) Should any objection to any entry made under sub-section (3) in the register of mutations be made either orally or in writing to the competent authority, the particulars shall be entered in the register of disputed cases and the competent authority shall at once give a written acknowledgement in the prescribed form 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 mutations by the competent authority:

Provided that a person, who does not acquire any right under sub-section (2) or by mortgage or lease, shall not make objection on the basis of possession.

(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.

47. **Penalty for neglect to furnish information:**

The Deputy Commissioner may, if he is of opinion that any person has willfully neglected to make the report required by Section 46 within the prescribed period impose on such person a penalty not exceeding twenty-five rupees.

48. **Assistance in preparation of maps:**

Subject to the 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 of register under this Chapter, exercise any of the powers of the Survey Officer under Section 27 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 preparation or revision such maps or plans and all expenses incidental thereto and such of costs and expenses shall be recoverable in the same manner as an arrear of land revenue.

49. **Certified copies:**

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

50. **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.

51. **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 State Government, be transferred from the Deputy Commissioner to the Settlement Officer.

CHAPTER V-A

PARTITION

51-A. **Definitions:** For the purposes of this Chapter :

- (a) *'fragment'* means a holding of less than one hectare of land in area;
- (b) *'holding'* means the aggregate area of land held by a person as a landowner;
- (c) *'land'*, as distinct from the definition given in Section 135, includes land used for non-agricultural purposes;
- (d) *'partition'* means the division of a holding into two or more such holding each separately liable for the revenue assessed thereon.

51-B. **Petition for partition :**

(1) A landowner may at any time, by applying in writing to the Deputy Commissioner, claim partition of the holding.

(2) On receipt of such an application the Deputy Commissioner shall serve notice on all such recorded landowners of the land as have not joined in the application, requiring them to raise objections, if any, within a prescribed period :

Provided that the Deputy Commissioner may, if he thinks it necessary, publish a proclamation as may be prescribed.

(3) If any objection preferred under sub-section (2) raises any question of title which has not been already determined by a court of competent jurisdiction, the Deputy Commissioner shall stay the proceedings for such time as, in his opinion, is sufficient to admit of a suit being instituted in the civil court of the objection.

(4) The Deputy Commissioner staying the proceedings under sub-section (3) shall make an order requiring the objector or if for any reason he deems it more equitable, the applicant, to institute such a suit not being

instituted within that time, may disallow the objection, or dismiss the application, as the case may be.

(5) If the objection preferred under sub-section (2) does not raise any question of title, the Deputy Commissioner shall dispose of it himself, unless for any reason he thinks it fit to require that it be submitted to a civil court for adjudication in which event the provisions of sub-section (3) and sub-section (4) shall apply to the objection.

51-C **Partition in accordance with finding of civil court:**

The Deputy Commissioner shall be guided by the decision of the civil court of competent jurisdiction on the question of title and the proceedings stayed under sub-section (3) and sub-section (5) of Section 51-B shall be disposed of when the decision of the civil court is communicated to the Sub-Deputy Collector by an interested party and after notice has been given to the other parties.

51-D **Restriction on partition :**

The provisions of this Chapter shall, in relation to holdings unused for agricultural purposes, be subject to Section 153, Section 154 and Section 155 for prevention of fragmentation.

51-E **Partition of land held in severalty or in common:**

(1) Where there are no lands held in common, the lands held in severalty by the applicant for partition shall be declared a separate holding and shall be separately assessed to land revenue.

(2) Where some of the lands are held in common, the Sub-Deputy Collector shall make such division as may secure to the applicant his fair portion of the common lands, and the portion of the common lands falling by the partition to the share of the applicant shall be added to the land held by him in severalty, and the aggregate thus formed shall be declared a separate holding and shall be separately assessed to land revenue.

(3) Where all the lands are held in common the Deputy Commissioner shall make such a partition as may secure to the applicant his fair share of the holding, and the land allotted to him shall be declared a separate holding and shall be separately assessed to land revenue.

Provided that in making partition under this section, the Deputy Commissioner shall give effect to any transfer of lands held in severalty, forming part of the holding, agreed to by the parties and made before the order for partition,

51-F **Special provisions for building :**

If, in making a partition, it is necessary to include in the holding assigned to one share the land occupied by a dwelling house, or other buildings, of permanent nature, in possession of building thereon on

condition of his paying a reasonable ground-rent for it to the sharer in whose portion it may fall.

51-G **Special provisions for places of worship and burial ground:**

(1) Places of worship and burial grounds, held in common previous to the order of partition of a holding shall continue to be so held, unless the parties otherwise agree among themselves,

(2) In cases where the parties agree among themselves they shall state in writing the agreement into which they have entered, and their statement shall be filed with the record.

51-H **Special provisions for tanks, well, water courses and embankments:**

(1) Tanks, wells, water courses and embankments shall be considered as attached to land for the benefit of which they were originally made.

(2) Where from the extent, situation or construction of any such work, it is found necessary that it should continue to be the joint property of landowners to two or more of the holdings in which the holding is divided, the Deputy Commissioner shall determine the extent to which the landowners of each holding may make use of the work, and the proportion of the charges for repairs to be borne by them respectively, and the manner in which the profits if any, derived from the work, are to be divided.

51-I **Stay of partition in certain cases:**

If at any stages of the proceedings notwithstanding anything contained in this chapter, there appears to be any reason for stopping the partition, the Deputy Commissioner may, of his own motion, stay the partition and may also order the proceedings to be quashed.

51-J **Determination of revenue rate and alteration of record of rights:**

After passing the order for partition, the Deputy Commissioner shall determine the amount of land revenue to be paid by each portion of the divided holding, and shall make the necessary changes in the record of rights:

Provided that the landowners of each of the new holdings shall continue to be jointly and severally liable for arrears, if any, of land revenue on the old holdings due before the order for partition, and the landowners who are benefited by the special provision under Section 51-H and Section 51-I shall be jointly and severally liable for land revenue on the common holdings.

51-K **Execution of partition and proclamation:**

As soon as may be, after the order for partition the Sub-Deputy Collector shall :-

- (a) make the partition under his personal supervision or under the personal supervision of a subordinate revenue officer authorised by him, unless the parties agree to make the partition themselves;
- (b) deliver to the several shares possession of the separate lands allotted to them, and for this purpose may, if necessary, summarily eject any landowners who may refuse to vacate the same :

Provided that in the case of land used for agricultural purposes, the partition shall take effect from the beginning of the agricultural year next after the date of the order for partition;

- (c) on completion of a partition, the Deputy Commissioner shall publish a proclamation of the fact at his office and at some conspicuous place on which all the new holdings of which they originally form a part.

51-L. **Cost:**

The Deputy Commissioner may, in accordance with the rules made under Section 98, require the parties or any of the parties to pay the cost of partition.

51-M. **Appeal:**

An appeal against the decision of the Deputy Commissioner making the partition will lie to Tribunal within ninety days from the date on which the partition takes effect.

CHAPTER VI

BOUNDARIES AND BOUNDARY MARKS

52. **Determination of village boundaries :**

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

53. **Effect to settlement of boundary:**

(1) The settlement of a 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 landholders 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 landholder 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.

54. **Construction and repair of boundary marks:**

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

55. **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.

56. **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 disrepair. It shall be the duty of the village officers and servants to prevent the destruction or unauthorised alteration of the village boundary marks.

57. **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.

58. **Penalty for injuring boundary marks:**

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

CHAPTER VII

REALISATION OF LAND REVENUE AND OTHER PUBLIC DEMANDS

59. **Land revenue to be first charge:**

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

60. **Payment of land revenue:**

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

61. **Arrear of land revenue:**

(1) Any instalment of land revenue or part thereof which is not paid on the due date shall become an arrear of land revenue and the persons responsible for the payment become defaulters.

(2) A statement of account certified by the Sub-Deputy Collector shall, for the purpose of this Chapter be conclusive of the existence of the arrear, of its amounts 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.

62. **Recovery of arrears :**

An arrear of land revenue may be recovered by any one or more of the following processes, namely:-

- (a) by serving a written notice of demand on the defaulter;
- (b) by distraint and sale of the defaulter's movable property, including the produce of the land;
- (c) by the attachment and sale of the defaulter's immovable property.

63. **Notice of demand:**

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

64. **Distraint and sale of movable property :**

(1) The distraint and sale of the movable property of a defaulter shall be made by such officers or class of officers in such manner and in accordance with such procedure, as may be prescribed.

(2) Nothing in sub-section(1) shall be deemed to authorise the distraint or sale of any property which, under the Code of Civil procedure, 1908, is exempt from attachment or sale in execution of a decree or of any article set aside exclusively for religious use.

65. **Sale of immovable property :**

(1) When the Deputy Commissioner is of opinion that the processes referred to in clauses (a) and (b) of Section 62 are not sufficient for the 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 defaulter in any other immovable property to be similarly attached and sold.

66. **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; the notices and proclamations shall also be published in such manner as may be prescribed.

(2) A copy of every notice or proclamation issued under subsection (1) shall be served on the defaulter,

67. **Scale to be by auction :**

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

68. **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.

69. **Sale of perishables:**

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

70. **Sale not to be excessive:**

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

71. **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 25 per cent of the amount of his bid, and the balance within fifteen days of the date of sale.

72. **Failure to make deposit:**

(1) In default of the payment of deposit referred to in Section 71, 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 the balance of the bid amount within the period prescribed in Section 71, 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.

73. **Setting aside sale :**

Where immovable property has been sold under this Chapter, the defaulter, or any person owning such property or holding an interest 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 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 a sum equal to five per cent of the purchase money.

74. **Confirmation of sale:**

If on the expiration of 30 days from the date of sale of any immovable property or of the further period, if any, allowed under Section 73, no application has been made for setting aside the sale, or if any such 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.

75. **Refunds:**

(1) The Deputy Commissioner shall order the refund and payment to the purchaser, of –

- (a) the amounts deposited by him under Section 71: and
 - (b) the sum equal to 5 per cent of the purchase money deposited under clause (b) of Section 73;
- if the sale is not confirmed or is set aside.

(2) The Deputy Commissioner shall order the refund and payment of all the monies deposited under clause (b) of Section 73 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 of such monies against any arrear of land revenue or any other amount recoverable as an arrear of land revenue, which may be outstanding against the person who made the deposit.

76. **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 was purchased the property specified therein; and such certificate shall be deemed to be a valid transfer of such property.

77. **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.

78. **Liability of certified 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.

79. **Precautionary measures 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.

80. **Recovery of other public demands:**

The following monies 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 the use or occupation of land or water or any product of land;
- (b) all monies falling due to the Government under any grant, lease or contract which provides that they shall be recoverable as an arrear 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

PROCEDURE OF REVENUE OFFICERS: APPEALS AND REVISIONS

81. **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 decide any question arising for determination between the Government and any person or between parties to any proceedings, shall be a Revenue Court.

(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.

82. **Place of hearing :**

Except for reasons to be recorded in writing, no Revenue Officer shall inquire into or hear any case at any place outside the local limits of his jurisdiction.

Provided that a Sub-Divisional Officer may inquire into or hear any case at the headquarters of the district to which he is appointed.

83. **Power to enter upon and survey land:**

All Revenue Officers and persons acting under their orders may enter upon and survey any land and demarcate boundaries and do all other acts necessary for the purpose of discharging their duties under this 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.

84. **Power of transfer case:**

(1) The Tribunal 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 or a Sub-Divisional Officer 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 any Revenue Officer subordinate to him to the file of any other Revenue Officer subordinate to him competent to deal with such case or class of cases.

85. **Power to take evidence, summon witnesses, etc. :**

(1) Every Revenue Officer not lower in rank than a Sub-Deputy Collector acting as a Revenue Court shall have power to take evidence and to summon any person whose attendance he considers necessary, either as a party or as a witness or to produce any document, for the purpose of any inquiry which such officer is legally empowered to make;

and all persons so summoned shall be bound to attend either in person or by an authorised agent as such officer may direct, and to produce such documents as may be required.

(2) Every summons shall be in writing, signed and sealed by the officer issuing it and shall be in such form and be served in such manner as may be prescribed.

86. **Compelling attendance of witnesses. :**

If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the summons, the officer by whom the summons has been issued under Section 85 may—

- (a) issue a bailable warrant of arrest; or
- (b) order him to furnish security for appearance; or
- (c) impose upon him a fine not exceeding rupees twenty.

87. **Hearing in absence of party :**

(1) If, on the date fixed for hearing a case or proceeding, a Revenue Officer finds that a summons or notice was not served on any party due to the failure of the opposite party to pay the requisite process fees for such service, the case or proceeding may be dismissed for default of payment of such process fees.

(2) If any party to a case or proceeding before a Revenue Officer does not appear on the date fixed for hearing, the case or proceeding may be heard and determined in his absence or may be dismissed for default:

Provided that where there are more parties than one, and some of them do not appear, the Revenue Officer may, at the instance of the party or parties appearing; permit a case or proceeding to proceed in the same way as if all the parties had appeared, and make such order as he thinks fit.

(3) The party against whom any order is passed under sub-section (1) or (2) may apply, within thirty days from the date of such order, to have it set aside on the ground that he was prevented by sufficient cause from paying the requisite process fees or from appearing at the hearing, and the Revenue Officer may, after notice to the opposite party and after making such inquiry as he considers necessary, set aside the order passed.

88. **Adjournment of hearing:**

(1) A Revenue Officer may, from time to time, for reasons to be recorded, adjourn the hearing of a case or proceeding before him.

(2) The date and place of an adjourned hearing shall be intimated at the time of the adjournment to such of the parties and witnesses as are present.

89. **Power to order payment of costs :**

A Revenue Officer may direct the parties to pay the cost incurred in any case before him and also apportion the cost among the parties in such manner and to such extent as he may think fit.

90. **Use for force:**

Where any order is passed under the provisions of this Act directing any person to deliver possession of land or directing the eviction of any person 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 reasonable necessary for securing compliance with the order.

91. **Appearance before and applications to revenue officers:**

All appearances before, applications to and acts to be done before, any Revenue Officer under this Act or any other law for the time being in force may be made or done by the parties themselves or by their authorised agents or by any legal practitioner;

Provided that any such appearance shall, if the Revenue Officer so directs, be made by the party in person:

Provided further that no legal practitioner shall be allowed to appear and conduct cases in proceeding under Chapter XI of the Act.

92. **Correction of error or omission:**

Any Revenue Officer by whom an order was passed in a case or proceeding may, either on his own motion or on the application of a party, correct any error or commission not affecting a material part of the case or proceeding, after such notice to the parties as he may consider necessary.

93. **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 subordinate to the Sub-Divisional Officer, to the Sub-Division Officer;
- (b) if such an order is passed by the Sub-Divisional Officer, to the Deputy Commissioner;
- (c) if such an order is passed by the Deputy Commission, to the Tribunal;
- (d) if such an order is passed by an Assistant Survey and Settlement Officer, to the Survey and Settlement Officer or to a Revenue Officer notified by the State Government in the official Gazette to be the appellate authority; and

- (e) if such an order is passed by a Survey and Settlement Officer, to the Director of Settlement and Land Records or to a Revenue Officer notified by the State 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 Deputy Commissioner;
 - (b) if such an order is passed under clause (b) of sub-section (1), to the Tribunal ;
 - (c) if such an order is passed under clause (d) of sub-section (1), to the Director of Settlement and Land Records or a Revenue Officer notified by the State Government in the official Gazette to be the second appellate authority; and
 - (d) if such an order is passed under clause (e) of sub-section (1), to the Tribunal.

94. **Limitation of 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.
- (2) In computing the above periods, the time required to obtain copies of the order appealed against shall be excluded.

95. **Revision :**

The Tribunal or the Deputy Commissioner may 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 person without having given to the parties interested notice to appear or be heard:

Provided further that no revision shall lie after the expiry of ninety days from the date of the order to be revised.

96. **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 any 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 predecessors-in-office, obtain the permission of the Tribunal.

(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 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; or
- (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 the 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.

97. **Stay of execution of orders :**

(1) A Revenue Officer who has passed any order of 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 from 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 condition, or order such security to be furnished, as he or it may think fit.

98. **Power to make rules :**

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Part.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

- (a) 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;
- (b) the Deputy Commissioner's powers of superintendence and control over the officers;
- (c) the officers who should hear and decide disputes regarding rights in or over any property claimed by or against the Government and the procedure to be followed by them;
- (d) the disposal of Government lands by assignment or grant to individuals or to public purposes and the terms and conditions subject to which such assignments or grants may be made;
- (e) the preservation and disposal of trees, brush wood jungle and other natural products on Government land and the recovery of the value, of trees or other natural products unauthorisedly appropriated by persons;
- (f) the procedure for summary eviction of trespassers on Government land;
- (g) the alteration and revision of the land revenue in cases of alluvion or diluvion or of diversion land for purposes other than agriculture;
- (h) the grant of permission to use agricultural land for non-agricultural purposes;
- (i) the determination of additional rates for use of water;
- (j) the circumstances in which remission or suspension of revenue may be made and the rate of such remission or suspension;
- (k) the form of receipt for payment of land revenue;
- (l) the conduct of surveys and settlements of land revenue;
- (m) the manner of estimating the costs of cultivation and other expenses in relation to the inquiry into profits of agriculture;
- (n) the division of survey numbers into sub-divisions and the assessment of sub-divisions;
- (o) the statistical, fiscal and other records and registers to be prepared and maintained under this Part;
- (p) the manner in which the costs and expenses incidental to revenue survey or the construction, repair and maintenance

of boundary marks shall be determined and apportioned between persons who are liable to bear the same;

- (q) the fixing, construction, laying out, maintenance and repair of boundary marks, and the settlement of dispute relating thereto;
- (r) the division of areas into units for determining the revenue-rates and the preparation of the table of revenue-rates;
- (s) the preparation and the preliminary and final publication of the record of rights and the table of revenue-rates;
- (t) the hearing and disposal of objections to any entry or omission in the table of revenue rates, the record of rights, and the register of mutations;
- (u) the manner and extent of alteration or revision of revenue-rates during the terms of settlement;
- (v) the correction of *bona fide* errors and mistakes in the revenue records, registers and maps prepared under this Part;
- (w) the manner in which the average yield of crops of land shall be ascertained;
- (x) the manner of holding inquiries by Revenue Officers under this Part;
- (y) the application of the provisions of the Code of Civil procedure, 1908, to cases and proceedings before a revenue court;
- (z) the form of summons and other processes, notices, orders and proclamations to be issued or made by Revenue Officers and the manner of their service;
- (aa) the procedure for the attachment and sale of property and the confirmation and setting aside of sales of immovable property under Chapter VII;
- (bb) the manner of publication of notices and proclamations of attachment and sale of property;
- (cc) the manner in which the cost and expenses incidental to the attachment and sale of property shall be determined;
- (dd) the manner of payment of deposit and of the purchase money of property sold for arrears of land revenue;
- (ee) the circumstances in which precautionary measures for securing the land revenue under Section 79 may be taken;
- (ff) the procedure for transfer of cases from one revenue officer to another;

- (gg) the manner of preferring appeals or applications for revision of review, the documents to accompany the memorandum of appeal or such application and the fee, if any, liable therefore;
- (hh) the grant of certified copies and the payment of fees for inspection and grant of certified copies of revenue records and registers;
- (ii) 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;
- (jj) any other matter that is to be or may be prescribed.

PART – III

CHAPTER IX

RIGHTS OF LANDOWNERS.

99. **Accrual of right of land-owners :**

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

(2) No rights shall accrue under sub-section (1) in respect of lands which –

- (i) are a part of the bed of a river, a *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 State Government by notification in the official Gazette as reserved or required for any public, community or village purpose.

(3) Objections to the 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 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 the 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 a 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 the sub-soil 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).

100. **Rights of land-owners :**

(1) Every person who has become a land-owner under sub-section (1) of Section 99 shall :

- (a) have permanent, heritable and transferable rights in the land;
- (b) be entitled by himself, his servants, tenants, agents or other 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, utilise or dispose of the timber of any trees on the land.

(2) Nothing in sub-section (1) shall entitle a landowner 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.

101 to 105. (Omitted).

106 **Right to lease :**

(1) Save as otherwise provided in this section no landowner shall, after the commencement of Section 16 of the Manipur Land Revenue and Land Reforms (Amendment) Act, 1975, transfer by way of lease for period whatsoever any land comprised in this holding and any transfer by way of lease made in contravention of this sub-section shall be void and inoperative.

(2) A person under disability or a public charitable or religious institution or a local authority or a society registered under the Assam Co-

operative Societies Act, 1949, as in force in the State of Manipur, may lease the whole or any part of his or its holding :

Provided that any lease granted in pursuance of this sub-section by a person under disability shall cease to be in force after the cessation of the disability.

Explanation :- For the purpose of this sub-section the disability of a person shall cease :-

- (a) in the case of a widow, if she remarries, on the date of her marriage or if any person succeeds to the widow on her death, on the date of her death;
- (b) in the case of a minor, on the date of his attaining majority;
- (c) in the case of a woman who is unmarried or who is divorced or judicially separate from her husband, on the date of her marriage or remarriage as the case may be, or in the case of a woman whose husband is a person falling under clause (d) or clause (e) on the date on which the disability of the husband ceases;
- (d) in the case of a person who is a member of the Armed Forces of the Union, on the date of his discharge from service or of his posting to the reserve;
- (e) in the case of a person suffering from a physical or mental disability, on the date on which the disability ceases to exist;
- (f) within one year of the cessation of the disability referred to in sub-section (2) the landowner shall, notwithstanding anything contained in Section 119, be entitled to resume for personal cultivation the land held by the tenant not exceeding one half of the area of such land:

Provided that no resumption under this sub-section shall be made which would have the effect of having the tenant after such resumption with less than one hectare of land.

107. **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 the 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 106.

108. **Relinquishment :**

(1) Subject to any rules that may be made under this Act; a landowner may relinquish his rights in respect of any land in his possession in favour

of 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 years 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

109. **Interest of tenants :**

(1) The interest of a tenant in any land held by him as such shall be heritable, but save as otherwise provided in this Act, shall not be transferable.

(2) No tenant shall be evicted from his land except as provided in this Act.

110. **Right to create a mortgage or charge:**

It shall be lawful for a tenant to create a simple mortgage or create a charge on his interest in the land leased to him in favour of the Government or a Co-operative Society in consideration of any loan advanced to him by the Government or such society; and in the event of his making default in the repayment of such loan in accordance with its terms, it shall be lawful for the Government or the society; as the case may be, to cause his interest in the land to be attached and sold and the proceeds applied in payment of such loan.

111. **Right to make improvement :**

A tenant may, with the permission in writing of the landowner, or if permission is refused without sufficient reason or not given within two months, after obtaining the order of the competent authority in the prescribed manner; make at his own expense any improvement to the land held by him, but shall not become liable to pay a higher rate of rent on account of any increase of production or of any change in the nature of the crop raised, as a consequence of such improvement.

112. **Maximum rent :**

The rent payable by a tenant in respect of any land held by him 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

113. **Payment of rent :**

(1) The rent payable by a tenant shall, subject to the provisions of Section 112, be the rent agreed upon between him and the landowner or where there is no such agreement, the reasonable rent.

(2) The rent shall be paid at such times and in such manner as may have been agreed upon or in the absence of such agreement, as may be prescribed.

114. **Reasonable rent :**

(1) The competent authority may, on application made to it in this behalf by the landowner or the tenant, determine the reasonable rent for any land.

(2) The form of application under sub-section (1) and the procedure to be followed by the competent authority shall be such as may be prescribed.

(3) In determining the reasonable rent, the competent authority shall have regard to –

- (a) the rental value of lands used for similar purposes in the locality;
- (b) the profits of agriculture of similar lands in the locality;
- (c) the price of crops and commodities in the locality;
- (d) the improvements, if any, made to the land by the landowner or the tenant;
- (e) the land revenue payable in respect of the land, and
- (f) any other factor which may be prescribed.

(4) Where the reasonable rent for any land has been determined under this section, it shall not be altered for a period of five years except on any of the following grounds, namely –

- (a) that the quality of the land has deteriorated by flood or other natural causes;
- (b) that there has been an increase in the produce of the land on account of improvements made to it at the expense of the landowner ;
- (c) that the land has been partially or wholly rendered unfit for cultivation.

(5) Nothing in sub-sections (1) to (4) shall affect the right of the Government to make an order directing the determination of the reasonable rent of lands in any specified area.

115. **Commutation of rent payable in kind :**

(1) In any case in which rent is payable in kind, the landowner or the tenant may apply in writing to the competent authority in the prescribed form and manner, for commuting the rent into money rent.

(2) On receipt of such application, the competent authority shall after giving notice to the other party, determine the money rent payable for the land in accordance with the following provisions but not exceeding the maximum rent specified in Section 112.

(3) In determining the money rent, regard shall be had to –

- (a) the average money rent payable by tenants for land of similar description and with similar advantages in the vicinity;
- (b) the average value of the rent actually received by the landowner during the three years preceding the date of application;
- (c) the average prices of crops and commodities in the locality during the three years preceding the date of application;
- (d) the improvements, if any, made to the land by the landowner or the tenant; and
- (e) any other factor which may be prescribed.

116. **Receipt for payment of rent :**

Every landowner shall give or cause to be given a receipt for the rent received by him or on his behalf in such form as may be prescribed duly signed by him or his authorised agent.

117. **Refund of rent recovered in excess :-**

If any landowner recovers from a tenant rent in excess of the amount due under this Act, he shall forth-with refund the excess amount so recovered and shall also be liable to punishment as provided in this Act.

118. **Suspension or remission of rent :**

(1) Where a landowner has obtained from or been granted by the Government any relief by way of suspension or remission, whether in whole or in part, or land revenue payable in respect of his land, he shall be bound to give and the tenant concerned shall be entitled to receive from the landowner a corresponding or proportionate relief by way of suspension or remission of rent payable in respect of such land.

(2) The nature and extent of the relief which a landowner is bound to give and which the tenant is entitled to receive under sub-section (1) shall be determined in accordance with the rules made under this Act.

(3) No suit shall lie and no decree of a civil court shall be executed for the recovery by a landowner of any rent, the payment of which has been remitted, or during the period for which the payment of such rent has been suspended, under this section,

(4) The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed for any suit or proceeding for the recovery of such rent.

(5) If any landowner fails to suspended or remit the payment of rent as provided in sub-section (1), he shall be liable to refund to the tenant the amount recorded by him in contravention of the provisions of this section and shall also be liable to punishment as provided in this Act.

119. **Eviction of tenant :**

(1) No person shall be evicted from any land held by him as tenant except under the order of the competent authority made on any of the following grounds, namely: –

(a) that the tenant has intentionally and wilfully committed such acts of waste as are calculated to impair materially or permanently the value or utility of the land for agricultural purposes;

(b) that the tenant has failed to pay rent within a period of three months after it falls due;

Provided that the competent authority may, if it thinks fit, grant further time not exceeding one year for payment of the rent;

(c) that the tenant, not being a person under disability, has after the commencement of this Act, sub-let the land without the consent in writing of the landowner.

(2) No order, for eviction of a tenant shall be executed till the standing crops, if any, on the land are harvested.

(3) (Omitted).

(4) (Omitted).

120 and 121. (Omitted).

122. **Compensation for improvement :**

(1) A tenant who has made any improvement at his own expense on the land leased to him shall, if he is to be evicted under the provisions of this chapter, be entitled to receive compensation before he is so evicted for such improvement as in the opinion of the competent authority, is reasonable.

(2) The compensation payable to a tenant under sub-section (1) shall be determined in accordance with the value of such improvements on the date of eviction, and in determining such compensation, regard shall be had to the following matters, namely: –

- (a) the amount by which the value of the land has increased by reason of the improvement;
- (b) the condition of the improvement at the date of the determination of the value thereof and the probable duration of its effect.
- (c) the labour and capital involved in the making of the improvement; and
- (d) the advantages secured by the tenant in consideration of the improvement made by him.

(3) In any case in which compensation is payable to a tenant under this section, the competent authority may direct that –

- (a) the whole or any part of any loan which the tenant has taken on the security of his interest in the land under Section 110 and which is outstanding shall be deducted from such compensation and paid to the Government or the co-operative society, as the case may be;
- (b) any arrear of rent due by the tenant to the landowner and the costs, if any, awarded to the landowner shall be adjusted against the compensation.

123. **Tenant may remove building, works, etc, not deemed improvements :**

A tenant against whom an order of eviction has been passed, shall be entitled to remove within such time as is deemed reasonable by the competent authority any work of improvement which can be severed from the land and which the tenant desires to remove or any building or construction or work (which is not improvement) in respect of which the landowner is not willing to pay compensation.

124. **Restoration of possession of land in certain other cases :**

(1) Where a tenant of any land has, on or after the 6th day of March, 1966, surrendered, or been evicted from such land, and the surrender or eviction could not have taken place if this Act had been in force on the date of such surrender or eviction, the competent authority may, *suo moto* or on application made by the tenant, restore him to possession of the land which he surrendered or from which he was evicted unless some other tenant not being a member of the landowner's family, had *bona fide* been admitted to possession of such land.

(2) The competent authority shall, before making an order under sub-section(1), make such inquiry as may be prescribed.

125. **Relief against termination of tenancy for act of waste :**

Where a tenancy is sought to be terminated on the ground that the tenant has materially impaired the value or utility of the land for agricultural purposes, if the damage to the land admits of being repaired or if pecuniary compensation would afford adequate relief, no proceeding for eviction shall lie against the tenant unless and until the landowner has served on the tenant a notice in writing specifying the damage complained of and the tenant has failed within a period of one year from the service of such notice to repair the damage or to pay compensation thereof.

126. **Surrender of land by tenant :**

(1) No surrender or abandonment by a tenant of any holding or any part thereof shall be valid unless such surrender or abandonment has been previously approved by the Deputy Commissioner.

(2) Any tenant desiring to surrender or abandon his holding or any part thereof or landowner of such holding may furnish information thereof in writing to the Deputy Commissioner.

(3) On receipt of information under sub-section (2), the Deputy Commissioner may, after making or causing to be made such inquiry and in such manner as may be prescribed, by order, either approve or disapprove the proposed surrender or abandonment:

Provided that no surrender or abandonment shall be disapproved unless the tenant has been given an opportunity of being heard in the matter.

(4) Where the surrender or abandonment of any holding or part thereof is approved by the Deputy Commissioner under this section, the holding or part thereof so surrendered or abandoned shall be settled by the Government :

- (i) where such surrender or abandonment was made by a person belonging to a Scheduled Tribe or Scheduled Caste, with another person belonging to the Schedule Tribe or the Schedule Caste, as the case may be; or

- (ii) in a case where no person belonging to the Scheduled Tribe or Scheduled Caste is available or willing to take settlement under clause (i), or in any other case, with the priority specified in Section 147-A,

(5) Every person on whom any holding or part thereof is settled under sub-section (4) shall hold the same as a tenant and shall have the same rights and obligations as the tenant who surrendered or abandoned the holding or part thereof.

(6) Where any tenant surrenders or abandons his holding or any part thereof without the previous approval of the Deputy Commissioner and the holding or part thereof so surrendered or abandoned is taken possession of by the landowner then, it shall be competent for the Deputy Commissioner (after giving the landowner an opportunity of being heard in the matter) to impose on the landowner a penalty of an amount not exceeding five hundred rupees per hectare of the land so surrendered or abandoned for each year or any part thereof during which the possession is continued.

127. **Transfer of ownership of land to tenant :**

(1) Subject to the other provisions of this Act, the ownership of any land which is in the occupation of a tenant at the commencement of Section 26 of the Manipur Revenue and Land Reforms (Amendment) Act, 1975 shall stand transferred from the land-owner thereof to the tenant with effect from such date as may be specified by notification in the Official Gazette, and the tenant shall become the owner of such land and be liable to pay land revenue thereof:

(2) Nothing contained in sub-section (1) shall apply to a tenant holding any land at the commencement of Section 26 of the Manipur Land Revenue and Land Reforms (Amendment) Act, 1957 from a person under disability or from a public charitable or religious institution or local authority or a Co-operative Society registered under the Assam Co-operative Societies Act, 1949; as in force in the State of Manipur :

Provided that any lease granted in pursuance of this sub-Section, by a person under disability shall cease to be in force after the cessation of the disability.

Explanation:- In this sub-section, the disability of a person shall cease under any of the circumstances specified in the Explanation to sub-section (2) of Section 106.

(3) Within one year of the cessation of the disability referred to in sub-section (2), the landowner shall, notwithstanding anything contained in Section 119 ; be entitled to resume for personal cultivation the land held by the tenant not exceeding one-half of the area of such land:

Provided that no resumption under this sub-section shall be made which would have the effect of leaving the tenant after such resumption with less than one hectare of land.

128. **Compensation to land owner :**

(1) In respect of every land the ownership of which stands transferred to the tenant under section 127, the landowner shall be entitled to compensation which shall consist of the aggregate of the following amounts, that is to say –

- (a) an amount equal to thirty times the full land revenue payable for the land or, if the land is held revenue-free or at a concessional rate, thirty times the amount of land revenue payable for similar lands in the locality;
- (b) the value of trees, if any, planted by the landowner.

Explanation – Where any improvement has been made on the land at the expense of the landowner at any time subsequent to the settlement, the land revenue for the purpose of this section shall be the land revenue payable for similar lands in the locality.

(2) The land revenue payable for similar lands in the locality and the value of trees referred to in sub-section (1) shall be determined in the prescribed manner.

(3) Every landowner entitled to compensation under this section shall, within a period of six months from the date of the notification referred to in Section 127, apply to the competent authority in the prescribed manner for determining the compensation.

129. **Payment of compensation to landowner:**

(1) The compensation to which a landowner is entitled under Section 128 shall be paid to him by the Government in the first instance, and it may be paid in cash, in lump sum or in annual instalments not exceeding ten or in the form of bonds which may be negotiable or non-negotiable but transferable.

(2) From the date of the notification referred to in Section 127, the landowner shall be entitled to interest at the rate of four per cent per annum on the compensation or such portion thereof as remains unpaid.

(3) Any mortgage of, or encumbrance on, the land of which the ownership is transferred to the tenant under Section 127 shall be a valid charge on the amount of compensation payable to the landowner.

(4) Notwithstanding anything contained in sub-sections (1) to (3), where the person entitled to compensation under Section 128 is a charitable or religious institution, the compensation shall, instead of being assessed under that section, be assessed as a perpetual annuity equal to the reasonable rent for the land, less the land revenue payable on such land. The amount so assessed shall be paid to such institution in the prescribed manner.

130. **Tenant to pay compensation amount:**

- (1) Every tenant to whom ownership of any land has been transferred under Section 127 shall be liable to pay to the Government in respect of that land compensation as determined under Section 128.
- (2) The compensation shall be payable in cash, in lump sum or in such number of annual instalments not exceeding twenty as may be prescribed. Interest at the rate of four per cent per annum shall be payable on the compensation or such portion thereof as remains unpaid.
- (3) The compensation payable under this section shall be a charge on the land.
- (4) The compensation or any instalment thereof shall be recoverable in the same manner as an arrear of land revenue.

131. **Issue of certificate to tenants:**

When the compensation or the first instalment of the compensation, as the case may be, has been paid by the tenant, the competent authority may *suo motu* and shall, on application made to it in this behalf, issue to the tenant a certificate in the prescribed form declaring him to be the owner of the land specified therein.

132. **First option to purchase:**

- (1) If a landowner at any time intends to sell his land held by a tenant, he shall give notice in writing of his intention to such tenant and offer to sell the land to him. In case the tenant intends to purchase the land, he shall intimate in writing his readiness to do so within two months from the date of receipt of such notice.
- (2) If there is any dispute about the reasonable price payable for the land, either the landowner or the tenant may apply in writing to the competent authority for determining the reasonable price, and the competent authority, after giving notice to the other party and to all other persons interested in the land and after making such inquiry as it thinks fit, shall fix the reasonable price of the land which shall be the average of the prices obtaining for similar lands in the locality during the ten years immediately preceding the date on which the application is made.
- (3) The tenant shall deposit with the competent authority the amount of the price determined under sub-section (2) within such period as may be prescribed.
- (4) On deposit of the entire amount of the reasonable price, the prescribed authority shall issue a certificate in the prescribed form to the tenant declaring him to be the purchaser of the land; the competent authority shall also direct that the reasonable price deposited shall be paid to the landowner.
- (5) If the tenant does not exercise the right of purchase in response to the notice given to him by the landowner under sub-section (1) or fails to deposit the amount of the price as required by sub-section (3), or such

tenant shall forfeit his right of purchase, and the landowner shall be entitled to sell such land to any other person.

(6) The forfeiture of the right to purchase any land under this section shall not affect the other rights of the tenant in such land.

(7) If a landowner sells his land in contravention of sub-section (1), the tenant, within two months from the date of his knowledge of such sale, may apply in writing to the competent authority expressing his intention to purchase the land at the price received by the landowner or at the reasonable price determined under sub-section (2).

The competent authority, after giving opportunity of being heard to the landowner, the purchase and to any other person interested in the land, and if satisfied that the sale has been made in contravention of sub-section (1), may ask the tenant to deposit the amount of the price actually paid or the reasonable price whichever is less, within such period as may be prescribed, and upon deposit of such amount by the tenant the competent authority shall pass an order allowing the application of pre-emption and thereupon the provision of sub-sections (4) to (6) shall be applicable mutatis matandis.

133. **Power to make rules :**

- (1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Part.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for –
 - (a) the form of notices to be issued under this Part and the manner of their service;
 - (b) the manner of holding inquiries under this Part;
 - (c) the circumstances in which and the period for which land used for agricultural purposes may be left uncultivated;
 - (d) the conditions subject to which lands may be leased by the Deputy Commissioner under Section 107;
 - (e) the form of applications to be made under this Part, the authorities to whom they may be made and the procedure to be followed by such authorities in disposing of the applications;
 - (f) the determination of the value of the produce of land, the profits of agriculture, and the rental values of land, for the purposes of this Part;
 - (g) the time and manner of payment of rent by the tenant;

- (h) the form of receipt for rent to be given by the landowner;
- (i) the factors to be taken into account in determining reasonable rent for land and in commuting rent in kind into money rent;
- (j) the nature and the extent of relief to the tenant in cases of suspension or remission of land revenue by the Government;
- (k) the determination of compensation for improvements to tenants who are evicted from land;
- (l) the grant of permission to surrender land;
- (m) the determination of the amount of compensation payable to the landowner in respect of the non-resumable lands of tenants;
- (n) the form of certificates to be granted to tenants;
- (o) the determination of the price to be paid by the tenant for land in respect of which the first option to purchase is exercised;
- (p) any other matter which is to be or may be prescribed.

PART IV

CHAPTER XI

CEILING ON LAND HOLDINGS134. **Exemption :**

The provisions of this Chapter shall not apply to land owned by the Government or the Central Government or a local authority.

135. **Definitions.**

For the purposes of this Chapter –

- (a) ‘adult son’, in relation to a person, means a son who has attained the age of majority and includes the widow and children, if any, of a pre-deceased son;
- (b) ‘unmarried adult daughter’, in relation to a person, means the daughter who has attained the age of majority and includes a divorcee;
- (c) ‘family’, in relation to a person, means the person, the wife or husband, as the case may be, and the minor sons and unmarried minor daughters;
- (d) “ceiling limit” in relation to land, means the limit fixed under Section 136; and
- (e) ‘land’, does not include land used for non-agricultural purposes.

136. **Ceiling on holdings :**

(1) No person by himself, or if he has a family, together with any other member of his family (hereinafter referred to as the person representing the family) shall, whether as landowner or a mortgagee with possession or otherwise, partly in one capacity and partly in another, hold land in excess of five hectares in class I land and six hectares in class II land ;

Provided that where the numbers of members of the family of such person exceeds five, he may hold one additional hectare for each member in excess of five in the case of class I land six in class II land, so however as not to exceed 8 hectares in class I land and 10 hectares in class II land in the aggregate.

Provided further that where in a family both husband and wife hold land separately and the aggregate area of such land exceeds the ceiling limit, the excess land that shall vest in the Government shall bear the same proportion as the extent of land held by them.

(2) Notwithstanding anything contained in sub-section (1), a person may, in addition to the land which he may hold under that sub-section, hold (from out of the land owned or held by him) in respect of his adult son :-

- (i) in case where the adult son does not hold any land, so much land as not exceeding one half of the land the adult son may hold under sub-section (1);
- (ii) in a case where the adult son holds land less than one half of that land permitted under sub-section (1), so much land as together with the land held by the adult son does not exceed one half of the land which the adult son may hold under the sub-section;
- (iii) *[Deleted]*
- (iv) *[Deleted]*
- (3) Unless otherwise exempted under Section 150 for the purpose of this Chapter, in the case of a company, an association or body of individuals, the ceiling limit shall be five hectares in the case of class I and six hectares in the case of class II land.

Explanation – Class I land means land which has irrigation facilities. Class II land means the land other than class I land.

136-A. In determining the excess land in respect of a person, the following principles shall be followed, namely,-

- (a) any land which was transferred by sale, gift or otherwise or partitioned by the person during the period beginning with the 21st day of January, 1971 and ending with the commencement of Section 28 of the Manipur Land Revenue and Land Reforms (Amendment) Act, 1975 shall be taken into account as if such land had not been transferred or partitioned, as the case may be;
- (b) homestead land shall not be taken into account ;
- (c) where the person is a member of any association or body of individuals, and holds a share in the land helds by such association or body of individuals, his share shall be taken into account :

Explanation:- For the purpose of this sub-section “homestead land” means the lands on which the homestead, whether used by the owner or let out on rent, stands together with any courtyard, compound and attached garden, not exceeding two-fifth of a hectare in the aggregate.

136-B. (1) Except where he is permitted in writing by the Deputy Commissioner so to do no person holding land in excess of the ceiling limit shall, after the commencement of Section 28 of the Manipur Land Revenue and Land Reforms (Amendment) Act, 1975, transfer by sale, gift or otherwise until the excess land which is to vest in the Government under Section 141 has been determined and taken possession of by or on behalf of the Government and any transfer he made in contravention of this sub-section shall be null and void :

Provided that nothing contained in this sub-section shall apply to –

- (a) any alienation by way of mortgage executed in favour of :
 - (i) the Central Government or any State Government;
 - (ii) a banking company within the meaning of the Banking Companies Act, 1949;

Explanation :- ‘A banking company’ means –

- (1) a banking company as defined in the Banking Regulation Act, 1949 (10 of 1949);
- (2) the State Bank of India constituted under the State Bank of India Act, 1955 (22 of 1959);
- (3) a Subsidiary Bank, as defined in the State Bank of India (Subsidiary) Act, 1959 (38 of 1959) ;
- (4) a corresponding new Bank constituted under the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (5 of 1970);
- (5) any banking institution notified by the Central Government under Section 51 of the Banking Regulation Act, 1949 (10 of 1949);
- (6) the Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance Corporation Act, 1963 (10 of 1963);
- (7) the Regional Rural Banks, as defined in Section 2 (f) of the Regional Rural Banks Ordinance, 1975; and
- (8) any other financial institutions notified by the Central Government in the Official Gazette as a bank for the purpose of this Act;
 - (iii) any bank to which the Assam Co-operative Societies Act, 1949 as in force in the State of Manipur applies;
 - (iv) any corporation established by or under any law being a corporation which is owned, controlled or managed by the Central Government or by any State Government ;
 - (v) any company which is a Government company within the meaning of Section 617 of the Companies Act, 1956 ; or
- (b) any sale of land in execution of any decree, order or award for the realisation money due under any such mortgage.

(2) Every suit for the specific performance of a contract for transfer of land instituted after the 21st day of January 1971 and before the commencement of Section 28 of the Manipur Land Revenue and Land Reforms (Amendment) Act 1957, shall abate and no snit for the specific performance of any such contract entered into before such commencement shall be maintainable.

137. **Submission of returns:**

Every person representing a family who at the commencement of this Act holds, or has at any time during the period between the 21st day of January, 1971 and such commencement held, land in excess of the ceiling limit shall submit to the competent authority, in such form and within such time as may be prescribed, a return giving the particulars of all land held by him and where any land is proposed to be retained in respect of an adult son/unmarried daughter under sub-section (2) of Section 136, the particulars of land, if any, held by such adult son/unmarried daughter and indicating therein the parcels of land, not exceeding the ceiling limit, which he desires to retain:

Provided that in the case of joint-holding, all co-sharers may submit the return jointly indicating the parcels of land, not exceeding the aggregate of their individual ceiling limits, which they desire to retain,

Explanation – In the case of a person under disability, the return shall be furnished by his guardian or authorised agent, as the case may be.

138. **Collection of information through other agency :**

If any person who under Section 137 is required to submit a return, fails to do so, the competent authority may collect the necessary information through such agency as may be prescribed.

139. **Procedure for determination of excess land :**

(1) On receipt of any return under Section 137, or information under Section 138 or otherwise, the competent authority shall, after giving the persons affected an opportunity of being heard, hold an inquiry in such manner as may be prescribed, and having regard to the provisions of Section 141 and of any rules that may be made in this behalf, it shall determine –

- (a) the total area of land held by each person representing the family and in a case in which the provisions of sub-section (2) of Section 136 apply, the total area of land held by each adult son/unmarried daughter;
- (b) the specific parcels of land which he may retain;
- (c) the land held by him in excess of the ceiling limit;
- (d) whether such excess land is held by him as a landowner or as a tenant or as a mortgagee with possession;
- (e) the excess land in respect of which the tenant or the mortgagee with possession may acquire the rights of the landowner of the mortgagor, as the case may be;
- (f) the excess land which may be restored to a landowner or a mortgagor;
- (g) the excess land which shall vest in the Government; and

(h) such other matters as may be prescribed.

(2) *[Omitted]*.

(3) The competent authority shall prepare a list in the prescribed form containing the particulars determined by it under sub-section (1) and shall cause every such list to be published in the Official Gazette and also in such other manner as may be prescribed.

140. **Selection of excess land in cases of certain transfers :**

(1) The excess land to be determined under Section 139 in the case of any person shall, to the extent possible, be selected out of the land held by the person :

Provided that where the land so held falls short of the excess land and such person has transferred by sale, gift or otherwise any land at any time after the 21st day of January, 1971, the excess land to the extent that it is in excess of the land so held, shall be selected out of the land so transferred.

(2) Where excess land is to be selected out of the lands of more than one transferee, such land shall be selected out of the lands held by each of the transferees in the same proportion as the area of the land transferred to him bears to the total area of the lands transferred to all the transferees.

(3) Where any excess land is to be selected out of the land transferred, the transfer of such land shall be void.

141. **Excess land to vest in Government :**

(1) Where any excess land of a landowner is in his actual possession, the excess land shall vest in the Government.

(2) Where any excess land of a landowner is in the possession of a person holding the same as a tenant or as a mortgage and the excess land together with any other land held by such person exceeds his ceiling limit, the land in excess of the ceiling limit shall vest in the Government.

(3) Where any excess land of a landowner is in the possession of a person holding the same as a tenant or as a mortgagee and such person is allowed to retain the excess land or a part thereof as being within his ceiling limit, that person shall acquire the rights of the landowner of the mortgagor, as the case may be, in respect of such excess land or part thereof on payment of compensation, if any, as hereinafter provided, but if that person refuses to pay such compensation, the excess land or part thereof shall vest in the Government.

(4) Where there is any excess land of a tenant or of a mortgagee with possession, the excess land shall vest in the Government;

Provided that, in any case where the excess land or any part thereof held by a person as landowner or mortgagor together with any other land held by such person does not exceed the ceiling limit, the

excess or such part thereof as does not exceed the ceiling limit shall be restored to the possession of that person on an application made by him in this behalf to the competent authority within such time as may be prescribed and in the case where the possession of such land is restored to the mortgagor, the mortgage in respect of such land shall be deemed to be a simple mortgage.

142. **Publication of the final list and consequences thereof:**

(1) Any person aggrieved by an entry in the list published under sub-section (3) of Section 139 may, within fifteen days from the date of publication thereof in the official Gazette, file objections thereto before the Deputy Commissioner.

(2) The Deputy Commissioner or any other officer authorised in this behalf by the State Government may, after considering the objections and after giving the objector or his representative an opportunity of being heard in the matter, approve or modify the list.

(3) The list as approved or modified under sub-section (2) shall then be published in the Official Gazette and also in such other manner as may be prescribed and subject to the provisions of this Act, the list shall be final.

(4) With effect from the date of publication of the list in the Official Gazette under sub-section (3), –

- (a) the excess land shall stand transferred to and vest in the Government free of all encumbrances; or
- (b) the possession of the excess land shall stand restored to the landowner or the mortgagor, as the case may be, or
- (c) the rights of the landowner or the mortgagor in respect of the excess land shall stand transferred to the tenant or the mortgagee, as the case may be.

143. **Compensation:**

(1) Where any excess land of a landowner vests in the Government there shall be paid by the Government to the landowner compensation in such manner as may be prescribed, subject to the provisions of sub-section (2), of an amount equal to : –

- (i) two hundred times the land revenue in respect of land not exceeding five hectares ;
- (ii) one hundred and fifty times of such revenue in respect of land exceeding five hectares but not exceeding ten hectares ; and
- (iii) one hundred times of such revenue in respect of land exceeding ten hectares :

Provided that in case of revenue free lands or lands held at concessional rates, the land revenue for the purposes of this section shall be the same as that payable for similar lands in the locality.

(2) Where such excess land or any part thereof is in the possession of a tenant, the compensation payable under sub-section (1), in respect of the land shall be apportioned between the landowner and the tenant in such proportion as may be determined by the competent authority in prescribed manner, having regard to their respective shares in the net income from such land.

(3) In addition to the compensation payable in respect of any excess land under sub-section (1), there shall also be paid compensation in respect of any structure of building constructed on such land and any trees planted thereon, and such compensation shall be determined by the competent authority in the prescribed manner, having regard to the market value of any structure or building or the value of such trees, and such compensation shall be paid to the person who has constructed the structure or building or planted the trees.

Provided that compensation payable under this sub-section in respect of any such structure or building or trees shall not exceed fifty per cent of the market value.

(4) Where any excess land in respect of which compensation is payable is subject to any mortgage or other encumbrance, the amount due under the mortgage or other encumbrance in respect of such excess land, or where a transfer of an excess land is void by virtue of sub-section (3) of Section 140, the consideration money paid by the transferee in respect of such excess land, shall be a charge on the compensation payable in respect of the excess land to the person who has created the mortgage or encumbrance or, as the case may be, to the transfer or:

(5) Where a tenant acquires the rights of a landowner in respect of any excess land, the compensation payable by him in respect of that land shall be equal to the amount which the landowner would have been paid as compensation under sub-section (2) or sub-section (3) if the land had vested in the Government; and the amount shall, in the first instance, be paid to the land-owner by the Government in such manner as may be prescribed and shall be recovered from the tenant in such manner as may be prescribed.

(6) Where a mortgagee in possession acquires the rights of the mortgagor in respect of any excess land under sub-section (3) of Section 141, the compensation payable by the mortgagee in respect of that land shall be such sum of money, if any, as may be due to the mortgagor after setting off the mortgage debt against the market value of such excess land.

(7) Where any excess land of a religious, charitable or educational trust or institution of a public nature vests in the Government, such institution shall, in lieu of compensation payable under sub-section (1) or sub-section (2) or sub-section (5) be paid an annuity equal to the net

annual income of the excess land and such net annual income shall be determined by the competent authority in the prescribed manner.

(8) The competent authority shall, after holding an enquiry in the prescribed manner, make an order determining the amount of compensation payable to any person under this section.

144. **Manner of payment of compensation :**

(1) The compensation payable under Section 143 shall be due from the date of publication of the list under sub-section (3) of Section 142 and may be paid in cash, in a lump sum or in instalments, or in bonds.

(2) Where the compensation is payable in bonds, the bonds may be made not transferable or transferable by endorsement or in any other manner but all such bonds shall be redeemed within such period not exceeding twenty years from the date of issue as may be prescribed.

(3) Where there is any delay in the payment of compensation or where the compensation is paid either in instalments or in bonds, it shall carry interest at the rate of two and a half per cent per annum from the date on which it falls due.

145. **Limit of future acquisition of land :**

No person representing a family shall acquire in any manner whatsoever, whether by transfer, exchange, lease, agreement or succession, any land whether such acquisition has the effect of making the total area of the land held by him exceed the ceiling limit; and any such land in excess of the ceiling limit shall be treated as excess land of the transferee and provisions of Sections 139 to 144; shall, as far as may be, apply to such excess land.

146. (Omitted).

147. **Power of Deputy Commissioner to take possession of excess land:**

After the publication of the list of excess lands under sub-section (3), of Section 142, and after demarcation in the prescribed manner of such lands where necessary the Deputy Commissioner may take possession of any excess land and may use or cause to be used such force as may be necessary for the purpose.

Provided that the Deputy Commissioner shall, as soon as the publication of the list under Section 142 (3) is made, invite applications from eligible candidates including Schedule Caste, Schedule Tribes members who resides within eight kilometres of the village in which the excess lands are situated to file applications for allotment in the prescribed form within a period of thirty days from the issue of such notice. Verification of those applications and selection of assignees for allotment of surplus land shall as far as practicable be completed within the next thirty days of the receipt of application.

147-A. **Transfer of excess land :**

(1) Where any excess land stands transferred to, and vests in, the Government under clause (a) of sub-section (4) of Section 142, the Government shall, notwithstanding anything contained in this Act and the rules made there under, allot such land to landless agricultural workers in such manner as may be prescribed.

(2) In the allotment of lands under sub-section (1) preference shall be given to the person belonging to Schedule Caste or Schedule Tribes who resides within a distance of eight kilometres from the place where the excess land is situated.

(3) The person in whose favour any excess land as allotted under this section shall pay to the Government the amount of compensation under Section 143 :

Provided that if such person fails to pay amount within such time as may be fixed and in such manner as may be specified by the competent authority, the allotment in his favour shall be cancelled.

(4) The land allotted to a person under this section shall not exceed a basic holding.

(5) The person in whose favour any excess land has been allotted under this section shall pay revenue at the rate assessed on the land before it vested in the Government under Section 142.

Explanation : For the purposes of this section, “landless”, in relation to a person, means one who, either by himself or, if he has a family, does not hold land exceeding a basic holdings; and “landless agricultural worker” means an individual who is landless and whose main source of livelihood is agricultural labour.

147-B. **Ban to transfer of land allotted under Section 147-A:**

(1) No land allotted under Section 147-A shall be transferred by sale , mortgage, exchange, lease or gift, for a period of ten years from the date of allotment.

(2) If such land is transferred in contravention of sub-section (1), the allotment shall be cancelled and the transfer shall be void.

148. **Offences and penalties :**

(1) Whoever being bound to submit a return under Section 137 fails to do so, without reasonable cause, within the prescribed time, or submits a return which he knows or has reason to believe to be false, shall be punishable with fine which may extend to one thousand rupees, with imprisonment for a period which may extend upto two months.

(2) Whoever contravenes any lawful order made under this Chapter or otherwise obstructs any person from lawfully taking possession of any land shall be punishable with fine which may extend to one thousand rupees.

149. **Finality of orders :**

Subject to the provisions of this Act, every order made under this Chapter shall be final.

150. **Power to exempt, etc.**

(1) The Government may, on an application made to it in this behalf within three months from the commencement of Section 28 of the Manipur Land Revenue and Land Reforms (Amendment) Act, 1975, exempt from the operation of Section 136 :

- (a) any land which is being used for growing tea, coffee, rubber, cardamom or cocoa, including lands used or required for use for purposes ancillary to, or for the extension of, the cultivation of tea, coffee or rubber, cardamom or cocoa to be determined in the prescribed manner;
- (b) any land held by the Co-operative Banks, Banks constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, agricultural universities, agricultural colleges and research institutions;
- (c) any sugarcane farm held by any sugarcane factory upto an area not exceeding forty hectares within in the opinion of the Government it is necessary for the purpose of research and development;
- (d) any land which is being held by a registered co-operative farming society;
- (e) any land held by existing religious, charitable and educational trusts of a public nature not exceeding 50 hectares.

Provided that the Government may entertain an application made after the expiry of the said period of three months if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) Where any land in respect of which exemption has been granted under sub-section (1) ceases to be used, or is not, within the prescribed time, used for the purpose for which exemption has been granted, the State Government may, after giving the persons affected an opportunity of being heard withdraw such exemption and thereupon the provision of this Chapter shall apply as if such lands not been exempted,

CHAPTER XII

PREVENTION OF FRAGMENTATION

151. **Definitions :**

For the purposes of this Chapter, –

- (a) “holding” means the aggregate area of land held by a person as a landowner;
- (b) “fragment” means a holding of less than one hectare in area;
- (c) “land” has the same meaning as in Chapter XI;
- (d) “partition” has the same meaning as in Chapter V-A.

152. **Restriction on transfer, etc:**

(1) No portion of a holding shall be transferred by way of sale, exchange, gift, bequest or mortgage with possession, so as to create a fragment:

Provided that the provisions of this sub-section shall not apply to a gift made in favour of the Bhoodan Movement initiated by Acharya Vinoba Bhave.

(2) [Omitted].

(3) No fragment shall be transferred to a person who does not have some land under personal cultivation, or to a person who holds, or by reason of such transfer shall hold, land in excess of the of the ceiling limit.

153. **Partition of holding :**

(1) No holding shall be partitioned in such manner as to create a fragment.

(2) A fragment shall not be partitioned unless as a result of such partition its portions get merged in holdings of two and a half acres or more or in fragments so as to create holdings of one hectare or more.

(3) Whenever, in a suit for partition, the courts finds that the partition of a holding will result in the creation of a fragment, the court shall, instead of proceeding to divide the holding direct the sale of the same and distribute the proceeds thereof among the co-sharers.

(4) Wherever a holding is put up for sale under sub-section (3), a co-sharer shall have the first option to purchase the holding at the highest bid; if there are two or more co-sharers claiming the first option, that co-sharer who offers the highest consideration shall be preferred.

154. **Transfers in contravention of this Chapter :**

(1) Any transfer or partition of land made in contravention of the provisions of this Chapter shall be void.

(2) No document of transfer or partition shall be registered unless declarations in writing are made, in such form and manner as may be prescribed, by the parties thereto before the competent registering authority under the Indian Registration Act, 1908, regarding lands held by each prior or the transaction and the land which shall come to hold thereafter.

(3) No registering authority shall register under the Indian Registration Act, 1908, any document of transfer or partition of land if, from the declarations made under sub-section(2), it appears that the transaction has been effected in contravention of the provisions of this Chapter.

155. **Penalty :**

The parties to any transfer or partition made or entered into in contravention of any of the provisions of this Chapter shall be punishable with fine which may extend to one hundred rupees.

156. **Power to make rules :**

(1) The State Government may, by notification in the official Gazette, make rules to carry out the purposes of this Part.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the form in which and the period within which a return under Section 137 may be submitted;
- (b) the agency through which information may be collected under Section 138;
- (c) the manner of holding enquiries under this Part;
- (d) the matters which may be determined under sub-section (1) of Section 139 and the manner of determination of excess lands under this Part.
- (e) the form in which a list under sub-section (3) of Section 139 or sub-section (3) of Section 142 may be prepared and the manner of publication of such list;
- (f) the period within which an application for restoration of excess land may be made under the proviso to sub-section (4) of section 141.

- (g) the manner of apportionment of compensation between the landowner and the tenant under sub-section (2) of section 143;
- (h) the manner of assessment of the market value of any structure of building or trees under sub-section (3) of Section 143;
- (i) the manner of recovery of the compensation payable the tenant under sub-section (5) of Section 143;
- (j) the manner of determining under sub-section (6) of section 143 the market value of any excess land over which a mortgagee in possession acquires the rights of the mortgagor;
- (k) the manner of determination of the net annual income of any excess land for the purpose of payment of compensation under Section 134;
- (l) the manner of payment of compensation including the number of instalments in which the compensation may be paid or recovered and the period within which bonds may be redeemed;
- (m) the manner of demarcation of any excess land under Section 147;
- (n) the matters which may be determined by the State Government in granting an exemption under Section 150 including the form in which applications and intimations may be made or given under Section 150;
- (o) the form of declarations under Section 154;
- (p) any other matter which is to be or may be prescribed.

PART V

CHAPTER XIII

GENERAL AND MISCELLANEOUS157. **Recovery of amounts 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 recovered by the Government, under this Act shall be recoverable in the same manner as arrear of land revenue.

158. **Special provision regarding Schedule Tribes :**

No transfer of land by a person who is a member of the Scheduled Tribes shall be valid unless –

- (a) the transfer is to another member of the Scheduled Tribes;
or
- (b) where the transfer is to a person who is not a member of any such tribe, it is made with the previous permission in writing of the Deputy Commissioner, provided that the Deputy Commissioner shall not give such permission unless he has first secured the consent thereto of the District Council within whose jurisdiction the land lies : or
- (c) the transfer is by way of mortgage to a co-operative society.

159. **Jurisdiction of civil courts excluded :**

No suit or other proceedings 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 and provided for by 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.

160. **Act to override contract and other laws :**

Save as otherwise provided the provisions of this Act shall have effect notwithstanding to the contrary contained as any other law, custom or usage or agreement or decree or order of court.

161. **Court-fees :**

Notwithstanding anything contained in the Court-fees Act, 1870, every application, appeal or other proceeding under this Act shall bear a court-fee stamp of such value as may be prescribed.

162. **Village officers to be public servants :**

Every supervisor kanungo, ziladar and mandal and every other village officer appointed under this Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

163. *[Omitted].*164. **General provisions as to penalties :**

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

165. **Protection of action taken in good faith :**

No suit, prosecution or other proceedings shall lie :

- (a) against any officer of the Government for anything in good faith done or intended to be done under this Act;
- (b) against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything, in good faith, done or intended to be done under this Act.

166. **Delegation of powers :**

The State Government may, by notification in the Official Gazette, delegate to any officer or authority subordinate to him any of the powers conferred on him 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.

167. **Power to remove difficulties :**

If any difficulty arises in giving effect to any provision of this Act, the Government may, as occasion requires, take any action not inconsistent with the provisions of this Act which may appear to it necessary for the purpose of removing the difficulty.

168. **General power to make rules:**

Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may, by notification in the Official Gazette, make rules generally to carry out the purposes of this Act.

169. **Laying of rules before Legislative Assembly :**

Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly of Manipur while it is in session for a total period of not less than fourteen days which may be

comprised in one session or two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or decides that the rules shall not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

170. **Repeal and savings :**

(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 Manipur, the enactments specified in the Schedule or so much thereof as relate to the matters covered by the provisions so brought into force shall stand repealed in such area.

(2) The repeal of any enactment or part thereof by sub-section (1) shall not affect :-

- (a) The previous operation of such enactment or anything duly done or suffered thereunder.
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under such enactment;
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against such enactment;
- (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 proceeding or remedy may be instituted or enforced and any such penalty, forfeiture or punishment may be imposed as if such enactment or part thereof had not been repealed.

(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 enactments or parts thereof repealed under sub-section (1) shall, in so far as it is not inconsistent with the provisions of this Act brought into 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.

(4) Any custom or usage prevailing at the time any of the provisions of this Act are brought into force in any area in State of Manipur and having the force of law therein shall, if such custom or usage is repugnant to or inconsistent with such provision, cease to be operative to the extent of such repugnancy or inconsistency.

NOTES

Section 170. – The proceeding started before this Act came into force was held to be saved by clause (d) in the Aribam Tuleshwar Sharma V. Grenglan Yaima Singh, AIR 1965 Manipur 39.

THE SCHEDULE

[See Section 170 (1)]

1. The Assam Land Revenue Regulation 1886 (Assam Act I of 1886), as extended to the Union Territory of Manipur by notification under Section 2 of the Union Territories (Laws) Act, 1957 (30 of 1950),
2. The Bombay Vidarbha Region Agricultural Tenants (Protection from Eviction and Amendment of Tenancy Laws) Act, 1957 (Bombay Act IX of 1952), as extended to the Union Territory of Manipur by notification under Section 2 of the Union Territories (Law) Act, 1950 (30 of 1950).

MANIPUR LAND REVENUE AND LAND REFORMS RULES, 1961.

CHAPTER- I

PRELIMINARY

1 (1) These rules may be called the Manipur Land Revenue ~~and Land~~ **and com-**
Reforms Rules, 1961. **mencement.**

(2) They shall come into force on the 1st June, 1961.

2. In these rules, unless there is anything repugnant in the subject or ~~Definitions~~

(a) 'Act' means the Manipur Land Revenue and Land Reforms Act, 1960;

(b) 'agricultural patta' means a patta for agricultural purposes;

(c) 'Form' means any of the forms given in schedules I, II and IV ^{33 of 1960} or a translation thereof in the Manipuri Language published under the authority of the Administrator;

(d) 'last settlement' with reference to any local area means the last general revision of the land revenue demand of that area carried out in accordance with the provisions of the Act or any other law for the time being in force ;

(e) 'non-agricultural patta' means a patta for purposes other than agricultural propose;

(f) 'schedule' means a schedule to these rules; and

(g) 'section' means a section of the Act.

3. The distance of a nearby village referred to in explanation I to clause (r) of section 2 shall not exceed 8 kilometers from the village in which the land is situated, such distance being reckoned by the route normally used for journeys between the two villages.

**Distance of
a nearby
village for
purposes of
personal
cultivation.**

CHAPTER II

GENERAL POWERS OF REVENUE OFFICERS

General powers of Deputy Commissioner

4. The Deputy Commissioner shall have the power of general superintendence and control over all other officers subordinate to him and shall also have the power to allocate work among them.

General powers of Survey and Settlement Officer.

5. The Survey and Settlement Officer shall, subject to the exercise of powers by the Director of Settlement and Land Records, have general superintendence and control over other officers doing the survey and settlement work and shall also provide for the distribution of work among them. He may transfer any case or work from one such officer to another having competence to dispose of that case or work.

General powers of superior officers.

6. Save as otherwise provided by the Act, any revenue officer may exercise any power or discharge any function which may be exercised or discharged, as the case may be, by any officer subordinate to him.

CHAPTER III
(Part A)
GOVERNMENT LANDS

7. Any dispute referred to in sub-section (3) of section 11 shall be decided after a summary inquiry in the manner laid down in Schedule III.

Decision of dispute referred to under Section 11(3)

8. Subject to the provisions of section 12, –

Preservation and disposal of trees, jungles, etc.

(i) all trees, brush wood or other natural products growing on the road side shall be preserved or disposed of by the Forest Department or the authority having charge of the road as may be directed by the Administrator; and

(ii) all other trees, brush wood, jungles and other natural products, except in so far as the same may be the property of any person, shall be preserved or disposed of by the Forest Department in accordance with the Forest Rules for the time being in force.

9. (1) Whenever it appears necessary to the Deputy Commissioner, that any land should be set apart under section 13 for pasturage for cattle of any village or villages, he shall cause such land to be demarcated with temporary boundary marks and, if it has not been already cadastrally surveyed shall cause a map of it to be prepared on the scale of sixteen inches to a mile.

Survey and demarcation of pasturage.

(2) The Deputy Commissioner shall then cause a notice in Form I to be published declaring his intention to so set apart the land and inviting objections, if any, within thirty days from the date of publication of the notice.

(3) The notice shall be published –

(i) by beat of drum in the village;

(ii) by affixing a copy in some conspicuous place in the village; and

(iii) by affixing a copy on the notice board of the Court House of the issuing officer.

10. The Deputy Commissioner shall receive and enquired into any objection which may be presented to him within the period prescribed in rule 9 and on such enquiry may add any available adjacent land to the proposed pasturage or remove any land from it or confirm the proceedings.

11. Any objection received under rule 10 shall be heard and disposed of after a formal inquiry in the manner laid down in Schedule III.

Provided that the Deputy Commissioner may consolidate and hear all the objections together.

Hearing of objections.

12. As soon as may be after the disposal of all objections under rule 10, or when no such objection has been received within prescribed period, after the expiry of that period, the Deputy Commissioner shall cause to be published in the manner prescribed in sub-rule (3) of rule 9 a final notice declaring the land to be set apart for

Disposal of

pasturage for the cattle of the village or villages. He shall also cause the pasturage specified in the notice to be entered in the register of pasturage and the boundaries thereof to be demarcated with such boundary marks as he may deem suitable.

**Use of
pasturage.**

13. After the declaration under rule 12 the land may be used as pasturage for the cattle of the village or villages for which it has been set apart, provided that the Deputy Commissioner may, with a view to ensure proper utilisation of the land, prescribe the conditions subject to which the pasturage may be used.

14. The Deputy Commissioner may at any time modify or cancel the declaration under rule 12 and the provisions of rules 9 to 12 *shall mutatis mutandis* apply to such proceedings.

**Cancellation
or
modification
of
declaration
under rule
12.**

15. The Deputy Commissioner may ordinarily set apart an area not exceeding 5% of the land constituted within a village for community purposes and the provisions of rules 9 to 14 shall *mutatis mutandis* apply thereto.

16. The Deputy Commissioner may, in consultation with the Head of the Forest Department, set apart land to be constituted as a Protected Forest or Reserve Forest in the manner laid down in the Indian Forest Act, 1927 (XVI of 1927).

**Setting apart
of land for
community
purposes.**

17. (1) Where the Administrator had entrusted the management of any land belonging to the Government to the Gram Panchayat of a village, an appeal against the order of allotment of land passed by the Gram Panchayat shall lie to the Sub-divisional Officer in whose jurisdiction the land is situated.

**Setting apart
land for
Forest
Reserve.**

(2) The Sub-divisional Officer may, either on his own motion or on the application of any party, call for the record of any proceedings of a Gram Panchayat for allotment of land, for the purpose of satisfying himself as to the legality or the propriety of any order passed by such Gram Panchayat and may pass such order in reference thereto as he thinks fit.

**Management
of land by
Gram
Panchayat.**

18. (1) Before ordering eviction of a person under sub-section (1) of section 15 the competent authority shall issue a notice to him requiring him to show cause within a period to be specified in the notice why he should not be evicted from the land.

(2) If the person concerned files an objection within the period specified in the notice or such extended period as may be allowed by the competent authority it shall hold a summary inquiry in the manner laid down in Schedule III.

(3) If the person concerned files no objection within the time so allowed or if after inquiry the competent authority finds that the person is a trespasser it shall order his eviction and shall also require him to remove any building or other construction erected or anything deposited on the land within a time specified in the order.

**Procedure
for summary
evic-tion.**

CHAPTER III
(Part B)
REMISSION, SUSPENSION, ETC. OF
LAND REVENUE

19. The Administrator may subject to such conditions as he may specify in the order to ensure proper utilization of the concession, exempt any land from the liability to the payment of land revenue in any of the following cases namely :-
- Exemption from land revenue.**
- (i) where the person holding land is a public body or an institution established exclusively for a religious, educational or a charitable purpose, or a person holding under a trust or an endowment or other legal obligation exclusively for a purpose which is charitable, educational or religious;
 - (ii) where waste or unproductive land is sought to be brought under cultivation; and
 - (iii) where in the opinion of the Administrator exemption from land revenue will be in public interest.
20. The assessment of alluvial land added to a holding shall be made by the Sub-Divisional Officer at the rate sanctioned for similar soil in the same village or neighboring villages.
- Assessment of alluvial land.**
21. In determining the decrease of assessment on account of land lost by diluvion, the Sub-Divisional Officer shall take into consideration the rates sanctioned for similar soil in the same village or neighboring villages.
- Decrease in assessment.**
22. The change in assessment made under rule 20 or rule 21 shall take effect from the 1st day of the year following the change in the area or such earlier date as may be specified by the Sub-Divisional Officer.
- Date from which change in assessment to take effect.**
23. (1) When land assessed for use for a purpose other than agriculture is diverted to an agricultural purpose, the assessment shall be equal to the assessment of the land for agricultural purposes, as fixed at the last settlement.
- Diversion of land to agricultural purpose.**
- (2) When there has been no such assessment for agricultural purposes, the assessment shall be fixed at the rate adopted for similar soil in the same village or in a neighbouring village at the last settlement.
24. If any land held for one purpose is diverted to any other purpose except agriculture, the assessment thereon shall be revised in accordance with any of the methods specified below according to the circumstances of the case, viz :-
- (i) if the area in which the land is situated has a revenue rate for the land used for that purpose as confirmed by the Administrator under sub-section (1) of section 34 then in accordance with such revenue rate;
 - (ii) if there be no revenue rate in force as aforesaid, then the Deputy Commissioner may assess the revenue at a rate not exceeding 50% of annual letting value of such land determined in the manner laid down in rule 43.
- Diversion of land to other purposes.**

Calculation of fractions. 25. In fixing the actual assessment of a plot of land, the area thereof measuring less than 0.01 acre shall be taken to be 0.01 acre.

Remission or suspension of land revenue. 26. Remission or suspension of land revenue may be granted:-
 (a) in the event of failure of crops due to-
 (i) widespread calamities such as famine, draught, etc; or
 (ii) local calamities such as hail, floods, locusts and similar visitation; and.
 (b) in cases in which crops could not be grown in any area in consequence of an order made under any law by a competent authority.

Remission when to be allowed. 27. Ordinarily relief shall take the form of suspension of revenue. Remission may be granted if later conditions justify such course.

Relief in widespread calamities. 28 (1) In cases of widespread calamities, the degree of relief shall be the same in each village or homogeneous tract, and no attempt shall be made to differentiate between the circumstances of individuals.

(2) Relief shall be calculated according to "A" Scale or "B" Scale according to the previous revenue history of the tract. "A" Scale shall be used in villages whose revenue history is normal and "B" Scale in those which have suffered from recent crop failures.

"A" SCALE

State of Crop (1)	...	Degree of relief (2)
40 per cent or above	...	Nil
Less than 40 per cent but not less than 25 per cent	...	Half
Less than 25 per cent	...	Full

"B" SCALE

50 per cent or above	...	Nil
Less than 50 per cent but not less than 40 per cent	...	Half
Less than 40 per cent	...	Full

In calculating the percentage of produce for each village, any shortage in the cropped area as compared with the estimated normal shall be taken into consideration.

29. The forgoing rule shall apply in the cases of local calamities subject to the following modifications, namely: -

Relief in local calamities. (a) relief shall be granted to individuals according to the damage done to the total holding of each; and
 (b) relief shall be granted on "B" Scale, if any general suspension of revenue was granted in respect of the previous year's crops in the village, otherwise on "A" Scale.

30 (1) Remission of land revenue in any area in which crop could not be grown in consequence of an order made under any law by a competent authority may be allowed according to the following scale, namely:-

Relief in case of orders, by court etc.

State of area allowed to remain fallow (1)	Degree of relief (2)
(i) If more than half the area allowed to remain fallow was cultivated during the previous year.	Full
(ii) If less than half the area allowed to remain fallow was cultivated during the previous year.	Half

(2) Relief under sub-rule (1) shall be determined for individual holdings separately

31. The Administrator may sanction suspension, remission or resuspension, as the case may be, to such extent as may be considered necessary. On receipt of sanction the Deputy Commissioner shall cause the nature of relief to be announced to all concerned before the instalment of revenue, to which it relates, falls due .

Announcement of relief.

32. If it appears probable that orders of the Administrator cannot be received in time to allow announcement before the due date, the Deputy Commissioner may, pass orders staying the realisation of the amount of land revenue pending orders of the Administrator

Stay orders by Deputy Commissioner.

33. (1) No land revenue which has been suspended shall ordinarily be collected until the next crop, corresponding to the one which failed, has been harvested in the affected tract.

Collection of suspended land revenue.

(2) As the character of each successive harvest becomes known, the Administrator shall determine the amount of the suspended land revenue to be collected along with the ordinary demand and shall announce it before the date fixed for the payment of revenue. The amount of suspended land revenue to be collected, if any, shall be equal to one-fourth, one-half or the whole of the year's demand as the circumstance may justify.

34. Suspended land revenue may, be remitted in whole or in part

- (a) when the revenue which it is sought to remit has been suspended for three years; and
- (b) in cases where it is clear from the conditions of the tract that it would cause undue hardship to collect the suspended revenue or part of it.

Remission of suspended land re-

35. For every amount of land revenue collected by a revenue officer, a receipt in Form 2 shall be given to the person from whom the amount is received.

Form of receipt for land revenue.

CHAPTER IV
SURVEY AND SETTLEMENT OF LAND REVENUE

Profits of agriculture.

36. (1) In determining the profits of agriculture, the cost of cultivation shall be estimated first.

(2) The profits of agriculture shall be computed after deducting the cost of cultivation from the market value of the products and bye-products, the market value being calculated on the average of sale prices prevailing in important markets in the neighbourhood during the preceding three years, or during any shorter period for which information be available.

Value of land.

37. The value of land used for agricultural and non-agricultural purposes shall be determined by the revenue officer after taking into consideration the market value of similar land used for similar purposes in the neighbourhood.

Register of value of land and profits of agriculture.

38. The Deputy Commissioner shall maintain a register of value of land as well as of profits of agriculture.

Notification and proclamation of revenue survey.

39. (1) Whenever the Administrator, with the approval of the Government, decides under section 26 that a revenue survey be made of a local area with a view to settlement of land revenue and to the preparation of record of rights connected therewith or the revision of any existing settlement or record of rights, he shall publish in the official Gazette a notification in Form 3.

(2) Thereafter, but before the survey starts in any village, proclamation in Form 4 shall be made in that village and in villages contiguous thereto.

40. After the proclamation has been made proceedings for revenue survey and preparation of record-of-rights shall be taken in accordance with the provisions of Chapter V with the following notifications, namely: –

Revenue survey and preparation of record of rights.

- (a) proceedings shall simultaneously be taken for the preparation and publication of the table of revenue rates ;
- (b) for the purpose of determining the revenue rates, the area shall be divided into units (hereinafter called assessment units) in accordance with the provisions of section 32 and these rules; and
- (c) before the revenue attestation mentioned at item V of rule 59 starts, the table of revenue rates shall be finally published and the assessment of each holding shall be calculated in accordance with that table and entered in the draft of the record-of-rights.

41. Subject to the provisions of section 32 –

- (a) the assessment unit shall as far as possible –
 - (i) include a compact area;
 - (ii) be homogeneous in geographical, agricultural and economic condition; and

Assessment unit

- (iii) be co-terminous with a block of physical division; and
- (b) the assessment unit of land within a municipality or cantonment area shall be the area comprised within a municipal ward or the cantonment, as the case may be;

Provided that the Survey and Settlement Officer may combine the area under two or more municipal wards into one assessment unit or sub-divide a municipal ward or cantonment area into more than one assessment unit.

42. (1) Simultaneously with the preparation of the table of revenue rates shall be prepared a report to be called the rate report which shall be submitted to the Administrator along with the table of revenue rates.

**What rate
report
should**

(2) The Rate Report for each assessment unit shall contain proposals for the assessment of each village within the unit. The report, besides giving a general outline of the physical and agricultural condition of the unit, shall deal succinctly with such of the following subjects as may throw light upon the pressure of the existing assessment. As far as possible, present circumstances should be compared with those obtaining when the existing assessment rates were fixed :

- (a) Position and boundaries of the unit; total and surveyed area; number of villages.
- (b) Natural features.
- (c) Character of cultivation; modes of cultivation; irrigation, manuring, and double cropping; liability to damage by natural causes, including wild animals and insect pests.
- (d) Cost of cultivation, cattle, agricultural labour and pasturage.
- (e) Population.
- (f) Communications, trade and industry; markets for disposal of surplus agricultural produce; prices of agricultural produce; exports and imports.
- (g) Previous revenue history; effect of the existing assessment on the more highly assessed villages; agricultural calamities since the last settlement; improvements made at either public or private expense.
- (h) Settled area; extension of cultivations.
- (i) Relinquishment.
- (j) Crop statistics; double cropped and uncropped percentages.
- (k) Subletting; percentage of settled area sublet; rates of rent; value of land.
- (l) Land, its nature and fertility; and classification.
- (m) Average out-turn of agricultural produce; estimated value of the gross produce and its relation to the proposed revenue.

- (n) Collection of revenue; coercive processes used.
- (o) Economic condition of the people in general and of agriculturists in particular; subsidiary occupations; standard of living; health; water supply; educational facilities; indebtedness; consumption of exciseable articles.
- (p) Proposed assessment with a summary of the grounds in support of it; comparison of incidents of past and proposed assessment both for the assessment unit as a whole and for its constituent villages.

Assessment of non-agricultural land.

43. (1) The assessment of land for purposes other than agricultural shall be related to their annual letting value, i.e. the gross annual rent at which the land may be reasonably expected to let. It shall be determined, wherever possible, from recent records of sales and leases relating to lands of similar description with similar advantages in the vicinity and used for similar purposes.

(2) To ascertain the annual letting value of land referred to in sub-rule (1) the following information shall be collected: –

- (a) Rental of land where land alone is let out.
- (b) Rental of house let out with the land attached thereto.
- (c) Sale price of similar land in recent years.

44. The revenue rate of any class of land shall not exceed: –

- (a) in case of agricultural land, one-eighth of the value of the yield of the land;
- (b) in case of other land 50% of the annual letting value of such land determined in the manner laid down in rule 43.

Maximum revenue rate.

45. The table of revenue rates shall show the rates of land revenue per acre against different classes of agricultural and non agricultural land in the unit and shall be in Form 5.

Form of table of revenue rates.

46. To the table of revenue rates shall be annexed. –

- (a) a map of the assessment unit showing the villages;
- (b) a set of tabular statements, showing the results of crop cutting experiments, costs of cultivation, present and past classification, if any, crops grown, and the proposed rates.

Annexure to table of revenue rates.

47. The Survey and Settlement Officer or the Assistant Survey and Settlement Officer shall publish the table of revenue rates under sub-section (1) of Section 33 by placing it for public inspection free of charge during a period of thirty days at such convenient place as he may determine and cause a public notice in Form 6 to be given to that effect in each village comprised in the assessment unit to which the table relates, stating the place at which the table will be open to such inspection and inviting objections, if any, to be made within the period the table remains open for public inspection.

Publication of table of revenue rates.

Disposal of objections.

48. Any objection to any entry in the table of revenue rates filed within the prescribed period shall be heard in a summary manner and decision recorded.

49. After the final publication of the table of revenue rates under section 34, the Survey and Settlement Officer shall calculate the assessment of each holding in accordance with the revenue rates thus confirmed. **Assessment of holdings**

50. The Administrator may by an order direct alteration or revision of revenue rates under clause (a) of sub-section (2) of section 37 when in his opinion the circumstances have so changed as to cause substantial increase or decrease in the yield or prices of crops generally or in a particular area. **Alteration or revision of revenue rates.**

51. The revised revenue rates of any class of land shall bear the same ratio to the old revenue rate of that or corresponding class of land as –

- (i) in case of agricultural land the average profits of agriculture of that class of land during the preceding three years bear to the average profits of agriculture of that or corresponding class of land at the time of the last determination of revenue rates;
 - (ii) In case of non-agricultural land the average market value of that class of land obtaining during the preceding three years bears to the average market value of that or corresponding class of land obtaining at the time of the last determination of revenue rates:
- Ratio between old and new revenue rates.**

Provided that the revenue payable in respect of any land shall not be increased or enhanced so as to exceed by more than twenty five per cent of the revenue previously payable in respect of that land.

Provided further that nothing contained in this rule shall apply to the first settlement of the land under the Act.

52. (1) As soon as the work of survey and settlement of land revenue has sufficiently advanced to enable the Survey and Settlement Officer to state approximately what will be the total cost incurred and the cost leviable from persons holding land or having interest therein and how in his opinion the share to be paid by persons holding land or having interest therein should be borne, he shall submit for orders of the Administrator the principles on which he proposes to make apportionment. The proposals shall be submitted in good time before final publication of record-of-rights. **Principles of apportionment of costs.**

53. (1) Liability of individuals for costs shall be fixed on the basis of the land revenue of land held by them or in which they have interest and for this purpose the fraction of an acre shall be deemed to be an acre. **Liability of individuals for costs.**

(2) When the area of waste land or unoccupied land is extensive, separate rates per acre may be fixed for that land and the other land.

54. When the Administrator has approved the principles of apportionment of the cost, the Survey and Settlement Officer shall apportion costs accordingly and shall cause each person to be served with a notice in such manner as the Administrator may from time to time direct of the amount payable by him and the period within which it should be deposited. **Apportionment of liability for costs and notice thereof.**

55. (1) A separate settlement register shall be prepared for each village.

(2) It shall contain the following particulars:-

Settlement register.

- (i) mark list (list of trijunction and boundary and survey marks);
- (ii) dag chitha;
- (iii) rent roll (list of revenue rates for different soil classes in the village);
- (iv) statement showing the areas under different crops;
- (v) register of lands held by Government and other local bodies;
- (vi) statement showing the classifications of cultivated lands and culturable waste;
- (vii) revenue-free lands;
- (viii) list of lands in which the public have common right of easement;
- (ix) agricultural stock statement;
- (x) irrigation list;
- (xi) cadastral village map
- (xii) a village note containing the following : –
 - (a) situation and physical features;
 - (b) soil classes;
 - (c) tahsil, Sub-division, District, Police Station, Post & Telegraph Office to which attached;
 - (d) human and cattle population;
 - (e) customary rights of the villagers;
 - (f) main crops;
 - (g) method of cultivation;
 - (h) drinking water tanks, wells and other sources of drinking water;
 - (i) schools and colleges;
 - (j) community festivals and religion;
 - (k) hospitals and dispensaries;
 - (l) pasture lands;
 - (m) burial and cremation ground;
 - (n) natural products and mines, if any;
 - (o) village officer;
 - (p) trade, communication and marketing facilities;
 - (q) crafts and industries;
 - (r) temples, mosques and other notable objects;
 - (s) rural indebtedness, economic conditions, use of exciseable goods;
 - (t) rain-fall;
 - (u) such other information as may be considered necessary and useful.

CHAPTER V
LAND RECORDS

56. The record-of-rights shall consist of *jamabandi* and tenant's *khatian*.

Record of rights.

57. The Survey and Settlement Officer shall cause *dag chitha* (hereinafter referred to as *chitha*) *jamabandi* and *tenant's khatian* prepared in Forms 7, 8 and 9 respectively.

Forms of Chitha, Jam-abandi, Ten-ant's kha-tian

Provided that on the enforcement of section 99—

- (i) In Form 7 the words, "*Pattadar*" and "*Patta No.*" shall be substituted by the words 'land owner' and 'certificate' number respectively; and
- (ii) In Form 8 the words 'new patta No' and 'pattadar' shall be substituted by the words 'certificate No.' and 'land owner' respectively.
- (iii) In Form 9 the word 'pattadar' shall be substituted by the word 'land owner'

58. Before the preparation or revision of record-of-rights is taken up, there shall be the notification and the proclamation as stated in rule 39.

Notificati on and Pro-zelamation.

59. (1) When a notification has been so published and the proclamation made, the revenue survey shall be conducted and the record-of-rights shall be prepared or revised by the following stages namely: —

Stages of revenue sur-vey and pre-paration

- (i) traverse survey ;
- (ii) cadastral survey ;
- (iii) preliminary record writing and field classification ;
- (iv) record attestation ;
- (v) revenue attestation ;
- (vi) offer of settlement ;
- (vii) publication of the draft record-of rights ;
- (viii) disposal of objections under sub-section (1) of section 43 ;
- (ix) preparation and final publication of the record-of-rights under sub-section (2) of section 43.

Provided that there shall be no offer of settlement after the enforcement of section 99;

Provided further that any of the stages referred to in items *i* to *iv* may be omitted or amalgamated with another by an order of the Administrator;

Provided also, that if the Survey and Settlement Officer is of the opinion that there has been a material irregularity or omission in the proceedings, he may at any time before the publication of the draft of the record-of-rights direct that the proceedings or any portion thereof shall be stayed or cancelled and that such proceedings shall be taken *de novo* or from such stage as he may direct, but not so as to set aside any proceedings relating to determination of revenue rates after the publication of the table under sub-section (1) of section 33.

- Notification for assistance.** 60. Before each of the first four stages, namely, traverse survey, cadastral survey, preliminary record writing and record attestation, a general notice shall be served in the village in Form 10 informing the holders of land of the probable dates of commencement of each of the stages and requiring their attendance to assist the revenue officer employed on the work in any matter incidental to any of the above stages.
- Traverse survey.** 61. The traverse survey of an area notified under section 26 shall ordinarily be carried out by theodolite observations.
- Cadastral survey.** 62. (1) The cadastral survey of the area shall be based on traverse survey.
(2) A detailed map of all the fields in a village shall be prepared on a scale which shall ordinarily be sixteen inches to a mile. Where a suitable large map is already in existence, it will not be necessary, unless the Survey and Settlement Officer so directs to prepare a fresh map and existing map may be brought upto date.
- Boundary marks.** 63. Where the village has not already been demarcated in an adequate manner, boundary marks of a permanent nature shall ordinarily be erected at every point where the boundaries of three villages meet.
- Survey number.** 64. A separate number (hereinafter called the plot number) shall be allotted to every plot i.e. a piece of land within one periphery which is possessed by one person or a set of persons jointly, which is held under one title and which consists of one class of land.
- Preliminary record writing.** 65. The preliminary record writing shall consist of the preparation of a *dag chitha* and the preliminary record-of-rights, that is, a draft *jamabandi* and a draft *khatian*.
- Preparation of dag chitha** 66. (1) The Survey and Settlement Officer shall first cause to be prepared a *dag chitha* in Form 7. This shall be prepared by the Revenue Officer after consulting the previous records and also after making local investigation. If there is any dispute, the fact shall be noted in the remarks column and the column regarding the entry where there is dispute may be left blank. All the disputes shall be referred to the Survey and Settlement Officer or the Assistant Survey and Settlement Officer.
(2) There shall be local explanation by the Survey and Settlement Officer or the Assistant Survey and Settlement Officer in course of which entries made in the *dag chitha* shall be explained to the persons concerned who may be present at the spot. The officer shall also enquire into the disputes referred to in sub-rule(1) as also into such other disputes relating to entries in the *dag chitha* as may be raised at the spot in the course of the local explanation. This inquiry shall be in the summary manner and the disputes shall, as far as possible, be decided on the basis of actual possession.
- Preparation of draft jamabandi and tenants' khatian and record attestation.** 67. (1) After the preparation of the *dag chitha* but before the record attestation begins, the Survey and Settlement Officer shall cause a draft *jamabandi* to be prepared. The fields which have been found in the possession of each landholder and the classification of each field as entered in the *dag chitha* shall be written but at this stage, there shall be no entry under the head 'revenue' in the draft *jamabandi*. Draft tenants' *khatian* shall also be prepared from the *chitha*.

(2) Each person having interest in land shall be furnished, before record attestation begins, with an extract from the draft *jamabandi* showing the fields which have been found in his possession and the proper classification of each field. Similarly each tenant shall be furnished with the extract from the draft tenants' *khatian*.

(3) The record attestation of each village shall be taken up by the Survey and Settlement Officer or the Assistant Survey and Settlement Officer, hereinafter referred to in this rule as the Attestation Officer, at a convenient place in or near the village.

(4) A proclamation shall be published in the villages giving due notice to the land-holders and tenants and calling on them to appear before the Attestation Officer bringing with them their extracts from draft *jamabandi* or tenants' *khatian* as the case may be.

(5) As each land holder or tenant appears before him, the Attestation Officer, if the land holder or tenant so desires, shall examine the entries in the draft *jamabandi* or tenants' *khatian* which relate to him, shall read out and explain the entries and shall make corrections when required. Disputes regarding ownership of land or the ownership of any interest, such as mortgage of land with possession shall be decided by the Attestation Officer in a summary manner and on the basis of actual possession. The Attestation Officer shall thereafter decide all objections to the classification of fields.

(6) In all cases in which the field has not been inspected by the Survey and Settlement Officer or an Assistant Survey and Settlement Officer, he shall personally inspect the field before deciding on its classification.

68. The Revenue attestation of a village shall be taken up by the Survey and Settlement Officer or Assistant Survey and Settlement Officer, hereinafter called the Attestation Officer, at a convenient place in or near the village. A fresh extract from the draft *jamabandi* showing only the total area, the total revenue as calculated and the alterations, if any, made in the *jamabandi* in course of record attestation shall be distributed to each landholder. A proclamation shall also be published in the village giving sufficient notice to land-holders and calling upon them to appear before the Attestation Officer bringing with them their extracts from the draft *jamabandi*. As each land-holder appears before him, the Attestation Officer shall read out to him the total area entered against his name in the draft *jamabandi* and the total assessment which is proposed in his case. The Attestation Officer shall thereafter decide any objection which may be put forward.

**Revenue
attestation**

69. (1) The offer of settlement shall be made to the person who may be legally entitled thereto. When there is no such person and the land is in the occupation of any other person, the Survey and Settlement Officer may, if he is of the opinion, that such an offer should be made, make an offer of settlement to any person who may appear to him to be best suited therefore.

**Offer of
settlement**

(2) The Survey and Settlement Officer shall prepare, sign and seal all *pattas* in respect of lands settlement whereof is to be offered and shall see that the entries therein correspond with the entries in the record-of-rights.

(3) The Survey and Settlement Officer shall then issue a proclamation, to be posted at a conspicuous place in or near each village, stating the date on which and the place at which *pattas* will be offered. On such date and at such place, the Survey and Settlement Officer or any other officer authorised by him in this behalf shall, if the persons to whom the *patta* is to be offered are present, tender the same to them.

(4) If any of these persons is absent, the officer tendering may sign a general notice in the following form or in a form substantially similar thereto and cause a copy thereof to be affixed within three days of the aforesaid date at some conspicuous place in the neighbourhood of the centre selected for the distribution of *pattas* : –

“The undermentioned persons being absent I hereby offer to them the *pattas* standing in their respective names”.

(5) The tender of a *patta*, or the affixing of a copy of the notice containing the offer of a *patta* as the case may be shall be equivalent in each instance to an offer of settlement.

How settlement may be refused.

70. (1) Any person to whom an offer of settlement has been made in accordance with rule 69 and who desires to refuse, shall, within 30 days of the offer, inform the Survey and Settlement Officer of the refusal by recording on the *patta* that he refuses to accept the settlement, and by returning the *patta* to the Survey and Settlement Officer. The form for refusal shall be in the proforma given below with necessary alterations: –

“I hereby declare that I refuse this *patta* which has been offered to me”

Signature
Date

In case of refusal of settlement.

(2) In the absence of a refusal within the time and in the manner stated in sub-rule (1) the *patta* shall be deemed to have been accepted.

71. In case the settlement is refused by the person to whom it is offered and that person has otherwise no right to continue to hold the land after the date proposed for the commencement of the new settlement, the land in question shall be dealt with in accordance with the provisions of section 14 and rules made thereunder.

Publication of draft record-of-rights.

72. (1) After the completion of aforesaid stages in a village, the Survey and Settlement Officer shall publish the draft of the record-of-rights under sub-section (1) of section 43 by placing it for public inspection free of charge during a period of thirty days at such convenient place or places as he may determine and cause a public notice in Form 11 to be given to that effect in the village to which the draft record-of-rights relates, stating the place at which the draft records shall be open to public inspection, the period for which they shall be open to such inspection and objection, if any, to be made in Form 12 within the period the draft record-of-rights remains open for inspection.

(2) Notwithstanding anything contained in the notice, the Survey and Settlement Officer may extend the period during which the draft record-of-rights shall be open to inspection and during which objections may be filed.

73. (1) Form 12 shall be made available by the revenue officer on payment of a price of 10 naye paise per form and objection shall, as far as practicable, be made in such form. Along with the original objections, the objector shall file copies of the same with copies of notices in Form 13 for service on persons who are materially interested in the case and the revenue officer shall issue notice informing the objector and all such persons of the date, time and place fixed for the hearing of the objections. No objection shall be disposed of without affording the parties materially interested or their representatives an opportunity of being heard.

Disposal of objections.

(2) Objections shall be disposed of in a summary manner. The names of witnesses examined and abstract of the reasons for decision shall always be recorded in addition to the decision itself. The revenue officer disposing of the objection shall record the final decision specifying the changes, if any, which are required to be made in the *dag chitha* or *jamabandi* concerned. Necessary corrections in the *jamabandi* under objection shall be made by the revenue officer himself.

74. When all objections under *rule 73* have been finally disposed of and the draft of the record corrected, wherever necessary, the Survey and Settlement Officer shall frame the final record in conformity with the draft record thus corrected.

Framing of final record.

75. (1) The record-of-rights shall be finally published under sub-section (2) of section 43 by the Survey and Settlement Officer by placing it for public inspection free of charge during a period of thirty days at such convenient place or places as he may determine, and he shall cause a notice in Form 14 to be given to that effect in each village to which the record relates stating the place where it will be open to public inspection and the period during which it will be open to such inspection.

Final publication of the record-of-rights.

(2) When a record-of-rights is placed for final publication under sub-section (2) of section 43, a certificate in the following form shall be attached to the first volume of the record-of-rights of each village : –

CERTIFICATE OF FINAL PUBLICATION

Village..	...	...	...		
Tahsil..	...	...	...		
District ..	...	...	...		
Volume ..	...	...	...		
Pages ..	...	...	...	to..	...	...

Certified that the record-of-rights of the interests as contained in the pages noted above has been finally framed and published under sub-section (2) of section 43 of the Manipur Land-Revenue and the Land Reforms Act, 1960, on thisday of. 19.

Survey and Settlement Officer

or

Assistant Survey and Settlement Officer.

(3) The certificate shall be sealed with the seal of the Survey and Settlement Officer.

(4) Each page of the final record shall be stamped with a seal in the following form:

“Record-of-rights finally framed and finally published under sub-section (2) of section 43 of the Manipur Land Revenue and Land Reforms Act, 1960.”

**Survey and Settlement Officer
Manipur Administration.**

Availability of copies of records and recovery of cost.

76. Copies of maps prepared under authority of the Administrator and copies of final record-of-rights after certification as aforesaid may be made available to public officers, to landholders and to others in such manner as the Administrator may by general or special order from time to time direct. The copies of maps and records which may be made available under this rule to persons other than public officers, shall be given on payment such cost as the Administrator may direct.

Deposit of settlement record in the record room of the Deputy Commissioner.

77. After the final publication of the record-of-rights the following records shall be made over to the Deputy Commissioner:—

- (a) cadastral survey maps and other maps ;
- (b) record-of-rights ;
- (c) volume of objections filed during the period of draft publication ;
- (d) old record-of-rights ;
- (e) any other paper specially marked for permanent preservation ;

Maintenance of record.

78. After the Deputy Commissioner has taken over the records mentioned in rule 77, the responsibility for their custody and maintenance shall devolve upon him.

Periodical correction and maintenance.

79. The record-of-rights shall be regularly corrected and *Dag chitha* shall be prepared every year, columns 1 to 6 being filled in accordance with the corresponding entries in the *chitha* of the previous year.

Intimation of correction.

80. Any officer correcting any entry in the record-of-rights under section 45 shall, as soon as may be after the correction, give intimation thereof to the person or persons interested in the land to which the particular entry relates.

Register of mutations.

81. The register of mutations shall be in Form 15, there being a separate register for each village.

Rewriting of records-of-rights

82. The record-of-rights may be rewritten after every five years or such longer period as the Deputy Commissioner may decide after scrutiny of the record.

Reports for mutation

83. (1) All reports for mutation under section 46 shall be in Form 16. The applicant i.e. the person reporting, shall fill up columns 1 to 7 and the other columns shall be filled in due course by the officers concerned. The applicant shall also submit sufficient number of spare copies of the report for intimation to the persons interested.

(2) Any person who prays for mutation of name in the record-of-rights shall also state in his report the lands already held by him or any members of his family as land owner or tenant or mortgagee with possession otherwise.

(3) The competent authority shall acknowledge receipt of the report by making over the counter-foil, duly filled in, signed and dated.

84. Before sanctioning a mutation, the Authority concerned shall satisfy itself that the acquisition in pursuance of which mutation is sought is not in contravention of any of the provisions of the Act.

Mutations not to be in contravention of the Act.

85. Any intimation under sub-section (3) of section 46 shall be given by sending a copy of the report along with a copy of the entry made under the said sub-section.

Intimation about mutation.

86. The register of disputed cases shall be in Form 17.

Register of disputed cases.

87. The acknowledgement to be given of the objection made under sub-section (4) of section 46 shall be given in Form 18.

Acknowledgement of objection

88. (1) Entries in the register of mutations shall be tested by the Sub-Deputy Collector :-

Testing of entries.

- (i) in the case of entries in respect of which objections have been decided under sub-section (5) of section 46, with reference to the relevant records ; and
- (ii) in other cases by making such local enquiries as the Sub-Deputy Collector may deem necessary.

(2) An entry when so tested shall be transferred to the record-of-rights and shall be certified by the Sub-Deputy Collector.

89. Every land-holder and any person holding any interest in land, or employed in the management of land, shall be bound, on the requisition of the revenue officer, to furnish any information required by such officer for the purpose of preparing, making or correcting any entry in the record-of-rights or the register of mutations or to show to the satisfaction of such officer that it is not in his power to furnish the required information.

Information to be supplied to Deputy Commissioner on requisition.

90. Whenever any court of competent jurisdiction makes a decree confirming any transfer of possession of a transferable estate or holding or gives effect to any decree transferring any such possession, such court may order the transfer to be registered in the mutation register and the Deputy Commissioner shall cause necessary entries to be made in the mutation register.

Alteration of registers on decree of Court.

91. The inspection and grant of certified copies of revenue records shall be governed by the provisions of Schedule II.

Inspection and grant of copies.

CHAPTER VI.
BOUNDARIES & BOUNDARY MARKS

Determination of boundary disputes.

92. Whenever in the course of revenue survey or otherwise it comes to the knowledge of a survey officer that any boundary dispute exists, he shall decide it after an enquiry at the spot.

Presumption of correctness of cadastral survey.

93. When a village has been cadastrally surveyed the boundaries shown in the cadastral map shall be presumed to be correct unless the contrary is proved.

Boundary Marks.

94. (1) Boundary marks to be constructed and laid out under the provisions of the Act shall be of the following descriptions, namely :—

- (i) marks erected to show the trijunction points of villages (to be called “trijunction marks”);
- (ii) marks erected to show demarcation of other village boundaries or for other special purposes, viz. demarcation of disputed boundary or Government Land etc.
- (iii) marks erected to show the demarcation of plot boundaries, if so requested by the landowner concerned.
- (iv) other boundary marks.

(2) Subject to the provision of Sub-rule (i), every boundary mark shall be of such description and of such dimension and material as may be determined by the Deputy Commissioner or other competent authority.

Erection of boundary marks on requisition.

95. (1) Every holder of land on the written requisition of a survey officer empowered under Section 54 shall erect and repair such boundary marks on the land as that officer directs.

(2) If any person of whom a requisition has been made under sub-rule (1) fails to comply with it, the survey officer may cause it to be repaired and realise the cost so incurred from persons having interest in the land.

Maintenance of boundary marks.

96. The maintenance of boundary marks in the villages shall be regulated as follows :-

- (i) boundary marks of Government land shall be maintained by the Government Department concerned;
- (ii) village boundary marks shall be maintained by the Deputy Commissioner; and
- (iii) any other boundary marks erected in accordance with the directions of the Deputy Commissioner or other competent authority shall be maintained in accordance with such specifications and instructions as may be issued by him, or it, as the case may be from time to time.

Register of boundary marks.

96. The revenue officer in charge of village boundary demarcation shall maintain a register of all boundary marks so as to ensure that they are properly maintained and kept in good condition.

CHAPTER VII
REALISATION OF LAND REVENUE AND OTHER
PUBLIC DEMANDS

98. (1) Every sum on account of the land revenue shall be payable to the sub-deputy collector in his office. **Land revenue when and how payable.**

(2) It shall fall due in one instalment, on the 1st of December every year though payment may be made at any time before this date.

99. (1) A notice of demand under section 62 shall be issued in Form 19 by and under the signature and seal of the sub-deputy collector of the tehsil in which the holding to which the land revenue relates is situated. If such notices are required to be issued against a defaulter residing in another tehsil the sub-deputy collector may do so either direct or through the sub-deputy collector of such other tehsil. **Notice of demand.**

(2) A Sub-Divisional Officer or a Deputy Commissioner may issue a notice of demand in respect of the land revenue payable on account of any holding which is situated within his jurisdiction.

(3) It shall be issued in duplicate and shall be served in the manner of a notice as prescribed in Schedule III.

(4) The process fee for the notice of demand shall be added to the arrears for which the notice is issued and shall be included in the amount specified therein.

100. (1) Any Deputy Commissioner, Sub-divisional officer or sub-deputy collector may issue a warrant of distraint of movable property including the produce of the land of any defaulter in Form 20 and sell the same thereafter by public auction. **Distraint and sale of movable property.**

(2) Such auction shall be held at the spot unless the officer ordering the auction is of the opinion, that the auction if held in any other place would bring a higher price in which case auction may be held at such other place.

(3) If the auction is not held at the spot, due publicity thereof shall be given by issuing a proclamation in Form 21, which may, if the officer ordering the sale deems it necessary, also be proclaimed by beat of drum.

Distrainment of movable property other than the produce of the land.

101. (1) When the property to be distrained is movable property (other than the produce of the land) in the possession of the defaulter, the distraint shall be effected by actual seizure and the distraining officer shall keep the property in his own custody, or in the custody of any one of his subordinates who shall be responsible for the due custody thereof;

Provided that, when the property so distrained be subject to speedy or natural decay, or if the expenses of keeping it in custody are likely to exceed its value, the distraining officer may if so authorised by the officer issuing the warrant of distraint sell it at once;

Provided further that if the property distrained consists of live-stock, agricultural implements or articles, which cannot be conveniently removed, and the distraining officer does not act under the first proviso he may :-

- (i) leave it in the charge of any person claiming to be interested in such property or of any other person, who is willing to undertake to keep and be responsible for the custody of such property, on his entering into a bond with one or more sureties for an amount not less than the value of the property that he will take proper care of the property and produce it when called for, or
- (ii) in the case of live-stock leave it in the charge of the poundkeeper, if any.

(2) The distraining officer shall make a list of the property distrained and obtain thereon an acknowledgement from the person in whose custody the property is left, and if possible, also of the defaulter and at least two other persons in attestation of the correctness of the list. If the property distrained includes both live-stock and other articles separate lists thereof shall be prepared and got attested.

Distrainment of produce of land.

102. (1) Where the property to be distrained is the produce of the land, the distraint shall be made by affixing a copy of the distraint warrant:-

- (i) where such produce is growing, on the land on which the produce is growing or,
- (ii) where such produce has been cut or gathered on the threshing floor of the place for treading out grains or the like in which it is deposited. This service shall be in addition to the normal process of service provided in the para 33 of Schedule III.

(2) The distraining officer shall make such arrangements for the custody of the produce of the land as he may consider sufficient and also to tend, cut, gather, and store the produce and do any other set necessary for maturing or preserving it.

- (3) The cost incurred under sub-rule (2) shall be payable by the defaulter.

103. (1) Where the distrained live-stock is not left in the charge of the defaulter the expenses of feeding it shall be charged at such reasonable rate as the Deputy Commissioner may, by general or special order, fix.

**Custody of
distrained
property.**

(2) Where the property distrained is movable property, other than produce of the land or live-stock, and has not been left in the charge of the defaulter, the expenses for its safe custody shall be charged at such reasonable rate as the Deputy Commissioner may, by general or special order, fix.

(3) The cost incurred under sub-rules (1) and (2) shall be a charge on the sale price of the property.

104. Where the distrained live-stock is left in the charge of the pound-keeper, the provisions of paras 38 to 41 of Schedule III shall apply.

**Leaving liv-
estock in the
charge of
pound-keeper.**

105. (1) Where the property is immovable property, the attachment shall be made by an order in Form 22 issued by the Deputy Commissioner prohibiting the defaulter from transferring or charging the property in any manner and all persons from having any transfer or charge from him.

**Attachment
of immo-
vable pro-
perty.**

(2) In addition to service in the manner provided for the service of a notice in Schedule III, a copy of the prohibitory order shall be affixed at a conspicuous part of the property and shall be proclaimed in the locality by beat of drum.

(3) The order shall take effect as against transferees for value in good faith from the date when a copy of the order is affixed on the property and against all other transferees from the defaulter from the date on which such order is made.

(4) No payment made after the making of the proclamation on account of rent or any other asset of the holding to any person other than the Deputy Commissioner or his agent shall be credited to the person making the payment or relieve him from liability to make the payment to the Deputy Commissioner or his agent.

106. When the property attached consists of immovable property, the attaching authority shall be entitled to manage the property so attached or entrust its management to such person or authority on such conditions as it deems fit and to receive all rents and profits accruing therefrom to the exclusion of the defaulter until the arrear has been satisfied or until the Deputy Commissioner restores the property to the defaulter. The collection charges in respect of the property so attached and managed shall after the costs of attachment and management have been deducted therefrom be applied to the payment of the arrears for which the property was attached.

**Managem-
ent of atta-
ched pro-
perty.**

107. If any claim is set up by a third person to the property attached or proceeded against, the officer ordering attachment or proceedings shall enquire into the claim and may admit or reject it.

**Claims of
third
persons.**

108. If the defaulter files any objection against the attachment of or proceedings against the property it shall be disposed of by the officer ordering the attachment or proceedings.

**Objection
by
defaulter.**

Proclamation for sale.

109. (1) When the sale of any immovable property is to be held, the proclamation for sale shall be issued in Form 23 if the property to be auctioned is the holding on account of which the arrears are due and in Form 24 if it is some other property belonging to the defaulter.

(2) The officer conducting the sale shall cause wide publicity of the proclamation of sale to be made and may, in addition to other processes provided for such publicity in para 33 of Schedule III, get it published in any newspaper having circulation in the area.

(3) The proclamation of the intended sale shall state the date, time and place of the sale and specify the following as clearly and accurately as possible : –

- (i) the property to be sold;
- (ii) estimated value of the property;
- (iii) the amount for the recovery of which the sale is ordered; and
- (iv) such facts which the authority considers material to note in the proceeding in order to charge full and fair value of the property including such other circumstances as a purchaser ought to know.

(4) The provisions of paras 24 to 31 of Schedule III shall *mutatis mutandis* apply to the service of proclamation mentioned in sub-rule (3) on the defaulter.

(5) The authority issuing the proclamation may summon the defaulter and examine him with respect to any matter, which is to be included in the said proclamation.

(6) The place of sale to be specified under sub-rule (3) shall be either the office of the sub-deputy collector or any place near the property to be sold.

Inspection and copy of sale proclamation.

110. The originals or copies of sale proclamations shall be open to inspection to public on all working days free of charge at the office of the officer issuing the proclamation within such office hours as the Deputy Commissioner may, from time to time, fix.

Date of sale.

111. No sale shall, without the consent in writing of the defaulter take place –

- (i) on Sunday or any gazetted holiday; and
- (ii) until after the expiry of at least 30 days from the date on which proclamation thereof was made.

Absence or insufficiency of bid.

112. When a property is being put to auction for arrears of land revenue and there be no bid, the revenue officer conducting the sale may purchase the same on behalf of the Administrator for one rupee or if the highest bid be insufficient to cover the arrears due may purchase the property on behalf of the Administrator at the highest bid.

Adjournment of sale.

113. (1) If the officer ordering or conducting the sale is of the opinion that there are sufficient grounds for such action he may adjourn the sale after recording reasons therefore.

(2) Where the sale is postponed or adjourned under sub-rule (1), a fresh proclamation shall be made unless the defaulter consents in writing to waive it.

114. Auction sale shall be stopped if before the hammer is struck the amount due including process fees and cost of attachment and sale is tendered to the officer conducting the sale or proof is given to his satisfaction that the amount with required costs has been paid to the officer, who ordered the sale. **Auction sale when to stop.**
115. The purchaser may at any time within thirty days from the date of the sale of the immovable property, apply to the Deputy Commissioner to set aside the sale on the ground that the defaulter had no saleable interest in the property sold and he shall, after a summary enquiry in the manner prescribed in Schedule III pass such orders on such application as he deems fit. **Objections by purchaser.**
116. (1) An application for setting aside a sale under section 73 shall be made to the Deputy Commissioner giving therein the grounds on which such sale is sought to be set aside and documentary evidence, if any, in support thereof. **Application for setting aside the sale.**
- (2) Such an application shall be disposed of by the Deputy Commissioner after giving notice to the parties interested in the sale and after affording such parties an opportunity of being heard and producing evidence.
117. (1) When a sale is confirmed, a certificate as required by section 76 shall be given to the purchaser in Form 25. **Certificate of purchase.**
- (2) The officer ordering the sale shall then depute an official to deliver possession of the property for which certificate of purchase has been issued to the purchaser.
- (3) The title to the property shall vest in the purchaser from the date of the certificate. **Delivery of possession.**
118. (1) Where the purchaser is resisted or obstructed by any person in obtaining possession of the property, he may make an application to the Deputy Commissioner complaining of such resistance or obstruction. **Delivery of possession.**
- (2) Thereafter the matter shall be proceeded with as far as may be in accordance with the provisions of rules 126 to 133.
119. Whenever any house or other building situated within the limits of a Cantonment is sold, the Deputy Commissioner shall, as soon as the sale is confirmed, forward to the Commanding Officer of such cantonment for his information or for record in the brigade or other proper office, written notice that such sale has taken place and such notice shall contain full particulars of the property sold and of the name and address of the purchaser. **Intimation to Commanding Officer of Cantonment.**
120. (1) In calculating the cost of sale, the revenue officer shall take into account the cost of notice of demand, of attachment, and of publication of sale and any other costs incurred in conducting the sale. **Cost of proclamation and other costs.**
- (2) If the proceeds of the sale fall short of the arrears for which it was held, the balance remaining due from the defaulter may be recovered from him by further proceedings under Chapter VII of the Act, or by any other means authorised by law.
121. (1) Where any amount is to be recovered as an arrear of land revenue, the authority having jurisdiction to recover the amount shall send a request to the Deputy Commissioner with the following particulars: – **Recovery of other amounts recoverable as arrears of land revenue.**

CHAPTER VIII
PROCEDURE OF REVENUE OFFICERS

124. Every summons to be issued by a Revenue Officer shall
- (i) in the case of a party, be in Form 26 or 27, as the case may be; and
 - (ii) in the case of a witness, be in form 28; and shall be served in the manner prescribed in Schedule III.
- Form and service of summons.**
125. The warrant to be issued under section 86 shall be in Form 29.
- Bailable warrant of arrest.**
126. Where an order is passed under the Act directing any person to deliver possession of land or directing the eviction of any person from land, such order shall be executed by the competent authority in the following manner:—
- (i) Where the order is for delivery of any land, possession thereof shall be delivered to the party to whom it has been adjudged, or to such person as he may appoint to receive delivery on his behalf, and, if necessary, by removing any person who refuses to vacate the land.
 - (ii) Where the order is for the joint possession of land, such possession shall be delivered by affixing a copy of the warrant in some conspicuous place on the property and proclaiming by beat of drum or other customary mode at some convenient place the substance of the order.
 - (iii) Where possession of any building or enclosure is to be delivered and the person in possession, being bound by the order, does not afford free access, the competent authority through its officer may, after giving reasonable warning and facility to any woman not appearing in public according to local custom to withdraw, remove or open any lock or bolt or break open any door or do any other set necessary for delivering possession.
 - (iv) Where the order is for the delivery of land in the occupation of a tenant or other person entitled to occupy the same and not bound by the order to relinquish such occupancy, delivery shall be made by affixing a copy of the warrant in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or other customary mode at some convenient place, the substance of the order in regard to the property.
- Delivery of possession**
127. (1) If resistance or obstruction to the delivery of possession is made by any person, the person in whose favour the order has been issued may make an application to the court complaining of such resistance or obstruction .
- Obstruction to delivery of possession.**
- (2) The court shall fix a day for investigating the matter and shall summon the party against whom the application is made to appear and answer the same.

Use of force against person putting restraint.

128. Where the court is satisfied that the resistance or obstruction was occasioned without any just cause by the person against whom the order has been issued or some other person at his instigation, it shall direct that the applicant be put into possession of the property, by use of such force as may be necessary.

Dismissal of application for possession.

129. Where the court is satisfied that the resistance or obstruction was occasioned by any person other than the person against whom the order has been issued claiming in good faith to be in possession of the property on his own account or on account of some person other than the judgement debtor, the court shall make an order dismissing the application.

Transfer by Judgement debtor.

130. Nothing in the last preceding rule shall apply to resistance or obstruction in execution of an order for delivery of possession of land or directing eviction, by a person to whom the judgement debtor has transferred the property during the pendency of the proceeding.

Application by person wrongly dispossessed.

131. (1) Where any person other than the person against whom an order has been issued for delivery of possession is dispossessed of immovable property, he may make an application to the court complaining of such dispossession.

(2) The court shall fix a day for investigating the matter and shall summon the party against whom the application is made to appear and answer the same.

Order for re-delivery of possession.

132. Where the court is satisfied that the applicant was in possession of the property on his own account or on account of some person other than the person against whom the order for delivery of possession has been passed, it shall direct that the applicant be put into possession of the property.

A person other than a Judgement debtor may institute a suit.

133. Any person not being a judgement debtor against whom an order is made under rule 128 or rule 129 may institute a suit to establish the right which he claims to the present possession of the land; but, subject to the result of such suit (if any), the order shall be conclusive.

Procedure of revenue courts and officers.

134. (1) The procedure for revenue courts and of proceedings before revenue officers shall be governed by Schedule III.

(2) Subject to the other provisions of these rules, any enquiry by a revenue court, not specifically required to be held in the manner of a formal enquiry, shall be held in the manner provided for a summary enquiry in Schedule III.

Extent of applicability of C.P.G.

135. Subject to the provisions of the Act and these rules the Code of Civil Procedure 1908, shall as far as may be, apply to all or any of the proceedings taken by any revenue court under the Act.

**CHAPTER IX
RIGHTS OF LAND OWNERS**

136. (1) Every objection under sub-section (3) of section 99 shall be filed within a period of ninety days from the date of accrual of rights under sub-section (1) of the said section and shall be in Form 30.

Form and period within which objections to be filed.

(2) Along with the original objection, the objector shall file copies of the same with copies of notice in Form 31 for service on persons who are materially interested in the case and the competent authority shall issue notices informing the objector and all such persons so interested of the date, time and place fixed for hearing of the objections.

(3) Every objection shall be inquired into in the manner laid down for a formal inquiry in Schedule III.

137. The Deputy Commissioner may grant a certificate in respect of each holding to a land owner certifying the nature of his title, the revenue payable and the area, giving such other particulars as he may consider necessary.

Issue of certificate.

138. The settlement of land under sub-section (6) of section 99 shall be subject to the following terms and conditions:—

Terms and conditions regarding settlement for land held for a purpose other than agriculture.

- (i) the land holder shall pay land revenue for the land in question calculated in accordance with the table of revenue rates published under sub-section (1) of section 34;
- (ii) the land holder shall within a period of one year from the date of settlement put the land to the use for which it was settled and shall continue to so use it ;
- (iii) in case of non-fulfilment of any of the conditions mentioned at items (i) and (ii) the Survey and Settlement Officer or the Deputy Commissioner may without prejudice to the other remedies open to him, re-occupy the land and offer settlement to any other person.

139. (1) An application by a land-owner under section 101 shall be made in Form 32 to the competent authority, the land-owner shall submit with the original application as many copies of the application as there are tenants holding land under him whose land he requires to be reserved for his personal cultivation and two more copies to be sent for purpose of verification and report.

Reservation of land for personal cultivation

(2) The competent authority shall, from the entries in the record-of-rights, ascertain, by such enquiry as may appear necessary the number of tenants holding land under the said land-owner.

(3) A copy of the application shall be sent to the Sub-Registrar for verification and to the Amin/Revenue Inspector for report in Form 33.

140. The notice under sub-section (1) of section 102 shall be in Form 34.

Notice to tenant.

- Reply of tenant.** 141. The details of lands to be furnished under sub-section (2) of section 102 shall be in Form 35.
- Disposal of the application.** 142. (1) Before disposing of the application for reservation of land for personal cultivation the competent authority shall examine the location, nature and quality of the lands held by the landowner and the tenants.
 (2) In passing an order under sub-section (3) of section 102, the competent authority shall, also determine the following :—
- (i) what land, if any, the land-owner may reserve for personal cultivation;
 - (ii) the location and extent of land to be left with the tenants;
 - (iii) the right of the tenants to the use of any source of irrigation in respect of the land left with them.
- Certificate.** 143. After determining the land to be reserved for personal cultivation of the land-owner and the lands which each of his tenants may be allowed to retain, the competent authority shall issue —
- (i) to the land-owner a certificate in respect of land reserved for personal cultivation in Form 36; and
 - (ii) to every tenant a certificate in respect of land allowed to be retained by him in Form 37.
- Notice to issue where land left uncultivated.** 144. (1) Subject to the provisions of sub-rule (2) where a land-owner has allowed his land to remain uncultivated for a period of not less than two consecutive years, the Deputy Commissioner may, by notice in Form 38 call upon the land-owner of any such land to use the land for purposes of agriculture by himself or through tenants.
 (2) The Deputy Commissioner shall not issue notice under Sub-rule (1):—
- (a) in respect of land rendered unfit for cultivation through natural calamities, or
 - (b) the cultivation of which has been prohibited by an order of a competent court, or
 - (c) the land which, under any law or custom or usage for the time being in force is reserved in the year immediately preceding the date on which a notice would otherwise issue for any of the following :—
 - (i) threshing ground;
 - (ii) irrigation tank;
 - (iii) any public purpose;
 - (iv) any purpose for which permission has been obtained under section 20 of the Act;
 - (v) religious purposes.
- (3) Where the holder of any land satisfies the Deputy Commissioner within fourteen days from the date of the service of a notice under sub-rule (1) that his case is covered by sub-rule (2) or that he is already making full and efficient use of land for cultivation, the Deputy Commissioner shall cancel the notice.

145. The notice may be served on the holder by delivering or tendering to him a copy thereof:

Service of notice.

Provided that where the holder of such land is not readily traceable or refuses to accept a copy of such notice, the notice may be served by affixing a copy thereof on the last known place of residence of such holder of land or on a conspicuous part of the land to which it relates.

146. The notice under sub-rule (1) of rule 144 shall, subject to the provisions of sub-rule (3) of the said rule, be complied with within a period of three months from the date of service of such notice or such extended period as the Deputy Commissioner may, on sufficient cause being shown, from time to time allow.

Compliance of notice.

147. Where the land-owner of any such land has failed to comply with the notice, the Deputy Commissioner may subject to the provision of the Act, grant a lease of the land to such person as he may deem fit on such terms as may appear reasonable.

Lease by Deputy Commissioner.

148. A lease of land by a land-owner shall be registered by the Sub-Deputy Collector on an application made in this behalf.

Registration of leases.

149. (1) The notice for relinquishment of a holding under sub-section (1) of section 108 shall be made in Form 39 and shall be endorsed by two witnesses.

Notice of relinquishment.

(2) The notice shall contain particulars of each plot which the land-owner wishes to relinquish and of the land revenue payable herefor.

(3) It shall also bear a certificate denoting that the holding or any part thereof is not subject to any encumbrance or charge.

CHAPTER X
RIGHTS OF TENANTS

Application for permission when land-owner refused or omits to consent,

150. If a land owner fails or refuses to grant consent to the tenant under Section 111 the tenant may apply to the competent authority for permission to make such improvement.

When permission may be granted or refused.

151. The authority to whom an application is made under rule 150 may, after hearing the parties and making such further inquiry as it thinks fit, grant permission to make the improvement subject to such restrictions, if any, as it may deem reasonable or may refuse permission altogether :

Provided that the authority –

- (i) shall not grant permission for a work which diminishes the value of any other holding unless all the persons interested in such other holding agree in writing thereto, and
- (ii) may refuse permission if the land-owner is prepared to make the improvement within a time fixed by the competent authority and may order that if the improvement is not so made the applicant shall be entitled to make it himself.

Compensation for improvement.

152. A tenant ejected in execution of an order for ejection under this Act or any other law for the time being in force, shall, not be entitled to compensation for any improvement begun by him after the termination of his right to continue as tenant.

Benefit of improvement to tenant in certain cases.

153. If the improvement has been made on the land from which the tenant is to be ejected, the land owner, on payment of the compensation awarded to such tenant shall, become the owner thereof, provided that the tenant shall be entitled to the benefit of the improvement in respect of any other land held from the same land owner remaining in his occupation, to the same extent and in the same manner as such land has hitherto benefited thereby and this circumstance shall be taken into consideration by the competent authority while determination the amount of compensation payable in respect of the improvement.

154. Where tenant has been restored possession of land under section 120 or section 124 he shall pay back to the land –owner the amount of compensation if any, received for improvements.

Tenant to pay back the compensation.

155. The value of the produce of the land for the purpose of determination of rent shall be estimated in the following manner, that is to say :-

Estimating the value of produce for purposes of rent.

- (a) The total yield of the land shall be estimated on the basis of the actual yield agreed upon between the land-owner and the tenant and failing that, on the basis of the quantity of the average yield per acre of the crop grown on that class of land as determined during the last survey and settlement operations for that assessment unit or on the basis of actual crop cutting experiments undertaken by the Revenue or Agriculture Department of the Administration or both in that year in or near that area, where both the bases be applicable, the one according to which the yield is less shall be adopted.

- (b) The value of the produce shall be determined on the average of the market prices during the preceding year.

156. When no agreement has been made between the land-owner and his tenant regarding the time and manner of payment of rent, rent shall fall due one month before the date fixed for the payment of land revenue and shall be payable in one instalment at the village in which the land is situated, though the tenant may at his option and expense, pay it to the land-owner at his place or send it by postal money order. **Payment of rent**

157. Where rent is sent by postal money order, in the case of acceptance, the payees' receipt and in the case of refusal the endorsement of such refusal on the money order duly stamped by the post office shall be admissible in evidence without formal proof and shall, until the contrary is proved, be presumed to be a correct record of such acceptance or refusal. **Postal receipt and enclosures to be admissible in evidence.**

158. (1) If two or more persons are landowners of a tenant in respect of the same land, the tenant may subject to sub-rule (2) and to any contract between the parties, by written notices to such persons require them to appoint one of their members or some other person to receive such rent within one month of the receipt of the notice. **Payment of rent in certain cases.**

(2) On failure of landowners to comply with the notice the tenant may move the Sub-Deputy Collector in this behalf who shall thereupon call upon the landowners to make such an appointment and to intimate to him within one month the name of the landowner so appointed and shall communicate the same to the tenant concerned.

159. A tenant may apply to the Sub-Deputy Collector for permission to deposit the amount of rent payable in cash which he believes to be due:

- (a) if a landowner refuses to accept any instalment of the rent when tendered to him by a tenant ; or
 - (b) if under rule 158 a tenant requires the appointment of a person to receive the rent and such appointment is not made within thirty days of the receipt of the notice; or
 - (c) if a tenant has a reasonable doubt as to the person entitled to receive rent.
- Power to deposit rent in certain cases with Sub-Deputy Collector.**

160. The application under rule 159 shall contain:-

- (a) a statement of the ground on which it is made;
 - (b) the name of the person or persons to whose credit the deposit is to be entered;
 - (c) the name of the person or persons to whom the rent is due ; and
 - (d) the name of the person or persons to whom rent was last paid and of the person or persons now claiming it.
- Application for deposit.**

Receipt to be granted. 161. (1) If it appears to the Sub-Deputy Collector that the applicant is entitled to make the deposit under rule 159 he shall receive such deposit and give a receipt therefore.

(2) Such receipt shall operate as an acquittance for the amount of the rent in the same manner and to the same extent as if such amount had been paid to the person to whom it was due.

Notice of deposit. 162. The Sub-Deputy Collector shall cause a notice of such deposit to be served on every person who appears to him to be entitled to the deposit or who claims any such title.

Payment of deposited rent. 163. The Sub-Deputy Collector may pay the amount of such deposit to any person stated in the application to be entitled thereto, or may retain it pending a decision of the court of competent jurisdiction.

Determination of reasonable rent. 164. (1) An application under sub-section (1) of section 114 shall be in Form 40.

(2) The application shall be accompanied by a certified copy of the entry in the record-of-rights relating to the land and also documents, if any, in support of the application.

Factors for determination of reasonable rent. 165. In determining the reasonable rent the competent authority shall have regard to the following factors also:—

- (a) that the fertility of the land held by the tenant has been decreased by any action taken by the landowner or by any cause beyond the tenant's control during the currency of the lease.
- (b) that the area of the holding has been decreased by diluvion or by the acquisition of land for a public purpose or for a work of public utility.
- (c) that the fertility and the area of the land held by the tenant has been increased or decreased by fluvial action.
- (d) that the rent is liable to abatement or enhancement on any ground specified in a lease, agreement or decree under which the tenant holds the land.

166. An order, determining the reasonable rent shall take effect from such date as may be specified in the order.

Date from which the order for reasonable rent to take effect. 167. (1) An application under sub-section (1) of section 115 shall be in Form 41.

(2) The competent authority on receipt of such application shall proceed to dispose of the same after a summary inquiry.

Commutation of rent payable in kind. (3) The competent authority shall, while determining the money rent, also take into consideration the fact if the produce of the holding is liable to exceptional fluctuation by reason of damage by wild animals, floods and the like.

Joinder of parties. 168. An application for determination of reasonable rent or for commutation of rent may be filed by or against any number of tenants jointly, provided that all such tenants are tenants of the same landowner and all the holdings in respect of which the application is made are situated in the same village.

169. (1) The competent authority may hear the cases of the tenants jointly or separately as may appear convenient to it.

(2) No order affecting the interest of any person, shall be passed on any such application unless the person has been given an opportunity of being heard.

(3) The order shall separately specify the rent or the reasonable rent payable by each tenant or group of tenants holding the land jointly.

170. The landowner shall give a separate receipt for rent paid either in cash or in kind and shall prepare and retain a counterfoil of each receipt given by him. Such receipt and counterfoil shall be in Form 42.

171. If a receipt does not contain substantially the particulars required by the above rule, it shall be presumed, until the contrary is shown or is contained in the receipt, to be an acquaintance in full of all demands for rent up to the date on which the receipt was given.

172. (1) An application for eviction shall include full particulars of the ground or grounds on which the eviction is sought and shall be signed and verified in the manner provided for a plaint in the Code of Civil Procedure, 1908.

(2) Such an application shall be heard and disposed of by the competent authority in the manner provided in the Code of Civil Procedure, 1908 for hearing and disposal of suits for possession of immovable property.

173. A tenant who is entitled to restoration of possession under the provisions of Section 120 may, apply to the Sub-Deputy Collector for putting him back in possession stating:-

- (a) the date on which the landowner took over possession from him ,
- (b) whether the landowner did not cultivate such land personally within one year from the date he took possession,
- (c) if it was not cultivated by the landowner within one year from the date taking possession, whether it was left fallow and if it was cultivated the name of the person who actually cultivated it and his relationship with the land owner (i.e. whether he is a tenant, servant, hired labourer or a member of his family),
- (d) whether the land was not cultivated personally by the landowner in any year during a period of four years next following the date of his taking possession and whether it was cultivated by any other person during that year, if so, the year and the name of the person who cultivated it and his relationship, if any, with the landowner.

174. The Sub Deputy Collector shall thereafter proceed to dispose of the application after a summary inquiry as provided in Schedule III.

175. (1) An application of a tenant under Section 121 shall include such of the following particulars as may be applicable to the case:

- (a) land held by the tenant ;
- (b) land held by the landowner ;
- (c) particulars of the order by which the land was declared reserved for personal cultivation of the landowner under section 102 and the particulars of that land;

Passing of an order.

Receipt for payment of rent.

Presumption regarding incomplete receipt.

Eviction of tenant.

Application for restoration of possession of land to tenant.

Disposal of application.

Declaration of non-resumable land of under-tenant.

- (d) whether the landowner failed to move for eviction of the tenant from the land within the period mentioned in sub-section (3) of section 119.
- (e) whether the landowner failed to apply for reservation of any land within the period prescribed in section 101 and the land is not deemed to have been reserved under section 104.
- (f) whether the tenant has been restored possession of any land under section 120 and the particulars of the land and of the order restoring possession.

(2) The competent authority shall, before passing an order under Section 121 give notice to the landowner concerned and hold a summary enquiry.

Form and manner of application under section 124 (i)

176. (1) The application by a tenant to regain possession under sub-section (1) of section 124 shall be in the form of a plaint, which shall comply with the rules contained in Order VI and VII of Code of Civil Procedure, 1908 and shall also contain the following particulars:-

- (a) details of the land held by the applicant on or after 6th March, 1956 i.e. *patta* or certificate No. plot No. area, village, assessment unit ;
- (b) the date and the year on which the applicant surrendered the land or the applicant was evicted;
- (c) the circumstances in which the land was surrendered or the applicant was evicted;
- (d) whether any other tenant has bonafide been admitted to the possession of the land before the coming into force of section 124 or whether such tenant is a member of the landowner's family, if so, the relationship between the two.

(2) The application shall be accompanied, wherever such records exists, by certified extracts of the revenue records.

(3) On receipt of the application under sub-rule (1) the competent authority shall summon all the persons concerned and also the amin with the relevant records, verify the entry, if any, and make such enquiry as may be deemed necessary in this connection. If the ejectment of the landowner or any other person cultivating the land is ordered, the competent authority shall direct that the applicant be put in possession and necessary corrections in the revenue records be made.

(4) If the ejectment is ordered from only a portion of a plot the Sub-Deputy Collector shall demarcate such portion at the expense of the applicant.

177. (1) An application of a tenant for permission to surrender the land under Section 126 shall be in Form 43. A copy of the application shall be served personally on the landowner or sent to him by registered post acknowledgement due by the tenant in question.

Application for surrender of land by a tenant.

(2) The landowner within 30 days of the receipt of the copy of the application of the tenant apply to the competent authority for permission to enter upon such land. With such application he shall append a list of all lands held by him as landowner or as a tenant or mortgagee in possession or in any other capacity giving details of the tenant or the land-owners of such lands as the case may be.

(3) The competent authority on receipt of the application of the tenant and of the land-owner, if any, shall make an enquiry in a summary manner. It shall call the tenant to attest the notice of surrender and, if necessary, to produce two witnesses to identify him. The signatures of the tenant and the witnesses shall be taken on the portion provided therefore in Form 46 in the presence of the competent authority.

Procedure of application for surrender

(4) Where the competent authority has refused permission under sub-section (2) of Section 126 and the tenant gives a declaration in writing relinquishing his land, the rights in such land shall be leased out to any other person in accordance with rule 147.

178. (1) The land revenue payable for similar lands in the locality referred to in sub-section (2) of Section 128 shall be calculated on the basis of the revenue rates confirmed under Section 34.

Compensation to land-owner.

(2) The value of the trees shall be determined on the basis of the market value of such trees at that place or at places neighbouring thereto.

179. (1) An application for compensation under sub-section (3) of Section 128 shall be in Form 44.

Application for compensation and procedure therein.

(2) On receipt of the application under sub-rule (1) the competent authority shall determine the compensation payable to the land-owners after giving to the party or parties concerned, an opportunity of being heard in the matter.

(3) A copy of the statement giving details of the compensation proposed to be given to the person concerned shall be pasted on the notice board of the competent authority to enable any one interested to file objections and copies of same shall also be served on the land-owner and tenant concerned.

(4) The competent authority shall, thereafter decide all the objections after a summary inquiry.

(5) Separate compensation shall be assessed in respect of each holding of a tenant or each joint holding of tenants.

180. (1) The competent authority shall by serving notice on every land-owners tender payment of compensation. Payment of compensation shall be made in accordance with the following table:—

Payment of compensation to land-owners.

First Rs. 1000/- (one thousand)	in one instalment.
or less –	
Balance, if any–	in equated annual instalments not exceeding ten subject to a minimum of Rs. one thousand per instalment except the last one.

(2) The provisions of schedule IV shall, as far as may, apply to the payment of compensation to landowners and to the payment of annuities under Sub-section (4) of Section 129.

(3) Separate registers for payment of compensation to landowner and for payment of annuities under sub-section (4) of Section 129 shall be maintained.

**Payment of
compensati-
on by tenant.**

181. (1) The tenant shall pay compensation according to the following table :-

Upto Rs. one hundred	–	One instalment
Balance if any	–	in fifteen equated annual instalments subject to a minimum of Rs. twenty-five per instalment except the last one.

(2) A register of payment of compensation by the tenant to the Government shall be maintained.

(3) The certificate to be issued under Section 131 shall be in Form 45.

**First option
to purchase.**

182 (1) A landowner intending to sell the land held by a tenant shall give a notice in Form 46 to the tenant and offer to sell the land to him. The notice shall be given by registered post to the tenant or tenants as the case may be occupying the land in question and such notice shall clearly describe the property to be sold, the price to be charged and the encumbrances on the land, if any.

(2) An application under sub-section (2) of Section 132 for determination of the reasonable price, in case of any dispute, may be made by the landowner or the tenant in Form 47.

(3) When an application has been made to the competent authority under Sub section (2) of Section 132 it shall ordinarily determine the reasonable price within a period of 30 days of the receipt of such application.

(4) After the determination of the reasonable price by the competent authority, the tenant shall deposit such price within one month or such further period not exceeding one month as the competent authority may allow.

(5) In case of failure on the part of the tenant to deposit the reasonable price within the time allowed under sub-rule (4), the landowner concerned shall be so informed by the competent authority.

(6) The certificate under sub-section (4) of Section 132 shall be issued by the competent authority in Form 48.

CHAPTER XI
CEILING ON LAND HOLDINGS.

183. (1) The period within which the return shall be submitted under section 137 shall be ninety days from the date of enforcement of the provisions of Chapter XI of the Act. **Submission of return.**

Provided that a person who has applied for exemption under section 150 shall be allowed to submit a revised return within thirty days of the decision of the Administrator if his application for exemption has been rejected;

Provided further that the Administrator may for reasons to be stated in writing, extend the period for submission of return or revised return.

(2) Every return shall be submitted in Form 49.

(3) Where a person or any member of his family holds any land jointly with another person who is not a member of his family, the share held by him or by the member of his family shall be shown distinctly in the return.

(4) Along with Form 49 further information shall be furnished in Form 50 showing transfers, if any, made after January 15, 1959.

(5) The return shall ordinarily be submitted in triplicate, but as many additional copies of Forms 49 and 50 shall be furnished as there are villages in which the land held by the person or any member of his family is situated.

(6) A member of a co-operative society shall furnish in Forms 49 and 50, information in respect of his share of the land held by the co-operative society.

184. (1) If the return under the preceding rule is not submitted within the period prescribed in that rule or within such extended period as may be allowed by the Administrator, the necessary information shall be collected by the competent authority through the Sub-Deputy Collector or the Assistant Survey and Settlement Officer, as the case may be. **The agency through which information may be collected under section 148.**

(2) The competent authority may further proceed to take action under sub-section (1) of section 148 against the person, who fails to submit the return.

185 (1) Where a return is submitted under rule 183, the information contained therein shall be verified from the entries in the record-of-rights. **Verification etc.**

(2) Where necessary information has been collected under rule 184, the competent authority shall give the person concerned an opportunity of being heard.

Preparation of list.

186. The competent authority shall, after the return furnished under rule 183 or information collected under rule 184 has been-verified, cause a notice to be given to the persons concerned who may be in possession of the land or part of the land and may call for such additional information, evidence or proof from them as it considers necessary. After considering such facts, circumstances and documents which the persons concerned might bring to its notice, the competent authority may, with or without any further inquiry, determine the excess land as well as the land to be retained by such person and thus prepare the list under sub-section (3) of Section 139 in Form 51.

Objection of excess land out of transferred land.

187. In case the competent authority proposes to select excess land out of the land transferred, it shall do so after giving notice to the transferee or transferees concerned and after giving them an opportunity of being heard. It may also call for such additional information as may be necessary for determination of the proportion in which the excess land is to be selected out of the land transferred and the transferee or transferees concerned shall be bound to furnish the information called for.

Publication of list for objections.

188. (1) The list prepared by the competent authority shall be published in the office of the Deputy Commissioner, Sub-divisional Officer, Sub-deputy Collector and the registration office and a copy thereof shall be served on the person or persons concerned.

(2) The competent authority shall serve the list on the land owner or tenant or mortgagees with possession whosoever occupies the excess land by tendering or delivering a copy thereof to him or to his duly authorised agent.

(3) If such person or his agent be not available, the list shall be delivered to any adult member in the house in which the person ordinarily resides.

(4) In the cases covered by the sub-rules (2) & (3) above, the serving officer shall require the signature of the recipient to be given in the body of the returnable copy in token of acknowledgement of receipt of the copy served on him.

(5) If such person ordinarily resides outside the jurisdiction of the Union Territory of Manipur then the list may be served by posting a copy to him by registered post, and such posting shall be deemed to be sufficient service.

(6) If such person or his agent or any adult member in his house be found unwilling to accept the list or to sign acknowledgement or avoiding service, if he resides outside the Territory and his address is not known, the draft list may be served by affixing a copy thereof in some conspicuous part of the land to which the draft list relates.

(7) A report by the serving officer stating the manner and date of such service attested by two persons present at the time of service shall be sufficient proof thereof.

Application for restoration.

189. An application for restoration of possession under the proviso to sub section (4) of section 141 shall be made within thirty days of the publication of the list in the Official Gazette under sub-section (3) of section 139.

Manner of Application under sub-section (3) of section 170

190. A copy of notification published under sub-section (3) of section 142 shall be served on the person concerned in the manner laid down in rule 195 and shall also be published by pasting a copy at the court-house of the competent authority.

191. For the purpose of determining compensation, the competent authority may, as soon as possible, after the publication of the list under section 142, call upon any person from whom excess land has been acquired or transferred to furnish the following information within 30 days of the receipt of its order:-

Calling information for determining compensation.

- (i) whether there is any building or structure or tree on the excess land and if so, by whom that was constructed or planted;
- (ii) whether the person from whom land has been acquired or transferred held it as land-owner and if so, whether there is any tenant or tenants on the land; in case there is any tenant, the area occupied by each;
- (iii) whether the person from whom the land has been acquired or transferred held it as a tenant; in case it is so, the name of the land-owner;
- (iv) whether the person from whom the land has been acquired or transferred held it as a mortgagee in possession; in case it is so, the name of the mortgagor; and
- (v) any other information consistent with the above.

192. (1) The competent authority may verify the above information through the Survey and Settlement Officer or the Sub-Deputy Collector of the tahsil.

Verification of information furnished.

(2) It shall give the person, whose land has been acquired, or transferred, a reasonable opportunity of being heard.

(3) It may call for such further information as it considers necessary.

Manner of determination of the gross produce of land under sub-section (1) of section 143.

193. (1) In determining the value of the average yearly gross produce of the land for the purpose of sub-section (1) of Section 143 the normal yield of that particular class of land in the assessment unit as fixed during the last survey and settlement operation shall be taken into consideration.

(2) When as a result of any improvement having been made on the land after the survey and settlement operation the classification of land has changed, such change in the class of land shall also be taken into consideration.

(3) After the gross produce of the land has been calculated as in sub-rules (1) and (2), the same shall be commuted to cash value and in doing so the competent authority shall have regard to the average local price of staple crops and any other crops growing in the land during the previous three years or during any shorter period for which evidence may be available.

(4) In the case of land belonging to religious and charitable institutions, the net annual income shall be equal to the reasonable rent for the land less the land revenue payable on such land plus 3 % of the market value of buildings and structures, if any.

194. Save as otherwise provided in these rules the competent authority shall determine the compensation in respect of any structure or building constructed on excess land in accordance with the provisions of Chapter X.

Compensation for structures and buildings.

Apportionment of compensation between the land owner and tenant.

195. (1) If the parties agree to an apportionment, the compensation shall be apportioned accordingly, otherwise apportionment shall be made by the competent authority.

(2) In determining the shares of the landowner and tenant under sub-section (2) of Section 143, the following shall be taken into consideration.

- (i) 50% of the value of the average yearly gross produce which may be agreed upon between the parties or as determined under rule 193, minus the amount of annual rent payable for the year immediately preceding the year in which section 136 is enforced shall be taken as the tenant's share of net income.
- (ii) The land owner's share of net income shall be equal to the aforesaid rent minus the revenue payable by him in respect of the land for the said preceding year.
- (iii) The compensation payable in respect of the excess land shall be apportioned between the land owner and the tenant in proportion to their respective shares in the net income determined as above.

196. (1) The compensation shall be recovered by the Administrator from the tenant or the mortgagee with possession as the case may be, in such instalments as may be determined by the competent authority keeping in view the amount of compensation;

Recovery of compensation from tenant or mortgagees.

Provided that a tenant or mortgagee with possession shall have the right to set off any amount which he is entitled to receive as compensation under the provisions of the Act.

(2) A register of all such amounts to be recovered will be maintained.

197. (1) On receipt of an application or on its own motion the competent authority shall prepare a compensation statement for land of which owner-ship has vested in the Government or in a tenant or mortgagee in possession.

Determination of compensation.

(2) A copy of the compensation statement shall be sent to the persons interested along with a notice informing them to file objections, if any, within the period to be specified in the notice.

(3) A copy of the said compensation statement shall be affixed on the notice board of the court-house of the competent authority to enable any other interested person to file objections.

(4) The competent authority shall issue notice informing the objector and such persons who are interested, of the date and place fixed for hearing of the objection. No objection shall be disposed of without affording the parties materially interested or their duly authorised representatives an opportunity of being heard.

Provided that in any case in which an order is made ex-parte against a person, he may apply to the competent authority by whom the ex-parte order was made for an order to set it aside and if he satisfies the competent authority that the notice of objection was not duly served on him or that he was prevented by any sufficient cause beyond his control from appearing when the case was heard, the competent authority may make an order to set aside the order as against such a person and thereupon may appoint another day for proceeding with the case.

Provided that where the ex-parte order is of such a nature that it cannot be set aside against such a person only it may be set aside as against all or any of the other persons involved in the case.

(5) After the expiry of the period specified for filing objection or where any objection is filed when all the objections have been finally disposed of, a copy of the compensation statement shall be sent by registered post acknowledgment due to each interested person.

198. The competent authority shall, by serving a notice on every person, to whom the compensation is payable, tender the payment thereof. **Payment of compensation.**

(2) Payment of compensation shall be made in accordance with the following table:-

First Rs. 1000/- or less	–	In one instalment,
Balance, if any,	–	In equated annual instalments not exceeding 20 provided that no instalment except the last shall be of less than Rs. 1000/- (one thousand).

199. Compensation shall be paid as far as may be in accordance with the Schedule IV. **Application of Schedule IV.**

200. There shall be maintained a register of compensation paid under this chapter. **Register of compensation.**

201. Any person having a charge on the compensation amount under sub-section (4) of Section 143 may within 60 days of the notification under section 142 prefer claim in writing to the competent authority dealing with the compensation of the land in question and payment may be made in accordance with such agreement as may be arrived at between the parties. In case of dispute, the amount shall be kept in deposit in the Government Treasury till the dispute has been decided by a Court of competent jurisdiction. **Payment of compensation to charge-holders.**

202. (1) If after the enforcement of Section 136 any person, either by himself or through any member of his family, as landowner, tenant or mortgagee with possession acquired land in any manner whatsoever, whether by transfer, exchange, lease, agreement or succession, which with or without the lands already held by him or any member of his family, exceeds in the aggregate the limit fixed under section 136, he shall within 60 days from the date of such acquisition submit to the Deputy Commissioner a return in Forms 49 and 50 giving the particulars of all his lands and selecting the lands he desires to retain. **Acquisition of excess land after enforcement of section 136.**

(2) If he fails to submit a return and select the land within the period mentioned in sub-rule (1), the competent authority may obtain information as provided under rule 184 and select the land.

(3) Rules 185 to 193 shall thereupon apply *mutatis mutandis*.

Demarcation of excess land. 203 After such survey as may be considered necessary and by putting temporary boundary marks, the Deputy Commissioner shall take steps to demarcate the excess lands and shall require the persons holding the excess land to give up possession thereof within a period of 30 days of the demarcation.

Application of exemption.

204. (1) Application for exemption shall be made in duplicate.
- (2) In determining the lands to be retained under sub-clause (a) of sub-section (1) of section 150, the following may be taken into consideration:-
- (a) planted area i.e. area actually being used for growing tea, coffee or rubber ;
 - (b) programme, if any; for expansion during the next ten years and the area of the land to be covered thereby, but not so as to exceed 20% of the planted area;
 - (c) 5% of the planted area for replantation;
 - (d) thatched or bamboo hutments;
 - (e) lands on which factories, labour-quarters, play-grounds, hospitals, schools, and other ancillary buildings of the plantation exist;
 - (f) unplanted enclaves within the planted area, if their acquisition would interfere with the smooth working of the plantation;

Provided that the total unplanted area to be exempted under items (b), (c) and (f) shall not exceed 50% of the planted area.

CHAPTER XII

PREVENTION OF FRAGMENTATION

205. The declaration to be made under sub-section (2) of Section 154 shall be filed in triplicate in Form 52 before the competent registering authority referred to in that sub-section.

**Declaration
under Sec-
tion 154.**

CHAPTER XIII
GENERAL AND MISCELLANEOUS

Court fees. 206. Every document mentioned in column 3 of Schedule V shall be chargeable with court fee as specified against it in Column 4 of the said schedule and no document so chargeable with fee shall be entertained or acted upon by any officer or authority until the full amount of court fee chargeable thereon has been paid.

SCHEDULE – 1.
LIST OF FORMS

Form	No	
	1	Notice for allotment of land for pasturage /community purposes under Section 13.
”	”	2 Receipt for Revenue and Miscellaneous demand.
”	”	3 Notification under Rule 39.
”	”	4 Proclamation regarding commencement of Revenue Survey and preparation of the record- of-rights.
”	”	5 Table of Revenue rates.
”	”	6 Notice publishing table of Revenue rates.
”	”	7 Dag Chitha.
”	”	8 Jamabandi
”	”	9 Tenant’s khatian.
”	”	10 Notice informing the dates of commencement of work.
”	”	11 Notice for publication of draft record-of- rights.
”	”	12 Objection under Section 43 (1).
”	”	13 Notice fixing date for hearing objection under Section 43(1).
”	”	14 Notice for publication of final record-of-rights.
”	”	15 Form of Mutation Register.
”	”	16 Report for Mutation with receipt for application.
”	”	17 Form of register of disputed mutation cases.
”	”	18 Receipt for objection under Section 46 (4).
”	”	19 Notice of demand under Section 62.
”	”	20 Warrant of distraint of movable property.
”	”	21 Proclamation of sale of movable property.
”	”	22 Prohibitory order: Attachment of immovable property.
”	”	23 Proclamation of sale of holding.
”	”	24 Proclamation of sale of immovable property.
”	”	25 Certificate of purchase.
”	”	26 Summons for disposal of case.
”	”	27 Summons for settlement of issue.
”	”	28 Summons to witness.
”	”	29 Bailable warrant of arrest for appearance before a Revenue Officer.
”	”	30 Objection under Section 99(1).
”	”	31 Notice fixing date for hearing objection under Section 99(3).
”	”	32 Application for reservation of land for personal cultivation under Section 101

Form	No	33	Form of calling reports on the application under Section 101.
”	”	33	Annexure – A-- Statement showing the area owned or held in any other capacity by a land – owner/tenant
”	”	33	Annexure – B -- Statement showing transfers effected by the land- owner after 6-3-1956.
”	”	34	Form of Notice to the tenant / co–sharer under Section 102(1).
”	”	35	Form to be submitted by the tenant.
”	”	36	Certificate under rule 143(i).
”	”	37	Certificate under rule 143(ii).
”	”	38	Notice for lease of land which remained uncultivated for a period of not less than two consecutive years.
”	”	39	Notice for relinquishment of land owners’ right in lands.
”	”	40	Application for determination of reasonable rent.
”	”	41	Application for commutation of rent.
”	”	42	Tenant’s rent receipt and counter foil.
”	”	43	Application for surrender.
”	”	44	Application for compensation.
”	”	45	Certificate under Section 131.
”	”	46	Offer for sale of land under Section 132 (1).
”	”	47	Application to the competent authority for determination of reasonable price under Section 132.
”	”	48	Certificate of purchase under Section 132.
”	”	49	Option for retention of land under Section 137.
”	”	50	Statement showing the land transferred between 15.1.1959 and 9.12.1959, between 9.12.1959 and enforcement of Section 137 and after enforcement of Section 137.
”	”	51	Draft statement showing the excess land held by a person in excess of the ceiling limit.
”	”	52	Form of declaration.

M. L. R. FORM I.

[See rule 9 (2)]

**NOTICE FOR ALLOTMENT OF LAND FOR PASTURAGE/
COMMUNITY PURPOSES UNDER SECTION 13**

Whereas it appears necessary that the land specified below may be set apart for pasturage for the village cattle/community purposes, objection if any, may be made within thirty days from the date of publication of this notice.

Village/Tahsil/ Sub division	Plot Number	Area	Purpose – In case of land to be set aside for pasturage for the cattle of any village or villages specify the village or villages.
1	2	3	4

Date

Deputy Commissioner

M .R. L. FORM 2

(See rule 35)

RECEIPT FOR REVENUE AND MISCELLANEOUS DEMAND

Name of the Tahsil	*Patta/certificate No.	Name and No. of circle	Name and No . of the village	Area of land with Plot No.	Number of the receipt and date
1	2	3	4	5	6
Name of the land owner with father's name and address			By whom the Revenue is paid		
7			8		

ANNUAL DEMAND

Revenue	Local Tax	Water Tax	Interest	Miscellaneous	Total demand	Remarks
9	10	11	12	13	14	15

DETAILS OF PAYMENT

Year	Revenue	Local Tax	Water Tax	Interest	Miscellaneous	Total realisation	Remarks
16	17	18	19	20	21	22	23

196**196****Total**

Signature of the revenue officer with date

*Strike out words which are not applicable

Rupees.....
(Total amount realised
in words)

M. L. R. FORM 3

[(See rule 39 (1)]

N O T I F I C A T I O N

No.....

Dated, the.....

It is hereby notified for general information under rule 39 of the Manipur Land Revenue and Land Reforms Rules, 1961 read with Section 26 of the Manipur Land Revenue and Land Reforms Act, 1960 that a Revenue Survey of the area specified in the Schedule below shall be made with a view to the settlement of land revenue and to the preparation of record-of-rights connected therewith*/ the revision of any existing settlement/record-of-rights.

SCHEDULE

.....
.....
.....

***Delete the words
which/are unnecessary**

**Administrator
Manipur Administration,
Manipur**

M.L.R. FORM 4

[(See rule 39 (2)]

P R O C L A M A T I O N

No.

Dated, the.....

All landholders and members of public of the village mentioned in the Schedule below and of the villages contiguous thereto are hereby informed that orders have been issued for revenue survey and preparation/revision* of the record-of-rights pertaining to the village on the basis of and following the work of village boundary demarcation and other matters, relating to Survey and Settlement of the said village according to the provisions of the Manipur Land Revenue and Land reforms Act, 1960.

SCHEDULE

.....
.....

*** Delate the word which is unnecessary**

**Survey and Settlement Officer
Manipur Administration**

M. L. R. FORM 5
(See rule 45)

Sub-division	Tahsil	Name, No and area of assessment unit.	Name of villages with the unit.	Proposed revenue rate per acre for different classes of land within the unit.						Remarks.
				Class of Land	For purposes of agriculture.	Class of land.	For industrial or commercial purposes.	Sites for dwelling houses.	For any other purposes.	
1	2	3	4	5 (a)	(b)	(c)	(d)	(e)	(f)	6

M. L. R. FORM 6
(See Rule 47)

Whereas the table of revenue rates relating to the assessment unit..... comprising the villages mentioned in the schedule below has been prepared in accordance with sub-section (1) of Section 33, the same shall be open to public inspection at for a period of thirty days from the date of publication of this notice. Objection, if any, to any entry in the table of revenue rates may be filed before the undersigned within the aforesaid period.

Date

SCHEDULE

Survey and Settlement Officer,
Assistant Survey and Settlement Officer,
Manipur Administration.

Name or number of the assessment unit	Name of villages	Thana

M. L. R. FORM 7.

(See rule 57)

DAG CHITHA

Tashil Unit..... Name of the village with No..... 196.....

Plot No.	Area of the plot.	Name of the pattadar with father's name and address.	Patta No. with class	Name, father's name and address of the person claiming the land in whose favour mutation has not been given effect to.	Name of the tenant with father's name, address, rent and length of possession.	Settled Land					Land under irrigation	Class of land	Area	Land Unsettled		Remarks.
						Cropped area			Uncropped Area					Description of the land.	Area	
						Name of the crop	Area	Area under double crop.	Fallow or waste	Area						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

M . L . R. FORM 8.
(See Rule 57)

J AMABANDI

Tahsil Unit Name of the village with No..... 196

Sl. No	Old Patta No.	New Patta No.	Name of the pattadar with father's name and address.	Plot No. of land under direct possession.	Plot and Khatian No. of land in the possession of tenants		Area of the plot	Classes of land.		Revenue.	Local Tax	Water Tax	Remarks
					Plot No.	Khatian No.		Class	Area				
1	2	3	4	5	6	7	8	9	10	11	12	13	14

M. L. R. FORM 9.*(See Rule. 57)***TENANT'S KHATIAN.**

Tashil.....

Unit.....

Name of the village with No.....

196-----

Khatian No.	Jamabandi No. (Col 1 of Jamabandi)	Name of the tenant with father's name & address (Col. 6 of Chitha)	Land under possession of tenants.						Name of the pattadar with father's name, address & patta number. (Col.2 & 4 of Chitha)	Remarks				
			Plot number		Area (Col. 2 of Chitha)	Class of Land (Col. 13 of Chitha)	Duration of the tenancy (Col. 6 of Chitha)	Rent (in cash or in kind) (Col. 6 of Chitha).			Any other details.			
1	2	3	Old. (Col. 1 of Chitha)	New (Col. 1 of Chitha)					4	5		6	7	8	9	10	11	12

M. L. R. FORM 10
(See Rule 60)

N O T I C E

No.

Dated the ...

Whereas the work relating to. in connection with survey and settlement shall be taken up in the village mentioned in the schedule below from the day of19..... all holders of lands are, informed that they shall either personally or through their duly authorised agents attend the fields for showing the boundaries of the village and of their own land. They shall also furnish all such information, supported by relevant documents and other evidence, as may be required in this connection failing which action according to law may be taken against them.

Schedule.

.....
.....

**Survey and Settlement Officer
Manipur Administration.**

M. L. R. FORM 11
(See rule 72)

Publication of draft record-of-rights

DistrictVillage.....;
Tahasil.....Thana.....;

To
All land-holders.

Whereas the attestation of the record-of-rights of the above mentioned village has been duly completed, it is notified for your information that the said record-of- rights will remain open for public inspection at (place)fromfor thirty days and that(date) is the last date for filing objections under sub-section (1) of Section 43 of the Manipur Land Revenue and Land Reforms Act, 1960.

Date.....

**Signature and full designation
of the Revenue Officer,
Manipur Administration.**

Place.....

M. L. R FORM 12
(See Rule 72)

Objection under section 43 (1) of the Manipur Land Revenue and Land Reforms Act, 1960.

(OBVERSE)

Objection No
Village Name and No.
Tahsil
P.S.
District

Seventy -five Naye Paise court fee stamp to be affixed here
--

1. Name, father's name and address of objector.
2. Name, father's name and address of person against whose record-of-rights objection is made.
3. Nos. of pattas under objection.
4. Nos. of plots, if any, under objection.
5. Nature of objection e.g. title rent, revenue possession etc.
6. Matters objected to with details of objection and relief sought.

	Signature of objector and
date	
Objection No.	Objection duly received and
entered	
Village name and No.	
Tahsil	Signature and full designation
	of the Revenue Officer.

(REVERSE)

Order Sheet	Date	Order	Signature of the Officer.
-------------	------	-------	------------------------------

Present on behalf of the objector.	Present on behalf of the other party
------------------------------------	--------------------------------------

GROUNDS FOR DECISION AND ORDER

Correction in record- of-rights under objection according to order.		Correction in corollary record of rights.	
Signature of clerk in token of correction and date.	Signature in token of final check and date.	Signature of clerk in token of correction and date.	Signature in token of final check & date.

M.L.R. Form 13

(See rule 73)

Notice fixing date for hearing objection under section 43(1) of the Manipur Land Revenue and Land Reforms Act, 1960.

Objection No.....

Village Name and No.
Tahsil
Thana
District.

Objector.

Other parties.

NOTICE

To

.....
.....

Whereas an objection has been filed under section 43(1) of the Manipur Land Revenue and Land Reforms Act,1960 and(date) has been fixed for hearing, you are hereby informed that you should be present before the undersigned yourself or through a duly authorised agent with evidence, oral and documentary at (Place) at , (time) on the said date. If you fail to turn up at the appointed time, orders may be passed experte according to law.

**Signature and full designation
of the Competent Authority**

Date19.....

NB. This should be accompanied by a copy of the objection.

M. L. R. Form 14.

[See rule 75(1)]

Notice for the publication of the final record-of-rights under section 43 (2).

District

Sub-division/Tahsil

Village

No.....

To

All holders of land,

Whereas all objection under section 43(1) of the Manipur Land Revenue and Land Reforms Act, 1960 have been finally disposed of and all the orders have been incorporated in the record-of-rights, the record-of-rights of the village mentioned above has been finally framed.

You are hereby informed that the said record will remain open for public inspection at (place) from (date) to (date)...
.....

**Signature and full designation
of the revenue officer**

Date.....

Place

M. L. R. Form 15
(See rule 81)

MUTATION REGISTER

Village Tahsil Thana

Sl. No.	Name of the village and plot No. (with certificate/patta No.)			Year and date of submission of application.	Name and address of the applicant and his father's name	Gist of the report giving nature of acquisition.(with the name of transferor).	Total area of holding.	Name of the recorded persons with their names, percentage and address.	Description of the amount paid, if any.	
	Village	Certificate/Patta No.	Plot No.						Date and year of payment	Amount.
1	2(a)	(b)	(c)	3	4	5	6	7	8	9

Year and date of the issue of notice	Year and date of the return of the notice after service.	Sl.No. of register of disputed cases, if any.	Disposal.			Remarks and signature of the certifying officer.
			Year and date of sanction or refusal.	Abstract order (short description of particulars.)	Date of the correction of records.	
10	11	12	13	14	15	16

M. L. R. Form 16.
[See rule 83(1)]
Report for Mutation.

1. Name of the village and No.
2. Tahsil
3. Serial No.
4. Date of report
5. Name of the applicant
6. (a) Names of recorded persons with their father's names and addresses in whose place mutation is sought.
- (b) Patta/certificate No.
- (c) Jamabandi No.
7. Manner of acquisition with consideration paid, if any, and date

Signature of applicant,
Date

8. Date of entry in the mutation register by competent authority.
9. Date of sanction or refusal.
10. Abstract order,
11. Date of correction of record of rights.
12. Signature with date of the officer verifying the correction

Counterfoil.

Receipt for application for mutation.

Serial No. Received the marginally noted request for mutation from

Name and No. of the village. Shri
 of village
 on

Signature of the competent authority with date

M. L. R. FORM 17
(See rule 86)
Register of disputed cases.

Village.Tahsil.ThanaDistrict
19.

Sl.No. of dispute.	Serial No. in the mutation register.	Plot No. Pattas/ certificates Nos.		Area entered in the record-of-rights.	Date of receipt of objection.	Names of disputing parties.	Nature and particulars of dispute.	Order passed with date and signature of the officer passing the order.
		Pattas/ certificate Nos.	Plot No.					
1	2	3(a)	3(b)	4	5	6	7	8

M. L. R. FORM 18.
(See rule 87)

Received from objection under section 46(4) of Manipur Land Revenue and Land Reforms Act, 1960, specified below regarding the acquisition of right over land situated in Village
Tahsil.... ..

Details of objection.....

Competent Authority*
Village.....
Tahsil.....
Thana.....

Date.....

* (or any other receiving official)

M. L. R. Form 19.
(See rule 99.)

Notice of demand under section 62 of the Manipur Land Revenue and Land Reforms Act, 1960.

In the Court of
To. **s/o.**
resident of village **Tahsil** **.Thana**
Sub-division.

You are hereby required to take notice that a sum of Rs. is due from you on account of arrears of land revenue, and other dues realisable as land revenue, as per details given below and that unless it is paid within days from the receipt of this notice further proceedings for the recovery of the dues shall be taken against you according to law : —

Village with holding No.	No. of patta/certificate.	Amount/Nature of arrears.	Year for which due	Interest	Process fee.	Total amount due.
1	2	3	4	5	6	7

**Certified that the above account
of arrears is correct.**

Dated 19

(Seal)

Sub-deputy Collector.

M. L. R. Form 20
(See Rule 100)

WARRANT OF DISTRRAINT OF MOVABLE PROPERTY

To (Name and office of the person charged with execution of warrant)

Whereas..... son of
 resident of village.....Tahsil.....Thana
 Sub-division.....has made default in payment of Rs..... on account of
 land revenue as per details given below, you are hereby ordered to attach the movable
 property of the said and unless the total amount due is paid to
 the Sub-deputy Collector, to hold the same until further orders from this court.

You are further ordered that if the property distrained be subject to speedy or natural
 decay, or if the expenses of keeping it in custody are likely to exceed its value, you may sell it at
 once by public auction and deposit the proceeds according to law.

You are also ordered to return this warrant on or before the
day of196 , with the endorsement certifying the
 date and manner in which it has been executed or why it has not been executed :

Village	Patta/ Certificate No.	Amount of arrears.	Year for which due.	Process fee.	Total amount due
1	2	3	4	5	6

Place.....
 Date

**Sub-deputy Collector/Sub-divisional
 Officer/Deputy Commissioner.**

[See rule 100(3)]

PROCLAMATION OF SALE OF MOVABLE PROPERTY.

Whereas the movable property specified below has been attached for the recovery of Rs.
 on account of arrears of land revenue and process fee due from.
 son of
 resident of village Tahsil.
 Thana Sub-division

Proclamation is hereby made that, unless the amount due be paid to the Sub-deputy Collector before the day herein fixed for the sale, the said property shall be sold by public auction at on the date. ;
 date of 196 , at or about o'clock.

Description of movable property.	Number of articles.
1	2

Place.
Dated. 196 ,

Sub-Deputy Collector/ Sub-divisional Officer/Deputy Commissioner.

M.L.R.FORM 22.
(See rule 105)

PROHIBITORY ORDER ATTACHMENT OF IMMOVABLE PROPERTY

Whereas son of caste ...
 resident of village
 Tahsil Thana... .. Sub-division
 has made default in payment of Rs. on account of land revenue and other dues realisable as such by him as per margin.

It is ordered that the said be and is hereby prohibited and restrained, until further order of this office, from transferring or charging the property specified in the following schedule by sale, gift or otherwise and all persons be and are hereby in like manner prohibited from receiving the same by purchase, gift or otherwise.

Issued under my hand and seal of this office this day of 196 .

Deputy Commissioner
Sub-divisional Officer

SCHEDULE

Village/Sub-division.	Plot No. with certificate No.	Area.	Description.	Amount.
1	2	3	4	5

M. L. R. FORM 23.**(See rule 109)****PROCLAMATION OF SALE OF HOLDING**

Whereas the holding(s) specified below has (have) been attached for the recovery of the arrears of land revenue specified in column(5) below and of Rs. on account of process fees due from son of resident of village Tahsil Thana. Sub-division

Proclamation is hereby made that unless the amounts due be paid to the Sub-deputy Collector before the date herein fixed for the sale, the said holding(s) shall be sold free of all encumbrances by public auction at on the day of 196, at or about o'clock.

Village	Plot No. with patta/ certificate No.	Area	Assessment	Arrears of land revenue due.
1	2	3	4	5

Dated

196 .

**Sub-deputy Collection/Sub-divisional
Officer/Deputy Commissioner**

M. L. R. Form 24**(See rule 109)****PROCLAMATION OF SALE OF IMMOVABLE PROPERTY.**

Whereas the immovable property described below has been attached for the recovery of Rs. ... on account of due from..... son ofresident of village plus Rs..... on account of process fees.

Proclamation is hereby made that unless the total amount aforesaid be paid before the day herein fixed, for the sale, the said property shall be sold by public auction aton theday of196, by or abouto'clock.

The sale extends only to the right, title and interest of the said defaulter in the said property.

Dated.....196 ,

**Sub-Deputy Collector/Sub-Divisional
Officer/Deputy Commissioner.**

Seal

Village with Patta/ certificate No.	Sub-division, Thana, Tahsil.	Description.	Assessment, if any.	Note of any known encumbrance etc.
1	2	3	4	5

M. L. R. Form 25
(See Rule 117)

CERTIFICATE OF PURCHASE

In the court of the
Case No.

This is to certify that
son of resident of village Tahsil
... .. Thana Sub-division has been declared the
purchaser of the immovable property specified below at a sale by public auction held on the
... .. day of and that the sale has been duly confirmed by the
Deputy Commissioner on the day of 196 .

The sale transferred the right, title and interest of
s/o in the said property to the purchaser.

DETAILS OF PROPERTY

Description.	Place of location,	Assessment, if any,	Name of recorded occupant or owner.	Amount for which purchased.
1	2	3	4	5

Dated.... .. 196 .

Seal

Deputy Commissioner.

M. L. R. FORM 26

[See Rule 124(i)]

SUMMONS FOR DISPOSAL OF CASE

In the Court of _____
Case No. _____
Parties _____

To
(Name, description and place of residence)

Whereas _____ has instituted a case against you for _____ you are hereby summoned to appear in this Court in person or by a pleader duly instructed, and able to answer all material questions relating to the case, or who shall be accompanied by some persons able to answer all such questions, on the _____ day of _____ 19 _____, at _____ o'clock in the _____ noon, to answer the claim; and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the case will be heard and determined in your absence.

Given under my hand and seal of the Court, this _____ day of _____ 19

Revenue Officer,
(Full Designation).

Note:— Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court of compel the attendance of any witness, and the production of any document that you have a right to call upon the witness to produce, on applying to the Court and on depositing the necessary expenses.

M. L. R. FORM 27

[See. Rule 124(i)]

SUMMONS FOR SETTLEMENT OF ISSUES

In the Court of _____

(Title) Case No. _____

Parties _____

To

(Name, description and place of residence)

Whereas _____ has instituted a case against you for _____ you are hereby summoned to appear in this Court in person, or by a pleader duly instructed, and able to answer all material questions relating to the case, or who shall be accompanied by some persons able to answer all such questions, on the _____ day of _____ 19 _____, at _____ o'clock in the _____ noon, to answer the claim; and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the case will be heard and determined in your absence.

Given under my hand and the seal of the Court this day of _____ 19 .

**Revenue Officer,
(Full Designation).**

M. L. R. FORM 28
[See Rule 124(ii)]

In the Court of _____
Case No. _____
Parties _____

To

Whereas your attendance is required to _____ on behalf of the _____ in the above case you are hereby required personally to appear on the _____ day of _____ 19 _____ at o'clock in the forenoon, and to bring with you (or to send to this Court) _____.

A sum of Rs. _____ being your travelling and other allowances for one day, is herewith sent. If you fail to comply with this order without lawful excuse, you shall be subject to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under my hand and the seal of the Court, this _____ day of _____ 19 _____.

Revenue Officer,
(Full Designation)

Note:— If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause document to be produced as aforesaid.

M.L.R. FORM 29
(See rule 125)

BAILABLE WARRANT OF ARREST FOR APPEARANCE BEFORE A REVENUE OFFICER

In the Court of
To

.....

Whereas of village has not obeyed the summons issued by this Court for his appearance, which summons was duly served on him, you are hereby ordered to arrest the said and to produce him before this Court on or before

Date

Revenue Officer,
(Full Designation)

(Seal)

If the said gives a personal bond in the sum of Rs. with one surety in the sum of Rs. to attend before this Court on the day of 196 he may be released forthwith.

Revenue Officer
(Full Designation)

Dated

M. L. R. Form 30.
[See rule 136(1)]

**OBJECTION UNDER SECTION 99(1) OF THE
MANIPUR LAND REVENUE AND LAND REFORMS ACT, 1960
(OBVERSE)**

Objection No

Name and number of the village

Tahsil

1. Name Father's name and address of the objector.		
2. Name, Father's name and address of the person against whose accrual of rights under section 99 (1) objection made		
3. Nos. of pattas under objection.	4. Nos. of plots, if any, under objection.	5. Nature of objection, e.g. regarding title, revenue or possession etc.
6. Matters objected to with details of objection and relief sought.		

**Signature of the objector
and date.**

Objection No

Name of the village and number.....

.....

Tahsil date.....

Objection duly received from

Shri

of village on

**Signature and full designation
of Revenue Officer.**

**(REVERSE)
ORDER SHEET.**

Date	Order		Action taken on order.	
Present on behalf of objector			Present on behalf of the other party.	
Grounds of decision and order.				
Correction in record-of rights under objection according to order.			Correction in corollary record-of-rights.	
Signature in token of correction and date	Signature in token of check and date.	Signature in token of correction and date.	Signature in token of check and date.	

M. L. R. FORM 31
[See rule 136 (2)]

Notice fixing date for hearing objection under Section 99 (3) of the Manipur Land Revenue and Land Reforms Acts, 1960.

Objection No

Village name and No.
Tahsil.
Thana
District

Objector

Other parties

NOTICE

To
.

Whereas an objection has been filed under Section 99 (3) of the Manipur Land Revenue and Land Reforms Act, 1960 and. (date) has been fixed for hearing, you are hereby informed that you should be present before the undersigned yourself or through a duly authorised agent with evidence, oral and documentary at (place) at (time) on the said date. If you fail to turn up at the appointed time, orders may be passed exparte according to law.

**Signature and full designation
of the Component Authority**

Date. 19

N.B.—This should be accompanied by a copy of the objection.

M. L. R. FORM 32
[(See Rule 139 (1))]

To
 The _____

As required under Section 101 of the Manipur Land Revenue and Land Reforms Act, 1960 I furnish the following information and request that land in Col. 12 may be reserved for my personal cultivation.

Name with parentage	Name of the village and the Tahsil in which the land is situated.	Patta/ Certificate No.	Plot No.	Area owned in acres with classification and revenue.	Area held as tenant or mortgagee.			Name of the land owner or mortgagor.	Total area
					Khatian No.	Plot No.	Area.		
1	2	3	4	5	6(i)	(ii)	(iii)	7	8

Land Transferred on or after 6-3-1956				Land hold as landowner under personal cultivation		Land leased to tenants				Area desired to be reserved		Whether the tenant has any area as owner or as tenant under another landowner. It so the particulars of the area with name of the landowner	Remarks
Name of village with no. and name of Tahsil.	Patta/ Certificate No.	Plot No.	Area	Plot No.	Area	Khan-tian No.	Plot No.	Area	Name of the tenant	Plot No.	Area		
9(i)	(ii)	(iii)	(iv)	10 (i)	(ii)	11(i)	(ii)	(iii)	(iv)	12 (i)	(ii)	13	14

N.B.—In case of persons under disability, the fact should be stated clearly in the remarks column.

I certify that the above particulars are true to the best of my knowledge and belief.

Signature or thumb impression of the landowner
 Date

M. L. R. FORM 33

[See Rule 139 (3)]

To

Sub-Register
Amin/Revenue inspector.

As required under Section 101 of the Manipur Land Revenue and Land Reforms Act, 1960. Shri (Name of the landowner / tenant / mortgagor / co-sharer). S/o , r/o has applied for reservation of land for personal cultivation as specified in Col. of the statement enclosed. The particulars furnished by him may be verified from the record of rights and from oral enquiry, and the report should be submitted in the enclosed forms.

Signature

Date

ANNEXURE 'A' TO M. L. R. Form 33.**TO BE PREPARED IN DUPLICATE.**

Statement showing the area owned or held in any other capacity by a landowner / tenant
in VillageTahsil District

Name with parentage and residence of landowner	Particulars of area held as landowner.		Area held in any other capacity.		Total of		Reasons for difference in Col. 4 (a) and Col. 4 (b)	Area, if any to be reserved by the landowner.	Area if any held by the landowner as tenant and declared to be the non-resumable land.		Area owned as a land owner under personal cultivation .	Name and parentage of tenants and particulars of area held by each.	Remarks
	On 6-3-56	At present	On 6-3-56	At present	Col. 2 (a) and Col. 3 (a)	Col. 2 (b) and Col. 3 (b)			Plot No.	Area			
1	2 (a)	(b)	3 (a)	(b)	4 (a)	(b)	5	6	7 (a)	(b)	8	9	10

I hereby certify that the entries made by me in this Form are in accordance with those made in the revenue records and are correct.

Date
Amin
Village

I have checked the entries made in this Form and attest them to be correct.

Tahsil
Revenue Inspector
Date

ANNEXURE 'B' TO M. L. R. FORM 33

Statement showing transfers effected by the landowner after 6-3-1956

Name and parentage of transferor	Date of transfer	To whom transferred	Nature of transfer	Whether oral or registered	Are involved with plot No.	Consideration paid if any	REMARKS
1	2	3	4	5	6	7	8

Certificate

I hereby certify that the entries made by me in this Form are in accordance with those made in the revenue records and are correct.

I have checked the entries made in this Form and attest them to be correct.

Amin

Village

Date

Revenue Inspector

Circle

Date

M. L. R. FORM 34

(See Rule 140)

Form of notice to the tenant/
co-sharer under Section 102 (1)
of the Manipur Land Revenue
and Land Reforms Act, 1960.

To

Name of the tenant/landowner/Co-sharer

As required under Section 101 of the Manipur Land Revenue and Land Reforms Act (Name of the landowner S/o of village has desired to reserve the following lands for personal cultivation :—

Description of the land.

Name of the village with Tahsil and Thana	Khatian No.	Plot No.	Area
---	-------------	----------	------

You are, therefore, required to submit your objection, if any, to the proposed reservation within a period of 90 days of the receipt of the notice, failing which land held by you as tenant will be declared as land reserved for personal cultivation of the landowner.

You are also required to submit a statement in Form 33. A copy of the statement filed by the landowner is also enclosed hereto.

Signature**Seal****Date.....**

Total are held in any other capacity on 6.3.56					Area held at present			Reasons for difference	personal cultivation on 6.3.1956		At present
Name of the village in which the land is situated Thana and Tahsil	Patta / Certificate No.	Plot No.	Area in ordinary acres with classification of the land.	Capacity in which the area is held.	Patta/ Certificate No.	Plot No.	Area		Plot No.	Area	
5 (a)	(b)	(c)	(d)	(e)	6 (a)	(b)	(c)	7	8 (a)	(b)	9

Area leased to tenants				Area desired be reserved			
Khatian No.	Plot No.	Area	Name of the tenant	Khatian No.	Plot No.	Area	Remarks
10 (a)	(b)	(c)	(d)	11 (a)	(b)	(c)	12

(If the applicant has filed a statement for reservation of the land, a copy of the statement may be enclosed).

I certify that the above particulars are true to the best of my knowledge and belief.

Signature

Date

N. B. In case a person under disability, the fact should be stated clearly in the remark column.

M. L. R. FORM 36

[See rule 143(1)]

**CERTIFICATE UNDER RULE 143 (1) OF THE MANIPUR LAND
REVENUE AND LAND REFORMS RULES, 1961.**

Case No... ..

Date of application for reservation... ..

This is to certify that s/o
 resident of village Tahsil
 ... ThanaDistrict is entitled to resume the
 following land for personal cultivation.

Village	Tahsil	Plot No. with *Patta/Certificate No.	Area	Revenue payable	Name and address of tenant
1	2	3	4	5	6

Given under my hand and seal of the Court, this
 day of 19

**Signature of the competent authority
(Full Designation)**

*Strike out words which are not applicable.

M. L. R. FORM 37
[See Rule 143 (ii)]

Certificate under rule 143 (ii) of the Manipur Land Revenue and Land Reforms Rules, 1961.

Case No

Date of the application for reservation by the Landowner

This is to certify that s/o
 resident of village
 Tahsil Thana District
 is entitle to retain the following land as non-resumable land.

Description of the land

Village	Plot No. with * Patta/Certificate No.	Area	Revenue payable	Name of the landowner with parentage
1	2	3	4	5

Given under my hand and the seal of the Court this..... day of
19.....

**Signature of the competent
 authority with designation**

*Strike out words which are not applicable.

M .L.R. FORM 38
(See rule 144)

Notice for lease of land which remained uncultivated for a period of
not less than two consecutive years

(Section 107 of the Manipur Land Revenue and
Land Reforms Act, 1960)

In the Court of -----

To

----- s/o-----

Village -----Thana ----- Tahsil -----

Sub division -----

It has come to my notice that the land as shown in the schedule below which is held by you as a landowner has remained uncultivated for not less than two consecutive years, and as such the land under Section 107 of the Manipur Land Revenue and Land Reforms Act, 1960 is liable to be let out for cultivation on lease for five years in the first instance. You are, therefore, hereby asked to appear before the undersigned on ----- at ----- and to show cause why the land should not be let out. In case you fail to appear or appear and do not contest it or do not show reasonable cause for allowing the land to remain uncultivated for two consecutive years and do not undertake to cultivate the same, the land shall be let out for cultivation on annual rent.

Sl.No.	Name of Village	Plot No with * Patta/certificate No.	Area	Class of land	Remarks
1	2	3	4	5	6

Given under my hand and the seal of the Court this day of -----19-----

* Strike out words which are not applicable.

Deputy Commissioner.

M. L. R. FORM 39

(See rule 149)

Notice for relinquishment of landowner's rights in land

To

The Competent Authority

I -----s/o -----

resident of village -----District ----- hereby
 give notice for relinquishing my landowner's rights in the land as shown in the schedule below
 situated in village ----- Tahsil -----Sub-division -----
 ----- and of which I am the landowner from the agricultural year-----

*Patta/Certificate No.	Plot No.	Area	Class of land.	Land Revenue	Name of tenant if any.
1	2	3	4	5	6

I further certify that the land in question or any part thereof is not subject to any encumbrance or charge.

Signatures of witnesses.

1.-----

2.-----

Date -----

* Strike out words which are not applicable.

Signature of applicant

Date -----

M. L. R. FORM 40

[See Rule 164 (1)]

APPLICATION FOR DETERMINATION OF REASONABLE RENT

To

(Competent Authority)

1. Particulars of applicant/Landowner/tenant
 - (a) Name
 - (b) Parentage
 - (c) Residence
 - (d) Village/Thana/Tahsil
2. Particulars of the respondent/landowner/tenant
 - (a) Name
 - (b) Parentage
 - (c) Residence
 - (d) Village/Thana/Tahsil
3. Particulars of the land
 - (a) Village, Thana, Tahsil and Sub-division in which land is situated
 - (b) Plot number and area
 - (c) Khatian No.
 - (d) Amount of rent
 - (e) Improvement made, if any
4. If the application is for abatement or enhancement
5. The amount of rent claimed or asserted
6. Ground for making application

Dated

Signature of landowner/tenant

M. L. R. FORM 41
(See rule 167)

APPLICATION FOR COMMUTATION OF RENT
(Under Section 115 of the Manipur Land Revenue and Land Reforms Act, 1960.)

To

(Competent Authority)

Name of the applicant Age

Profession Place of residence

Name of opposite party ... Age Place of residence

Sir,

I am the landowner */tenant and the person (s) named above is/are landowners*/tenants of the following lands :-

*Patta/Certificate No.	Plot No.	Area	Revenue	Village	Tahsil	Thana
1	2	3	4	5	6	7

The rent of the lands now payable is as given below :-
(here give the details of the rent paid/recorded)

I apply for commutation of the rent payable in kind in to cash rent
My witnesses are

Name Father's Name Village
.....

I enclose the following documents

- 1.
- 2.
- etc.

Dated

(Signature)

* Strike out words which are not applicable

M. L. R. FORM 42
(See rule 170)

TENANTS RENT RECEIPT AND COUNTER-FOIL

Particulars of receipt (Landowner's portion)	Particulars of receipt (Tenant's portion)
1. Serial number of receipt	1. Serial number of receipt
2. Date of payment	2. Date of payment
3. Number and class of Patta */Certificate	3. Number and class of Patta */ Certificate
4. Name and number of village and Tahsil	4. Name and number of village and Tahsil
5. Name of the landowner and the nature of his interest	5. Name of the landowner and the nature of his interest.
6. Tenant's name with father's name and address	6. Tenant's name with father's name and address
7. Particulars of the tenancy for which rent is paid	7. Particulars of the tenancy for which rent is paid
(a) Serial No. of the land owner's rent roll	(a) Serial No. of the landowner's rent roll
(b) Khatian No.	(b) Khatian No.
(c) Area	(c) Area
(d) Annual Rent	(d) Annual Rent
(e) Taxes, if any	(e) Taxes, if any
8. Amount due at the beginning of the year under each of clause (d) and (e) of item 7 and for which year and as interests on the amount due under the said clauses	8. Amount due at the beginning of the year under each of clauses (d) and (e) of item 7 and for which years and as interests on the amount due under the said clauses
9. Amount remaining due at the end of year	9. Amount remaining due at the end the of the year
Signature of landowner or his authorised agent	Signature of landowner or his autho- rised agent
Date	Date

* Strike out words which are not applicable.

M. L. R. FORM 43
 [(See rule 177 (1))]

Application for surrender

From

.....

To

The Competent Authority, Manipur.

Landowner (Name and address).....

This is to inform you that under provisions of Section 126 of Manipur Land Revenue and Land Reforms Act, 1960, I intend to surrender my land the details of which are given below with effect from Permission for the same may be given to me.

Name of village with tahsil.	Plot Nos. to be surrendered	Khatian No.	Area of field to be surrendered.	Rent of the land to be surrendered.	REMARKS
1	2	3	4	5	6

Signature of tenant.

(Entries below this line will be made at the time of attestation.)

Attested on

By

(1) Signature of .
 Witness
 son of
 resident of
 address

(2) Signature of
 Witness
 son of
 resident of
 address

Signature and designation of
 the attesting officer
 Date

M.L.R. Form 44,
(See rule 179)

To

.....
.....
Manipur

Sir,

Under Section----- of the Manipur Land Revenue and Land Reforms Act, lands owned by me have been declared non-resumable land and the ownership of lands has been transferred to ----- (name of the tenants) I therefore, request that compensation for the following lands may be given to me.

Name of the tenant/s to whom land has been transferred	Patta/Certificate No.	Plot No.	Area	Date of order	Revenue payable
1	2	3	4	5	6

-
- 1 . Details of the trees and their value.
 2. Whether the land has any encumbrance .
If so, the full details with value of the encumbrances.
 3. Whether any improvements have been made, give details of the improvements and their value.

I also enclose a copy of the certificate issued to the tenant.

Yours faithfully,

Signature of the landowner.

M. L. R. FORM 45

[See Rule 181 (3)]

**CERTIFICATE UNDER SECTION 131 OF THE MANIPUR
LAND REVENUE AND LAND REFORMS ACT, 1960**

This is to certify that the ownership of the land described below has been transferred to
Shri ----- Son of ----- resident of village -----
Thana ----- Tahsil ----- Sub division ----- from (date) -----
----- under Section --- of the Manipur Land Revenue and Land Reforms Act, 1960.

DESCRIPTION OF THE LAND

Village with Tahsil 1	Patta/Certificate No. 2	Plot No. 3	Area 4	Land revenue payable 5

Name of the previous landowner,
his father's name and residence

Name of any other person
having interest in the land

This certificate is issued under Section 131 of the Manipur Land Revenue and Land Reforms Act, 1960 and is conclusive evidence of the said tenant having become the owner of the above mentioned land from the (date) ----- as against the landowner and all other persons having interest in that land

As an immediate consequence of the transfer of ownership to the said Shri -----his relationship of tenancy with the landowner ceases from the said date ----- No rent is, therefore, payable to the landowner for any period after the said date,

From the date of transfer the tenant is liable for payment of land revenue for the aforesaid land.

Signature - - - - -

Seal - - - - -

Date - - - - -

M. L. R. FORM 46
[(See rule 182 (i))]

Offer for sale of land under Section 132 (1) of the Manipur Land Revenue and Land Reforms Act, 1960.

Regd. A.D.

To

_____ (Name of the * tenant/tenants)
 _____ (Address)

Sir,

I am the landowner/co-sharer of the following land held by you as my tenant*/tenants.

DESCRIPTION OF THE LAND

Village with Tahsil	Plot No. With Khatian No.	Area	Revenue payable
1	2	3	4

I intend to sell the above land, at the rate of Rs----- per acre. The total price will be Rs----- . In pursuance of the provisions of sub section (1) of section 132 of the Manipur Land Revenue and Land Reforms Act, 1960, I offer this land for sale to you and as required under Section 132, you should intimate to me within two months of the receipt of this notice, whether you are willing to purchase the land at the price quoted above, failing which you will forfeit your right of purchase under Section 132 of the Act.

I declare that there are no encumbrances on the land/it has been mortgaged for Rs. and this amount may/may not be deducted from the above quoted price.

Yours faithfully,

Signature of the landowner

Village -----

Thana--

Tahsil -

District -

N.B. * Portions which are not applicable may be struck off.

M.L.R. FORM 47
[See rule 182 (2)]

Application to the competent authority for determination of the reasonable price under Section 132 of the Manipur Land Revenue and Land Reforms Act, 1960.

To -----
 -----(competent authority)

Sir,

I am the landowner/*tenant of the following land :-
 Description of the Land

Village 1	Plot No .with Khatian No. 2	Area 3	Revenue */Rent payable 4

Whereas Shri -----landowner of the land has offered to sell the land to me at the rate of Rs. ----- per acre.

Whereas Shri ----- tenant has offered to purchase the land at the rate of Rs ----- per acre.

The total value is Rs -----.

The price quoted by the landowner*/tenant is very high */low and as required under Section 132 of the Manipur Land Revenue and Land Reforms Act, 1960. I apply for determination of the reasonable price of the above mentioned land

I am prepared to pay */accept Rs ----- for the land mentioned above.
 A copy of the notice of the landowner /letter of the tenant is enclosed herewith.

Yours faithfully,

Signature of the landowner*/tenant.

Village -----

Thana -----

Tahsil -----

District -----

N.B. * Strike out the portion or portions not applicable.

M. L.R. FORM 48
[See rule 182 (6)]

CERTIFICATE OF PURCHASE OF LAND UNDER SECTION 132

In the Court of the

Case No.....

This is to certify that..... s/o.....
 resident of villageTahsilThana.....
 Sub-division has been declared the purchaser of the land specified below after he has
 deposited the reasonable price of the land in the Government treasury vide Challan
 No.....dated.....which shall be paid to Shri
 s/o resident of villageTahsilThana
Sub-divisionwho had offered to sell his land.

DETAILS OF LAND

Description	Place of location	Land Revenue payable	Name of recorded occupant or owner	Amount for which purchased
1	2	3	4	5

Date.....

Seal

Signature and designation
 of the competent authority.

If mortgaged, the type of mortgage, name of the mortgagee with address and mortgage amount.	If held as tenant, name of the landowner with address. Also indicate if the area has been reserved for personal cultivation of the landowner	If held as mortgagee with possession the name and address of the mortgagor with mortgage amount.	*Area not under personal cultivation but applied for reservation under section 101 (If no such application has been made the fact alone be mentioned).		Area selected for retention not exceeding the area under Col. 3.		
			Plot No. with name of village	Area	Plot No. with name of village	Area	Name of the tenant if any.
(d)	(e)	(f)	10(a)	(b)	11(a)	(b)	(c)

* Particulars of the area, if any, sought to be exempted under Section 150 of the Act.			Estimated area of excess land, if there are any structures, buildings and trees on the land			REMARKS
Plot No. with name of village	Area	Reasons in brief for claiming exemption under Section 150	Plot No. with name of village	Area	Details of structures etc.	
12(a)	(b)	(c)	13(a)	(b)	(c)	14

* A copy of the statement submitted under Section 101 of the Act may also be enclosed.

* In case of a person who has sought exemption a copy of application may also be enclosed

I hereby certify that the information given above is true to the best of my knowledge and belief.

Signature-----

Date-----

M. L . R. FORM 50
[See Rule 183 (4)]

Name -----Father's name-----Village with
No.....Tahsil/Thana.....Sub- division.....

Sl. No.	Name of village with Patta/certificate No.	Plot No.	Name of the transferee	Area held by the transferee before the transfer	Date of transfer			Nature of transfer and consideration money received.	Registered or not	Whether entered in the record-of- rights.
					Between 15 th Jan., 1959 and 9 th Dec. 1959	Between 9 th Dec., 1959 and enforcement of section 137	After the enforcement of section 137			
1	2	3	4	5	6 (a)	(b)	(c)	7	8	9

I declare that the particulars given above are true to the best my knowledge and belief.

Date-----

Signature or thumb impression.

M. L. R. FORM 51
(See rule 186)

Draft Statement showing the excess land held by a person in excess of the ceiling limit imposed by the Manipur Land Revenue and Land Reforms Act, 1960.

Name & parent-age	In case of transfer which has become void, name of the transferee	Village with name of tahsil	Plot No. Patta/ Certificate No.	Total area with classification	Area not exceeding the ceiling limit which the landowner tenant is entitled to retain		Particulars of the area exempted from ceiling	Area to be restored under section 141 (4) proviso	Excess land in which tenant or mortgagee with possession acquires the right of landowner etc.	Excess land which will vest in the Government	Total excess land	Remarks
					Plot No.	Area						
1	2	3	4	5	6(a)	(b)	7	8	9	10	11	12

No. -----

Signature of the Competent Authority

A copy is forwarded to -----S/o-----

Land owner/tenant-----resident of village-----Tahsil -----Thana-----

District-----

*Strike out words which are inapplicable.

M. L. R FORM 52
(See Rule 205)

FORM OF DECLARATION

1. Name and Number of village with the name of Tahsil/Thana and Sub-division—
2. Status of the Transferor—
3. Name of the parties (with parentage and address)--
 - (1)
 - (2)
 - (3)
4. The transaction is a —
 - (a) transfer by way of sale, exchange gift, bequest or mortgage with possession-
 - (b) Lease—
 - (c) Partition—
5. In the case of a transfer etc. or lease—
 - (a) the plot number with patta/certificate* No. and area of the land covered by the transaction—
 - (b) the name and address of the transferor;
 - (c) the name and address of the transferee;
 - (d) The total area of lands held or possessed by the transferor or any member of his family as landowner or tenant, if the lands are held jointly, the share of the transferor or any member of his family-
 - (i) prior to transaction
 - (ii) after transaction
 - (e) the total area of land held or possessed by the transferee or any member of his family as landowner or tenant, if the lands are held jointly, the share of the transferee or any member of his family;
 - (i) prior to the transaction
 - (ii) after the transaction

- (f) whether it is a gift made in favour of the Bhoodan movement initiated by Acharyya Vinoba Bhave.

6. In the case of partition—

- (a) name of village and plot number with Patta*/Certificate No. and area of the lands covered by the transaction.
- (b) the names and addresses of the parties, also the area under transaction, which is to be partitioned.
- (c) area of the land held by each party excluding the area covered by the transaction,

We hereby declare that the above transaction does not contravene the provisions of Chapter XII of the Manipur Land Revenue and Land Reforms Act, 1960, and that land which either of us shall come to hold thereafter will not be less than a fragment as defined in Section 151 of the Manipur Land Revenue and Land Reforms Act, 1960.

Signature and address of
address of
the transferor.
transferee.

Signature and
the

Date-----

Date-----

* Strike out words which are not applicable.

SCHEDULE II
(See Rule 91)

**THE INSPECTION AND GRANT OF CERTIFIED COPIES OF
REVENUE RECORDS.**

Revenue records to be open to public inspection.

1. (i) Subject to the provisions of this schedule, all revenue records shall be open to inspection by the public.

(ii) If the Deputy Commissioner or any Officer in charge of the record room considers that any record of which inspection is sought is of a confidential nature or that an inspection thereof would be prejudicial to public interest, he may by a written order refuse the inspection.

Inspection of records of pending cases and of cases not deposited in the record-room

2. The record of a case which is pending or which has been decided but the record of which has not been deposited in the record room, may, with the permission of the Court concerned be inspected.

(i) by any party thereto or by his pleader or recognised agent or by such pleader's recognised clerk if authorised by his master free of charge; and

(ii) by any other person after payment of the prescribed inspection fee.

Explanation- For the purposes of this para the record of a decided case called for in connection with a pending case shall be deemed to be the record of a case which is pending before the officer who called for it.

Inspection of records deposited in the record room.

3. The inspection of records deposited in the record room shall be allowed with the permission of the Deputy Commissioner or such officer as he may appoint in this behalf, on payment of the prescribed inspection fee.

Inspection by Govt. Officers.

4. The inspection of any record, by Government officers, or other persons duly authorised in this behalf for Government purposes shall be allowed free of charge.

Inspection Book.

5 A book called the inspection book shall be kept by each court and also by the record-keeper in form A appended to this schedule and every person desiring inspection shall fill in the particulars in columns 1 to 4 thereof. Before the inspection is begun, the permission of the officer competent to grant permission shall be taken by the court clerk or by the record-keeper, as the case may be, by obtaining the officer's initials in column 5 of the inspection book.

Inspection fee.

6. The inspection fee chargeable under paras 2 and 3 shall be Rupee one for the first hour and fifty Naye Paise for any subsequent hour or portion thereof for every record inspected. The fee shall be prepaid in court-fee stamps and shall in no case be refunded. The record-keeper, or in the case of a court, such officer as the presiding officer may direct to maintain the inspection book, shall affix the stamps in column 8 of the book and cancel them in the manner specified in section 30 of the Court-fee Act, 1870 (VII of 1870).

7. The inspection shall be made within such office hours, in such place and in the presence of such official as the presiding officer, or in the case of records deposited in the record room, the officer-in-charge of the record-room may direct. **Place and time of inspection**
8. The use of pen and ink during inspection is prohibited. Pencil and paper may be used for making any notes or copies from the record but no marks shall be made on any record or paper inspected. Any person infringing this provision may, by the order of the Deputy Commissioner or the officer-in-charge of the record-room or the presiding officer, be deprived of the right of inspection for such period as he may direct. Such an order, when passed by a revenue officer subordinate to the Deputy Commissioner, shall be subject to revision by the latter. **Manner of inspection**
9. The inspection shall be completed and the record returned within the hours fixed under para 7 on the day on which the record was taken out for inspection. **Return of record**
10. If the applicant fails to make inspection within one week from the date on which inspection was ordered, the order shall lapse and no further inspection shall be allowed without obtaining a fresh order after payment of fresh fee. **Failure to inspect**
11. The Amin shall allow any one interested to inspect free of charge any land records in his custody and to take notes of the same. **Inspection of land records in custody of Amin**
12. Certified copies of record-of-rights and maps may be granted to parties under section 49 or 50 at Sadar by the record-keeper and in the mofussil by the revenue officer having custody of the maps and records in question. **Copies of record-of – rights**
13. Application for certified copies shall bear a court fee stamp of the value of twenty-five naye paise. **Form of application for copies**
14. Fees for certified copies of maps and records shall be as follows:- **Charges for copies**
- | | |
|---|---|
| Manuscript or typed copies. | Sixty naye paise per folio consisting as nearly as possible 150 words (four figures counting as one word) or part thereof. |
| Cadastral survey maps. | One rupee and fifty naye paise for the first 100 plots or fraction thereof- and one rupee for each subsequent 100 plots or fraction, thereof. |
| Expedition fee for urgent application for copy. | One rupee or if the copy exceeds four folios, twenty five naye paise per folio in addition to the fee prescribed above. |
15. Requisite folios for certified copies of records and requisite forms for certified copies of record-of-rights shall be supplied by the parties. **Supply of folios etc. by applicants**

Rejection of application

16. If the applicant fails to deposit the requisite number of folios and other cost within a week from the date on which the cost is notified an application may be rejected, and once an application is rejected it cannot be revived, though a fresh application may be given.

Grant of copies for public purpose.

17. No fee shall be charged for grant of certified copies of maps and records required for public purposes by Heads of Government Departments.

Copies of record.

18. When a certified copy of a record not finally published under sub-section (2) of section 45 of the act is granted, there shall be a certificate on the copy as follows:-

“Certified to be true copy or copy of part of record-of-rights which is being prepared under Chapter V of the Manipur Land Revenue and Land Reforms Act, 1960. The stage of ----- has been completed at the time of the issue of the copy”.

Signature

Dated:

Designation.

FORM A
INSPECTION BOOK
See Para 5 of Schedule II

Date	Signature and occupation of applicant for inspection.	Record book or register of which inspection is sought	Capacity in which inspection is sought	Initials of officer ordering inspection	Time occupied in inspection		Stamp affixed	Remarks.
					From	To		
1	2	3	4	5	6(a)	(b)	7	8

**SCHEDULE III
PROCEDURE OF REVENUE COURTS**

Presentation of petitions, etc.	1. Any proceeding which may be instituted in a court by presentation of a plaint, application or petition may be so instituted by the presentation of the plaint, application or petition, as the case may be, to the presiding officer of the Court and during his absence to the officer in charge of his office or such other officer as the presiding officer may appoint in this behalf.
Time of receipt of petitions etc.	2. Plaints, applications and petitions shall be taken by each court at regular hours to be fixed by the Administrator. Intimation of the hours so fixed shall be given to the public.
Affixing of notice etc. to court houses	3. Every summons, notification, or other document required to be affixed or published at or in a court house, shall be affixed or published at or in the head-quarters office of the presiding officer of the court.
Particulars on application petition etc.	4. Every sheet of plaint, application, petition, process, notice, order or proceeding in or relating to a suit, from the institution of the suit down to the final execution of the decree, shall bear on the right hand top of each paper – <ul style="list-style-type: none"> (i) the name of the Court in which the original suit was instituted; (ii) the register number and the year of the original suit; and (iii) the names of the parties to the suit.
Papers filed to be written on the water marked papers.	5. All pleadings, applications and petitions, and all other papers (except exhibits) intended to be filed by the parties in course of the proceedings in the revenue courts shall be written on Government water-marked papers, one side of the paper being used, a quarter margin together with one inch of the space at the top and bottom of each sheet being left for binding: <p style="margin-left: 40px;">Provided that when a saleable form has been prescribed for any purpose, application or petition may be presented only on such forms.</p>
Mode of presenting applications etc.	6. Except as provided by para 8, every plaint, petition or application to a court shall be presented by the party in person, his recognised agent, or his counsel, pleader or vakil ; it shall not be received from any other person, nor through the post. The name of the person who presents the application as well as the date of presentation shall be written on it.
Orders on petitions, etc.	7. All applications and petitions shall, as far as possible, be disposed of by an order passed in court as soon as they are presented.
Petition etc. on behalf of Government, local bodies and Government managed Estates:	8. In the case of a plaint, application or petition presented on behalf of Government, local body or an estate managed by an officer of the Government the person presenting it may also attach to it a certificate showing in such detail, as may be required, the amount expended on stamps on it, and the official receiving the plaint, application or petition shall attest on the certificate the amount of stamps on the plaint, application or petition and sign and return the certificate to the said person.

9. The personal attendance of plaintiff or defendant shall not be insisted upon when there is reason to believe that he is not personally acquainted with material facts; and in each case the court shall determine for itself upon the allegations in the plaint, whether the attendance in person of either plaintiff or defendant at the next hearing can be dispensed with.

Personal attendance not to be insisted upon when parties believed not to be personally acquainted.

10. (1) In any case in which the effect of the order or decree passed involves a change in the land records, the court shall draw up a separate order giving full details of the entries to be made and entries to be expunged and direct the Sub-deputy Collector to have the new entries recorded in the land records. This order shall be forwarded to the Sub-divisional Officer in duplicate for transmission to the Sub deputy Collector.

Orders involving change in land records.

11. Para 10 shall apply to all appellate courts also, who, when transmitting to the lower court a copy of the order passed in appeal, shall attach thereto the order in appropriate form to which effect is intended to be given provided that when the appellate court merely cancels without altering the order passed by the lower court; it shall be sufficient to give the number and date of the order of the lower court which is cancelled. This order in the appropriate form shall be forwarded to the Sub-divisional Officer by the clerk of the original court in duplicate for necessary action with regard to the record.

Appellate orders involving change in land records.

12. An entry to the effect that the order in appropriate form has duly been despatched to the Sub-divisional Officer or Survey and Settlement Officer or the lower court, as the case may be, shall be made by the clerk or other officer of the court on the order-sheet and the file shall not be consigned to the Record Room till a copy of this form has been returned by the officer concerned with a note that the order contained therein has been communicated to the Sub-deputy Collector or Survey and Settlement Officer as the case may be concerned and that he has pasted a copy of the order for necessary action in the guard book.

Record of communication of order for change in land records.

13. If on the day appointed for the hearing of a case in camp the court is not sitting at the place specified and any of the parties is absent, a fresh date and place shall be fixed for hearing the case.

Hearing of cases in camp.

14. When parties and witnesses are summoned to appear in camp, the place as well as the date shall always be stated in the summons.

Date and place should be stated in summons when parties summoned to appear in camp.

15. Without the consent of the parties and in the absence of urgent necessity no case shall ordinarily be heard on a public holiday:

Cases not to be heard on holidays.

Provided that on a public holiday the court shall not refuse to do any act or make any order urgently required which may with propriety, be done of made out of court.

Legal practitioner acting for any one should file a vakalatnama

16. No legal practitioner shall act for any person in a court, unless he has been appointed for the purpose by such person by vakalatnama signed by such person or by his recognised agent or by some other person duly authorised by or under a power of attorney to make such appointment:

Provided that a legal practitioner when unable personally to attend to a case in which he is briefed may hand over the brief to another legal practitioner without the letter filing a vakalatnama and the fees to whomsoever paid, shall, if duly certified, be taxable costs.

Memorandum of appearance in certain cases.

17. A legal practitioner shall not be deemed to act if he only pleads and in such case he may, instead of filing vakalatnama, file a memorandum of appearance as required under rule 4(5) of Order III of Schedule I to the Code of Civil Procedure, 1908.

Allowances to witnesses,

18. (1) (a) Save as hereinafter provided the maximum daily allowance which may be allowed to a witness by the court shall be as follows;

- (i) labourers and ordinary cultivators and other persons of similar class Rs 2/- per day ;
- (ii) persons of better position Rs. 6/-per day.

(b) If a witness demands in excess of what has been paid to him under sub-para (I) (a) such sum shall be allowed if he satisfies the Court that he actually and necessarily incurred the additional expense.

(c) The Court may, for reason to be recorded in writing, grant daily allowance on a higher rate than that hereinbefore provided.

(2) (a) A witness travelling by rail or bus shall receive the travelling expenses actually incurred by him during the journey according to the following scale:

- (i) a witness mentioned in clause (i) of sub-para (I)(a) third or lower class fare ;
- (ii) a witness mentioned in clause (ii) of sub-para (I)(a) second, first or upper class fare as considered suitable by the Court.

(b) Witnesses as performing the journey or part of the journey by any other public conveyance, not being an aircraft, may be allowed their actual fare each way according to the class by which persons of their rank and station in life would ordinarily travel.

(c) Charges for toll or ferries will be-allowed at the usual rates to the extent to which they have actually been incurred.

(d) Other travelling expenses will be given only when the journey could not reasonably have been performed on foot or in the case of persons whose age and position and habits of life render it impossible for them to walk the distance. In such cases, in addition to the travelling allowance permitted by the preceding provisions, travelling allowance shall be given at the following rates:-

- (i) when the journey is by any kind of conveyance by road, the actual conveyance charge upto a maximum limit of twenty-five naye paise per mile;

(ii) in areas where the usual mode of travel is by water, the actual expense incurred for boat hire upto a maximum of two rupees a day.

(e) No person shall be allowed costs of conveyance by aircraft without the permission of the Administrator.

(i) In hill areas where it is customary for respectable persons to be accompanied by a man carrying their baggage, when such a person is summoned from a distance of more than five miles, he may be allowed the actual cost incurred for the hire of one porter.

19. (1) Notwithstanding anything contained in para 18 a person serving under the Government of India or any State summoned to give evidence in a court shall receive such travelling allowance and in such manner as may be provided for in the rules which govern his travelling and daily allowances.

Certificates to certain Government servants in lieu of expenses

(2) A public servant shall be granted a certificate in the appropriate form and the fact of the grant of the certificate shall be recorded on the order sheet.

20. An application for the issue of summons for a party or a witness shall ordinarily be made by the party concerned. A court may summon any person whose attendance it considers necessary for the purpose of any business before it.

Issue of summonses

21. (1) A party shall file with his application for issue of summonses the requisite number of printed forms of summonses or notices in duplicate duly and legibly written in bold characters. The party, its recognised agent or pleaders shall sign the forms at the bottom on the left hand corner.

Application for issue of summons

(2) Every summons to a party shall be accompanied by a concise statement about the subject matter of the proceedings which as well shall be signed by the party filing the summons, or by its recognised agent or pleader.

(3) When any party or his agent presents an application for summoning witnesses, the court shall pass an order directing the Nazir to receive payment on account of allowances to witnesses and it shall then return the application to the party concerned. The Nazir after receiving the amount shall certify the receipt thereof together with the number of deposit in the register maintained by him on the application and return it to the court. On receipt of the Nazir's report, the court shall proceed forthwith to issue the summonses and such money shall be tendered to the witnesses along with summonses.

22. (1) A person summoned, shall be bound to appear at the time and place mentioned in the summons in person or, if the summons so allows, by his recognised agent or a legal practitioner.

Person summoned bound to appear and to state truth

(2) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statement, and to produce such documents and other things relating to any such matter as the court may require.

23. A party or his agent, may by leave of the court effect the service of summons on his own witnesses by personal service, and in such case no process fee shall be charged.

Personal service by party

Service of summons on public servants.

24. (1) A summons to a Government servant (other than the member of the Armed Forces of the Union) or the employee of local authority shall ordinarily be served through the head of the office in which he is employed.

(2) Where the person to be summoned is an officer of Union of India's land, Naval or Air Forces, the Court shall send the summons direct to him and where such person is a soldier, sailor or airman, the summons shall be sent for service to his Commanding Officer.

(3) Where the Court considers it necessary to issue a summons direct to a public servant other than a soldier, sailor or airman, it shall, simultaneously with the issue of the summons, send a notice to the head of the office in which the person summoned is employed.

(4) In all these cases, sufficient time shall always be given to admit of arrangement being made for the relief of the person summoned.

Service of summons

25. (1) A summons shall, if practicable, be served—
- (a) personally on the person to whom it is addressed or failing him;
 - (b) on his recognized agent; or
 - (c) on any adult male member of his family usually residing with him.

(2) If service cannot be effected as above, or if acceptance of service so made is refused, the summons may be served by pasting a copy thereof on the door of the usual or last known place of residence of the person to whom it is addressed or by publication in a newspaper.

Acknowledgment when summons pasted on the door

26. When a summons be pasted on the door of a place of residence an acknowledgment of its having been so pasted shall be taken from two respectable neighbours.

Substituted service.

27. If the Court decides to effect service by publication in a newspaper, it shall select the paper or papers after considering which is or are the most likely to be brought to the notice of the person to be served. The name of the person addressed in the notice or summons shall be printed in bold letters at the top, the particulars of the case being given thereafter.

Service when persons to be served are numerous

28. If the summons relates to a case in which persons having the same interest are so numerous that personal service on all of them is not reasonably practicable, it may, if the Court so directs, be served by delivery of a copy thereof to such of those persons as the Court nominates in this behalf and by proclamation of the contents thereof for the information of other persons interested.

Service by registered post

29. A summons may, if the Court so directs, be served on the person named therein, either in addition to, or in substitution for, any other mode of service, by forwarding the summons by post in a letter addressed to the person and registered under Part III of the India Post Office Act, 1866.

Presumption of service by post.

30. When a summons is so forwarded in a letter, and it is proved that the letter was properly addressed and duly posted and registered, the Court may presume that the summons was served at the time when the letter would have been delivered in the ordinary course of post.

31. The provisions of the Code of Civil Procedure, 1908, along with any rules or notifications issued by Central Government or the Chief Commissioner, Manipur, as amended from time to time, for service of summons out of Union of India or service of summons received from other countries, shall apply to the Revenue Courts in Manipur.

**Service of
summons
out of Union
of India**

32. Every notice under the Act may be served either by tendering or delivering a copy thereof, or sending such copy by post to the person on whom it is to be served, or his authorised agent or, if service in the manner aforesaid cannot be made by affixing a copy thereof at his last known place of residence or at some place of public resort in the village in which the land to which the notice relates is situated .

**Mode of
serving
notice**

33. Whenever a proclamation is issued under the Act copies thereof shall be pasted on some conspicuous place of the court house of the officer issuing it, at the office of the Sub-divisional Officer of the sub-division within which the land to which it refers is situated, and same place of public resort on or adjacent to the land to which it refers and, unless the officer issuing it otherwise directs, the proclamation shall be further published by beat of drum in the village, in which the land to which it refers is situated, or if such village is uninhabited, in the village from which the land is cultivated.

**Mode of
issuing
proclamation**

34. No notice or proclamation shall be deemed void on account of any error in the name or designation of any person or in the description of any land referred to therein, unless such error has produced substantial injustice.

**Notice or
proclamation
not void for
error**

35. Judicial records may be summoned by the Courts on their own motion or on the application of any of the parties. In the latter case, every application shall be accompanied by an affidavit showing how the record is material to the proceeding in which application is made and that the applicant cannot without unreasonable delay or expense obtain a duly authenticated copy of the document or of such portion thereof as the applicant requires or that the production of the original is necessary in the interest of justice. The Court, before complying with the request, shall satisfy itself that good cause for compliance has been shown and shall state in the requisition that it has done so.

**Sending for
Records**

36. When an application is made for the distraint of live-stock or other moveable property, the applicant shall pay into the court in cash so much sum as will cover the costs of the maintenance and custody of the property for fifteen days. If within three clear days before the expiry of any such period of fifteen days amount of such costs for such further period as the court may direct be not paid into court, the court on receiving a report thereof from the proper officer, may issue an order for the withdrawal of the distraint and direct by whom the costs of the distraint shall be paid.

**Distance of
moveable
property**

37. Live-stock which has been distrained in execution of a decree or order shall ordinarily be left at the place where the distraint is made either in custody of the judgment-debtor on his furnishing security, or in the custody of some holder of land or other respectable person willing to undertake the responsibility of its custody and to produce it when required by the court. In case it be not practicable to so leave the live-stock it shall be committed to the custody of the pound keeper.

**Custody of
distrained
live-stock**

Expenses of cattle-pound 38. For every animal committed to the custody of the pound-keeper a charge shall be levied as rent for the use of the pound for each fifteen days or part thereof during which such custody continues, according to the scale prescribed under section 12 of the Cattle Trespass Act of 1871. And the sums so levied shall be sent to the treasury for credit to the Municipality or Territorial Council, Manipur, as the case may be, under whose jurisdiction the pound is, or made over to the pound keeper.

Responsibility of pound-keeper 39. The pound-keeper shall take charge of, feed and water, animals distained and committed as aforesaid until they are withdrawn from his custody as hereinafter provided and shall be entitled to be paid for their maintenance at such rates as may be, from time to time, prescribed under proper authority.

Payment to pound-keeper 40. The charges for the maintenance of live-stock shall be paid to the pound-keeper by the distraining officer for the first fifteen days at the time the animals are committed to his custody and thereafter for such further period as the court may direct, at the commencement of such period. Payments for such maintenance so made in excess of the sums due for the number of days during which the animals may be in the custody of the pound keeper shall be refunded by him to the distraining officer.

Release of live-stock kept in pound 41. Live-stock distained and committed as aforesaid shall not be released from custody of the pound-keeper except on the written order of the court concerned or of the distraining officer, or of the officer appointed to conduct the sale. The person receiving the animals on their being so released, shall sign a receipt for them in the register.

Custody of other distained movable property 42. For the safe custody of movable property other than live-stock while under distraint, the distraining officer shall, subject to the approval by the court, make such arrangements as may be most convenient and economical by placing one or more persons in special charge of such property on such charges as the court considers proper.

Costs in respect of distained property 43. The costs of preparing distained property for sale or of taking it to the place where it is to be kept or sold, shall be payable by the person at whose instance proceedings for sale have been taken. On his failing to provide the necessary funds, the distraining officer shall report his default to the Court, and the Court may thereupon issue an order for the withdrawal of the distraint and direct by whom the costs of the distraint shall be paid.

Execution of orders of ejectment etc. 44. (1) Orders of ejectment from, and delivery of possession of immovable property shall be enforced in the manner provided in the Code of Civil Procedure, 1908, for execution of a decree or for delivery of possession of such property.

(2) In enforcing these orders, the Revenue Court shall have all the powers in regard to contempts, resistance and the like which a civil court may exercise in the execution of a decree of the description mentioned in sub-para (1).

APPEALS, REVIEW AND REVISION

Presentation of Appeals 45. (1) Every appeal shall be preferred in the form of a memorandum and presented to the court concerned, or to such officer as it may appoint in this behalf, by the appellant or his duly authorised agent or legal practitioner.

(2) Every application for review or revision shall be similarly presented. A memorandum of appeal shall be accompanied by copies of the decree or order appealed against unless the authority to which the memorandum is presented dispenses with its production or allows them therefore.

46. Every memorandum of appeal or application for revision or review shall state:-

- (i) the name and address of each appellant or applicant;
- (ii) the name and address of each person whom it is proposed to make respondent or opposite party;
- (iii) the court in which, and the name of the officer by whom the decree or order objected to was passed;
- (iv) the nature of the decree or order against which the appeal or application is filed;
- (v) the date when such decree or order was made;
- (vi) the names of all the parties to such decree or order, and whether such parties were plaintiffs or defendants, appellants, applicants, or respondents in the court in which such decree or order was made;
- (vii) the section of the Act or rule under which the appeal or application is filed;
- (viii) the relief sought;
- (ix) the ground or grounds of appeal, review or revision shall be numbered seriatim, and shall set forth concisely and under distinct heads the objections to the decree or order objected to ;
- (x) in case of appeal, its value ; and
- (xi) full and up-to-date address of the counsel filing the appeal or application if not already furnished in the vakalatnama; and shall be signed by the appellant or applicant or by some legal practitioner on his behalf.

Contents of memorandum of appeals, review or revision.

47. (1) The Court may either admit or summarily reject the appeal or application:

Provided that no order of rejection shall be passed without allowing the appellant or applicant, as the case may be, an opportunity of being heard.

(2) If it admits the appeal, it may reverse, vary or confirm the order appealed against; or may direct such further investigation to be made or such additional evidence to be taken as it may think necessary; or it may self take such additional evidence.

Powers of appellate court.

48. When an appeal or application is admitted by the court, it may, pending the result of the appeal, review or revision, direct the execution of the order of the lower court to be stayed.

Power to suspend execution of order of lower court

49. (1) It shall not be necessary for the Administrator when confirming an order or decree of a lower court, to do more than record an order dismissing the appeal or application and confirming the order or decree of the court.

Judgment of appellate revising or reviewing courts.

(2) In all other cases, the court deciding the appeal, or application for review or revision shall record a judgment as required by rule 31 order XII of the Code of Civil Procedure, 1908.

Copy of order to be sent to lower court

50. If the court against whose order or decree the appeal or application for revision is made, is not the court which passed the original order or decree in the case, such court shall, on receipt from the appellate or revising court of the copy of the order or decree and of the judgment (if any) in appeal or revision, send a copy thereof through the intermediate court or courts (if any) to the court which passed the original order or decree in the case.

Commission to examine witnesses when to be issued.

51. (1) A court may in any proceedings issue a commission for the examination on interrogatories or otherwise of any person who is exempted from attending the court or who is from sickness or infirmity unable to attend it.

(2) A court may, in any proceedings, issue a commission for the examination of –

- (i) any person resident beyond the local limits of its jurisdiction;
- (ii) any person who is about to leave such limits before the date on which he is required to be examined in court;
- (iii) any person in the service of the Central or the State Government/Administration who cannot, in the opinion of such revenue officer, attend without detriment to his public duties.

Commission for examination of witnesses how to be issued.

52. (1) A Commission for the examination of a person may be issued to any person whom the court thinks fit to execute it, or to any other revenue officer who can conveniently examine such person.

(2) The court on issuing any Commission under this rule shall direct whether the commission shall be returned itself or to any revenue officer subordinate to it.

Execution and return of Commission.

53. (1) Every revenue officer receiving a Commission for the examination of any person shall examine him or cause him to be examined pursuant thereto.

(2) Where a Commission has been duly executed, it shall be returned, together with the evidence taken under it, to the court by which it was issued, unless the order issuing the Commission directs otherwise, in which case, it shall be returned in terms of such order; and the Commission and the return thereto and the evidence taken under it shall (subject to the provisions of the next following para) form part of the record of the proceedings.

Admissibility of evidence on Commission

54. Evidence taken under a Commission shall not be read as evidence in the proceeding without the consent of the party against whom the same is offered, unless-

- (i) the person who gave the evidence in beyond the jurisdiction of the court, or dead or unable from sickness or infirmity to attend or to be personally examined, or exempted from personal appearance in court, or is a person in the service of the Central or the State Government/Administration who cannot in the opinion of

the Court attend without detriment to the public service;
or

- (ii) the court in its discretion dispenses with the proof of any of the circumstances mentioned in clause (i) and authorises the evidence of any person being read as evidence in the proceedings, notwithstanding the fact that the cause for taking such evidence by commission has ceased at the time of reading the same.

55. Before issuing any commission, the court may order such sum (if any) as it thinks reasonable for the expenses of the Commission to be, within a time to be fixed, paid by the party at whose instance or for whose benefit the commission is issued.

Expenses of Commission

56. (i) The provisions in this schedule relating to summoning, attendance and examination of witnesses, and to the remuneration of, and penalties to be imposed upon, witnesses, shall apply to persons required to give evidence or to produce documents and for the purposes of this para the Commissioner shall be deemed to be a revenue court.

Power of Commissioners

(ii) A Commissioner may apply to any revenue court within the local limits of whose jurisdiction a witness is resident for the issue of any process which he may find it necessary to issue to, or against, such witness and such court may, in its discretion, issue process as it considers reasonable and proper.

57. (1) Where a Commission is issued under this schedule, the revenue officer may direct that the parties to the proceedings shall appear before the Commissioner in person or by their agents or pleaders.

Appearance of parties before the Commissioner.

(2) Where all or any of the parties do not so appear, the Commissioner may proceed in their absence.

58. In all formal inquiries the evidence shall be taken down in full, in writing, in the language in ordinary use in the district, by or in the presence and under the personal superintendence and direction of, the officer making the inquiry, and shall be signed by him.

Mode of taking evidence in formal inquiries.

In case in which the evidence is not taken down in full in writing by the officer making the inquiry, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by such officer with his own hand and shall form part of the record.

If such officer is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

59. When the evidence is given in English, such officer may take it down in that language with his own hand, and an authenticated translation of the case in the language in ordinary use in the district shall be made and shall form part of the record.

Making evidence even in English translation to be recorded.

60. Every decision, after a formal enquiry, shall be written by the officer passing the same in his own hand-writing and shall contain a full statement of the grounds on which it is passed.

Writing and explanation of decision.

Summary inquiries.

61. In summary inquiries, the presiding officer shall himself, as any such inquiry proceeds, record a minute of the proceedings in his own hand in English or in the language of the district, embracing the material averments made by the parties interested, the material parts of the evidence, the decision, and the reasons for the same.

Application of Code of Civil procedure to enquiries by Revenue courts.

62. Subject to the provisions of these rules, all formal enquiries by revenue courts shall be held in the manner provided in the Code of Civil Procedure, 1908, for regular suits and all summary enquiries by revenue courts shall be held in the manner provided in the said Code for suits of small-cause nature.

Service of documents not otherwise provided for.

63. Where there is a provision in the Act or these rules for service of any document on any person and there is no specific provision as to the manner of service, such documents shall be served in the manner provided for service of a summons in para 25 to 31 of this Schedule.

The Government to determine the language of a district.

64. The Administrator with the concurrence of the Government may declare what shall, for the purposes of these Rules, be deemed to be language in ordinary use in any district or Territory.

SCHEDULE IV
(See rules 180(2) and 199)

PAYMENT OF COMPENSATION

1. The officer authorised to make payment shall, by serving a notice on the person entitled to receive payment, tender payment of compensation payable in cash to such person and require him to appear personally or by a duly authorised agent by a certain date to receive payment of the compensation. In case the person fails to appear inspite of due service of notice, the officer concerned shall cause the amount of compensation payable in cash, to be paid into the treasury as revenue deposit payable to the person to whom it is due, and vouched for in the Form A appended to this schedule or in a form substantially similar thereto. He shall also give notice to the person of such deposit, specifying the treasury in which the amount has been deposited. When the person concerned ultimately claims payment, the amount deposited into the treasury shall be paid to him in the same manner as ordinary revenue deposit.

Issue of notice to persons to whom compensation is payable.

2. (I) When any payment is to be made in cash it shall be paid either in coins or currency notes or by cheque or by money order. When payments are made in coins or currency notes or by cheque the payee receiving payment shall duly identified and the name of the identifier recorded, and a receipt shall be taken.

Payment in cash.

(2) Payment of sum not exceeding Rupees fifty due to an individual payee may, where payee does not appear for receiving payment, be made by postal money order, the money order commission being deducted from the amount due to the payee.

(3) Any amount exceeding Rupees fifty due to an individual payee shall be paid by cheque payable at the district or the sub-divisional treasury, according to the convenience of the payee. Cheques must be drawn by the officer authorised to make payment at the time of payment and handed over by him or in his presence to the payee.

SCHEDULE IV
Form A

To

The Treasury Officer,.....Treasury

Please receive for transfer to credit of revenue deposit, the sum of Rs.....on account of compensation under section..... of Manipur Land Revenue and Land Reforms Act, 1960 payable as detailed below:-

Details of the particular compensation assessment Roll or case in which the compensation was assessed.	Serial No. in the compensation assessment Roll or Case No.	Name of person to whom due.	Amount payable.	Remarks
1	2	3	4	5

Dated.....19

Competent Authority

Place

Received the above amount and credited to Revenue Deposit.

Treasury Officer.

Note:- This form should be used when the amount of compensation due is sent to the treasury on failure of the payee to appear on the due date to receive payment.

SCHEDULE V (Part A)
(See rule 206)

Sl.No.	Section of the Act.	Description of suits, application and other proceedings.	Proper fee
1	2	3	4
1	11 (3)	Application claiming any right in or over any property by any person as against the Government.	Seventy-five nP
2	20 (1)	Application to divert any land or part thereof to any other purpose except agriculture.	As in the Court Fees Act, 1870.
3	33 (2)	Objection to any entry in the table of revenue rates.	Seventy-five nP.
4	43(1)	Objection to the draft of the record-of-rights.	Seventy-five nP.
5	45	Application for correction of any entry in the record-of -rights	Seventy-five nP.
6	46 (2)	Report of acquisition of any right by succession, survivorship, partition etc.	Rupee one.
7	46(4)	Objection to any entry in the mutation register under sub section (3) of Section 46.	Seventy-five nP.
8	73	Application for setting aside the sale by the defaulter or any person owning such property or holding an interest therein.	Rupee one.
9	93(1)	Memorandum of appeal from an original order, not otherwise provided for in the Schedule.	Rupees five.
10	93 (2)	Memorandum of second appeal against any order passed in the first appeal.	Rupees five.
11	95	Application for revision of any order.	Rupees two.
12	99(3)	Objection to the accrual of rights under sub-section (1) of Section 99.	Seventy-five nP.
13	101 (1)	Application for reservation of land for personal cultivation.	Seventy-five nP.
14	111	Application by a tenant for obtaining the orders of the competent authority for making improvements	Seventy-five nP.
15	114(1)	Application for determination of reasonable rent for any land.	Seventy-five nP.
16	115(1)	Application for commutation of rent payable in kind	Seventy-five np.
17	119(1)	Application or suit for eviction of tenant	As in the Court Fees Act,1870 for a suit of that nature.
18	121	Application for declaring the land to be non-resumable land of tenant.	Seventy-five nP.
19	124(1)	Application for restoration of possession of land	Rupee one
20	126(1)	Application for surrender of land or for entering into possession of land	Seventy-five nP.
21	131	Application for issue of a certificate under Section 131	Seventy-five nP.
22	132(2)	Application for determination of reasonable price in case of any dispute between the landowner and the tenant.	Seventy-five nP.
23	141(4) Provide	Application for restoration of excess land or such part thereof as does not exceed the ceiling limit.	Seventy-five nP

Sl.No.	Section of the Act	Description of suits, application and other proceedings,	Proper fee
1	2	3	4
24	142(1)	Objection to an entry published under sub-section (3) of Section 139	Seventy-five nP.
25	143(4)	Claim for a charge on compensation assessment due to a mortgage or an encumbrance having become void.	Rupees five.
26	150	Application for exemption from the operation of section 136	Rupees five.

SCHEDULE V (Part B)

Sl. No.	No. of the rule.	Description of application or other proceedings.	Proper fee
1	2	3	4
1	10	Objection against setting apart any land for pasturage.	Seventy-five nP.
2	18(2)	Objection against an order of eviction under section 15	Seventy-five nP.
3	107	Claim by a third person or the defaulter against the property attached or proceeded against.	Seventy-five nP.
4	118	Application by a purchaser who is resisted or obstructed by any person in obtaining possession of the property.	Rupee one.
5	127	Application by any person in whose favour order for possession is made and who is resisted or obstructed in getting possession	Rupee one
6	148	Application for registration of a lease.	Seventy-five nP.
7	149	Notice for relinquishment of a holding.	Seventy-five nP.
8	158(1)	Application by a tenant to Sub-Deputy Collector for causing appointment of one person to be made by two or more land owners in case they fail to nominate.	Seventy-five nP.
9	159	Application by a tenant for permission to deposit the amount of rent which he believes to be due	(1) If the amount to be deposited does not exceed Rs 50-Twenty-five nP. (2) If the amount to be deposited exceeds Rs 50/but does not exceed Rs 100-fifty nP. (3) If the amount to be deposited exceeds Rs. 100-Rupee one.
10	197(3)	Objection against proposed compensation for excess land	Seventy-five nP.

SCHEDULE V (Part C)

Sl. No.	Section of the Act.	Description of application and other proceedings.	Proper fee
		Any plaint, petition, application objection or memorandum of appeal, not exempted from payment of Court fees and not specifically provided for this Schedule.	As in the Court Fees Act, 1870 for the proceeding of that nature.

**THE MANIPUR LAND REVENUE AND LAND REFORMS
(ALLOTMENT OF LAND) RULES, 1962.**

1. (1) These rules may be called the Manipur Land Revenue and Land Reforms (Allotments of Land) Rules, 1962. **Short title and commencement.**

(2) They shall come into force at once.

2. In these rules, unless the context otherwise requires – **Definitions.**

(a) ‘Act’ means the Manipur Land Revenue and Land Reforms Act, 1960 (33 of 1960);

(b) ‘allottee’, when used with reference to land the possession whereof has been taken by the person in whose favour it has been allotted in accordance with these rules, includes any person succeeding to the rights of the allottee;

(c) ‘landless’ in relation to a person means one who, either by himself or, if he has a family, together with his family, does not possess or hold land exceeding one basic holding;

Explanation :- For the purpose of this clause, the word ‘family’ shall have the meaning assigned to it in chapter XI of the Act and includes a parent;

(d) ‘landless agricultural worker’ means an individual who is landless and whose main source of livelihood is agricultural labour;

(e) ‘scheduled castes’ shall have the meaning assigned to them in the Constitution;

(f) ‘section’ means a section of the Act;

(g) ‘town land’ means any land within the limits of a municipality notified area or cantonment.

3. No one who is not an Indian national shall be eligible for allotment of land under section 14. **Eligibility for allotment of land.**

Explanation:- For the purposes of this rule a person shall be deemed to be an Indian national –

(a) in the case of a public company as defined in the Companies Act, 1956, only if a majority of the directors of the company are citizens of India and not less than fifty-one per cent of the share capital thereof is held by persons who are either citizens of Indian or companies as defined in the said Act;

(b) in the case of a private company as defined in the said Act, only if all the members of the company are citizens of India;

- (c) in the case of a firm or other association of individuals, only if all the partners of the firm or members of the association are citizens of India; and
- (d) in the case of an individual, only if he is a citizen of India.
- Application of rules.** 4. (1) Subject to the provisions of sub-rules (2) and (3) allotment of land belonging to the Government shall be made in accordance with these rules.
- (2) Rules 5 to 12 shall not apply to the allotment of any town land.
- (3) Rules 5 to 17 shall not apply to the allotment of land coming under any of the following categories :-
- (a) land set apart or likely to be set apart under section 13;
- (b) land acquired or held for any particular public purpose;
- (c) land required for rehabilitation of displaced persons;
- Area of land to be allotted.** 5. The area of land to be allotted to any one person under sub-section (1) of section 14 shall ordinarily be –
- (a) in the case of allotment of land for agricultural purposes-
- (i) if the allottee is an individual, such area as together with the area of land, if any, already held by the allottee may not exceed one basic holding; and
- (ii) if the allottee is a co-operative society, such area as together with the areas of land, if any, already held by the society or its members, may not exceed the area that may be allotted to the society at the rate of one basic holding for every member;
- (b) in the case of allotment of land for construction of a dwelling house, such area not exceeding one-fifth of an acre.
- Order of preference for allotment of land for agricultural purposes.** (6) In allotting land for agricultural purposes, the Deputy Commissioner shall follow the following order of preference, namely:-
- (i) a tenant who has been evicted from any land on the ground that it is required for personal cultivation of the land-owner and who is landless;
- (ii) a landless agricultural worker;.....
- (iii) an individual evicted under section 15 who does not come under any of the categories mentioned in the foregoing clauses and who does not hold land exceeding one basic holding;

- (iv) an individual not holding land in excess of one basic holding;
- (v) any other person.

7. In allotting land for construction of a dwelling house, the Deputy Commissioner shall follow the following order of preference, namely:—

- (i) a landless agricultural worker or an artisan, not owning any house or site for a house;
- (ii) any other person not owning any house or site for a house and who intends to build the house for personal habitation.

Order of preference for allotment of land for construction of dwelling house.

Explanation:- A person shall be deemed to be a person not owning any house if he owns no permanent structure for residential purposes within the territory of Manipur.

8. In allotting land to persons belonging to any of the categories mentioned in rules 6 and 7 –

- (i) between persons of the same category, one belonging to any of the scheduled castes shall be preferred; and
- (ii) between an individual entitled to a particular preference and a registered co-operative society constituted for the purpose of which the land is to be allotted and consisting exclusively of persons entitled to the same or higher preference, the society shall be preferred.

Preference to persons belonging to scheduled castes and to co-operative societies.

9. Where there are two or more applicants for the same land who are entitled to the same preference under rules 6 to 8, the allotment shall be made to the person in whose favour lot is drawn.

Allotment to be by lots.

10. Notwithstanding anything contained in rules 6 to 9, no allotment under sub-section (1) of section 14 shall ordinarily be made —

- (a) in favour of an individual if he does not reside within a distance of eight kilometres of the village in which the land is situated;
- (b) in favour of a co-operative society, if more than one half of its members do not reside within a distance of eight kilometres of the village in which the land is situated.

Allotments to be made to persons residing within eight kilometres.

Explanation :- The distance referred to in clauses (a) and (b) shall be reckoned by the route normally used from the residence of the person concerned to the village in which land is allotted.

11. (1) An allottee of land for agricultural purposes shall pay premium therefore at the following rates, namely :-

- (i) in the case of land previously cultivated, at twenty times the net annual income from such land as calculated in accordance with the provisions of section 143;
- (ii) in the case of other land, at thirty times the annual land revenue assessed thereon.

Premium payable for allotment of land.

(2) Any person allotted land for construction of a dwelling house shall pay premium equal to the market value of the land.

(3) The premium may be paid in lump sum or in such annual instalments not exceeding twenty as may be specified by the Deputy Commissioner together with interest at $2\frac{1}{2}\%$ per annum on the unpaid amount.

(4) The premium or the first instalment thereof, as the case may be, shall be paid on or before the date of taking possession of the land; and each subsequent instalment shall be payable on the same date in the succeeding years.

(5) Any amount payable under this rule shall, if it remains unpaid after the due date, be recoverable in the same manner as an arrear of land revenue.

12. Notwithstanding anything contained in rule 11, no premium shall be payable :-

(a) by a landless agricultural worker or a co-operative society of landless agricultural workers in respect of land referred to in clause (ii) of sub-rule (1) of Rule 11.

Or

(b) by a landless agricultural worker or an artisan or a co-operative society of landless agricultural workers or artisans in respect of land allotted under sub-rule (2) of rule 11.

13. (1) Notwithstanding anything contained in the foregoing rules, no land lying within fifteen metres of the centre line of any public road in a town or within twenty metres of the centre line of any main road or within five metres of the centre line of any village road and no town land shall be allotted without the prior sanction of the Administrator.

Explanation :- For purposes of this rule, the roads specified in the schedule to these rules shall be deemed to be main roads

(2) The Deputy Commissioner shall obtain the views of the Municipal Board concerned before allotting any land, the management of which has been transferred to a Municipal Board.

14. An amount equal to the market value of the land shall be charged as premium for allotment of any town land.

15. An allotment of land under sub-section (1) of section 14 shall be subject to the following conditions, namely : -

(i) The land shall not be transferred by the allottee within ten years from the date of allotment without the written consent of Deputy Commissioner;

Provided that the land may be mortgaged to a co-operative society, a co-operative bank or land mortgage bank or land mortgage bank or the Government without such consent.

(ii) An allottee on giving three months' notice before the end of an agricultural year and on payment of all Government dues in respect

of the allotted land up to the end of said agricultural year may surrender the land allotted to him. On such surrender being made, the land shall revert to the Government.

- (iii) In case the allottee is a co-operative farming society and the registration of such society is cancelled within ten years from the date of allotment, the land allotted to such society shall thereupon be deemed to have been resumed by the Government and the Government shall not be liable to pay any compensation. Any person holding or retaining possession of such land thereafter shall be deemed to be a trespasser.
- (iv) In case of waste land allotted for agricultural purposes, the allottee shall bring the whole area under cultivation within three years from the date of allotment.
- (v) The allottee shall be liable to pay such amount as land revenue as may be assessed under the Act and the rules made thereunder.
- (vi) The allottee shall within the time fixed in the allotment order pay to be the Government an amount equal to the market value of the trees and structures, if any, standing on the land.
- (vii) The allotment shall be liable to be cancelled if, except in cases falling under clause(iv), the land is not used within 2 years of the date of allotment for the purpose for which it was allotted or if the allottee commits a breach of any of the conditions of allotment or the provisions of those rules and the Deputy Commissioner may re-enter on the land:

Provided that no such cancellation or re-entry shall be made unless the allottee is given a reasonable opportunity of being heard.

- (viii) No compensation shall be payable by the Government on account of cancellation of any allotment or of any re-entry by the Deputy Commissioner under these rules, but if the allottee has build any constructions on the land he shall be allowed a reasonable opportunity to remove the same.

16. Notwithstanding anything contained in rules 5 to 15, the Deputy Commissioner may, by an order in writing, suspend or remit Payment of any premium or any part thereof if in his opinion the allottee has not sufficient means to make such payment:

Exemption from payment of premium

Provided that, before allowing suspension or remission of payment of premium in whole or in part in respect of town land, prior approval of the Administrator shall be obtained.

17. Notwithstanding anything contained in rules 5 to 15, if the Deputy Commissioner is of opinion that any land, belonging to Government because of its unusual size, or awkward shape or situation, cannot suitably be allotted according to the foregoing

Allotment of land of unusual size or awkward share.

rules, he may allot it to such person and in such manner, as may appear to him most suitable in the circumstances of the case:

Provided that, in the case of town land the Deputy Commissioner shall obtain the approval of the Administrator before making any allotment.

18. The allotment of land under sub section (2) of section 14 shall be subject to the following conditions, namely : –

- (i) The allottee shall be liable to pay a premium equal to the market value of the land;

Provided that the Administrator may, by order by writing, exempt an allottee of any land from the payment of premium or any part thereof, if in his opinion, the allottee has not sufficient means to make such payment.

- (ii) The allottee shall be liable to pay such land revenue as may be specified in the allotment order:

Provided that the land revenue so specified shall not exceed the land revenue assessed in accordance with section 19.

- (iii) The land shall be liable to be resumed by the Government if used for a purpose other than that for which it has been allotted, or if the allottee has committed a breach of any of the conditions of allotment.
- (iv) No compensation shall be payable by the Government on account of resumption of any land under clause (iii) except when a premium has been paid by the allottee in respect of the allotment of land; and in a case where such premium has been paid, the compensation payable by the Government shall be the amount so paid as premium or the market value of the land at the time of resumption, which ever be less.
- (v) If the land be resumed by the Government, it shall have the option of –
 - (a) taking over any constructions built on the land on payment of their cost or their market value at the time of resumption, which ever be less;

Or

- (a) requiring the allottee to remove the constructions and to restore the land to its original condition within a reasonable period to be fixed by the Administrator, which period may be extended by the Administrator from time to time. Should the allottee fail to comply with the order for the removal constructions or **to restore the land to its original condition** within the time so fixed or, as the case may be, within the extended period, the constructions shall vest in the

Government without payment of any compensation there for and the cost incurred in restoring the land to its or original condition shall be recoverable from the allottee as arrear of land revenue.

- (vi) Any other condition which the Administrator may consider reasonable to impose, in view of the special circumstances of any individual case.

S C H E D U L E
(See Rule 13(1))
DETAILS OF MAIN ROADS

Sl. No.	Name of the road now declared as Highways for the purpose of the Bombay Highways Act as extended to Union Territory of Manipur.	Classification of Road	Remarks
1	2	3	4
	National Highways.		National Highway No.
1.	Mao-Imphal-Moreh Road.	National Highway	39
2.	New Motorable Cachhar Road (Imphal-Jiribam-Silchar Road)	-do-	53
3.	Jesami-Imphal -Tipaimuk Road	-do-	150
	<u>State Highways .</u>	State Highway	Under Manipur. P.W.D
1.	The Sagolband Khumbong Road	-do-	-do-
2.	The Manbahadur Limbu Road	-do-	-do-
3.	The Old Cachar Road	-do-	-do-
4.	Tiddim Road (Imphal Churachandpur Singhat Border)	-do-	-do-
5.	Imphal Ukhrul Road	-do-	-do-
6.	Kangpokpi Tamenglong Road	-do-	-do-
7.	New Lital Ukhrul Road	-do-	-do-
8.	Sansak Chassad Huining Road	-do-	-do-
9.	Imphal Tamenglong Road via Kangchup	-do-	-do-
10.	Tadubi Kharasom Ukhrul Road	-do-	-do-
11.	Ukhrul Tolloi Road	-do-	-do-
12.	Kharasom Jasami Road	-do-	-do-
13.	Ukhrul Paoyi Chingjaroi Road	-do-	-do-
14.	Tadubi Chingseikhulen Tolloi Ukhrul Road	-do-	-do-

1	2	3 State Highway	4 Under Manipur P.W.D
15.	Sansak Phungyar Road	-do-	-do-
16.	Churachandpur-Sugnu-Chakpikarong Road	-do-	-do-
17.	Pheidinga Leimakhong Road	-do-	-do-
18.	Thanga Keibul Road	-do-	-do-
19.	Road from mile 23 rd (Tiddim Road) to Phubala Tourists Home	-do-	-do-
20.	Road from (Tiddim Road) mile 37 to Churachandpur Inspection Bungalow	-do-	-do-
21.	Tengnoupal to Chakpikarong via Larong, Chalong, Tenku, Monbi	-do-	-do-
22.	Road connecting Kangchup and with Tiddim Road via Haorang, Maklang, Ngairangbam, Khumbong, Heikrujam	-do-	-do-

No. 7/1/71-R
SECRETARIAT: REVENUE DEPARTMENT

NOTIFICATION
 Imphal, the 23rd March, 1971

In exercise of the powers conferred by section 98 of the Manipur Land Revenue and Land Reforms Act, 1960 (33 of 1960) read with section 21 of the General Clauses Act, 1897 (10 of 1897) the Administrator, Manipur, hereby makes the following rules to amend the Manipur Land Revenue and Land Reforms (Allotment of Land) Rules, 1962, namely : –

THE MANIPUR LAND REVENUE AND LAND REFORMS
(ALLOTMENT OF LAND) FIRST AMENDMENT
RULES, 1971.

Short title & commencement.

1. (1) These rules may be called the Manipur Land Revenue and Land Reforms (Allotment of Land) First Amendment Rules, 1971.

(2) These rules shall come into force with immediate effect.

Amendment of rule 2.

2. For the existing clause(d) of rule 2 of the Manipur Land Revenue and Land Reforms; (Allotment of Land) Rules 1962 (hereinafter referred to as the principal rules) the following shall be substituted namely:-

‘(d) “Landless agricultural worker means an individual who is landless and whose main source of livelihood is agricultural labour and includes an individual who holding less than a basic holding, has surrendered it in consideration of being allotted a compact basic holding;”

Amendment of rule 6

3. For the existing rule 6 of the principal rules the following shall be substituted, namely :-

“In allotting land for agricultural purposes, the Deputy Commissioner shall follow the following order of preference namely:-

Order of preference for allotment of land for agricultural purpose.

- (i) a tenant who has been evicted from any land on the ground that it is required for personal cultivation of the landowner and who is landless;
- (ii) a landless agricultural worker who is a person rendered landless on account of land acquisition proceedings;

- (iii) a landless agricultural worker who does not fall under category (ii) above;
- (iv) an individual evicted under section 15 who does not come under any of the categories mentioned in the foregoing clauses and who does not hold land exceeding one basic holding;
- (v) an individual not holding land in excess of one basic holding;
- (vi) any other person”.

**Omission
of rule 12.**

4. The existing rule 12 of the principal rules shall be deleted.

By order etc.

**S.C. VAISH,
Secretary to the Govt. of Manipur.**

**GOVERNMENT OF MANIPUR
SECRETARIAT: REVENUE DEPARTMENT**

O R D E R S

Imphal, the 29th January, 2003

No. 21/66/96-R : In partial modification of Government order of even number dated 10th June, 2002, the Governor of Manipur is pleased to constitute a Cabinet Sub-Committee of the following Ministers to look into all cases of allotment of land in Lamphelpat and Imphal area (including greater Imphal areas).

- | | | | |
|----|--------------------------|---|----------|
| 1. | Chief Minister | - | Chairman |
| 2. | Minister (Forest & Evt.) | - | Member |
| 3. | Minister (Works) | - | Member |
| 4. | Minister (Revenue) | - | Member |
| 5. | Minister (IFCD) | - | Member |
| 6. | Minister (MAHUD & Law) | - | Member |

The Commissioner/Secretary (Revenue), Government of Manipur shall be the convenor of the Committee.

This issues with the approval of the Cabinet as per decision taken on 27-12-2002.

Sd/-

(I.S. Laishram)
Commissioner (Revenue),
Government of Manipur

Memo No. 21/66/96-R:

Imphal, the 29th January, 2003

Copy to:

1. The Secretary to Chief Minister, Govt. of Manipur.
2. The PS to All Ministers concerned.
3. The PS to Chief Secretary, Govt. of Manipur.
4. The PS to Spl. Secy. (Cabinet), Govt. of Manipur.
5. Guard File.

(W. Kumar Singh)
Under Secretary (Revenue),
Government of Manipur

REPORT ON THE LAND SYSTEM OF MANIPUR

Historical Background of Manipur

Ancient History

Manipur is known to be an ancient country. Mythology apart, there are some records which trace the origin of the ruling family to the first century A.D. Forty-seven Kings are said to have ruled between the first and the eighteenth centuries. But no important event seems to have taken place during this long period till 1475 A.D. At this time, the territory of the Chief of Khumbat was invaded jointly by the King of Manipur and the King of the then famous Pong Kingdom, whereupon the Chief of Khumbat fled and his territory, including Kubo Valley, was annexed to Manipur. Thereafter till 1714 A.D., there is nothing of any-

Middle age

importance in the annals of Manipur. In 1714, Pamheiba, better known as Garib Newaz, succeeded his father Raja Charai Rongba on his death by accident. Some accounts say that Pamheiba was an adopted son. Manipur reached the pinnacle of glory during his reign. In the east, the Burmese king acknowledged the supremacy of Manipur, in the west, Manipur's influence extended to Cachar; in the south "as far as the water-shed flowing seawards; and in the north, for about nine days' journey from the capital." * Garib Newaz revived Hinduism in his country, and the inhabitants of the valley became devout Hindus since that time. Garib Newaz and his eldest son Sham Shai were murdered by forces sent by Garib's son, Jit Shai, while they were returning from an abortive expedition to Burma.

Garib Newaz

Conflict with Burmese.

After Garib Newaz, the history of Manipur is full of accounts of intrigues and murders in the ruling family, as a result of which the height of glory reached during Garib's time disappeared rapidly. In 1755 and again 1758, the country was over-run by the Burmese. Jaising, the then King of Manipur had to flee at least half a dozen times to Cachar during his total reign of 34 years, as the Burmese repeatedly invaded his kingdom.

After Jaising's death, out of his six sons, the eldest was murdered by the second one, the second was killed in a battle by the third son, the third, Chourjit Sing, was expelled by the fourth, Marjit Sing, with the help of the Burmese. However, Marjit Sing conquered the Kachari Kingdom of Gobinda Chandra, and placed his expelled brother, Chourjit Sing in charge of one part of Cachar and another brother Gambhir Sing in charge of another part. Marjit himself had soon to join his two brothers in Cachar, as the Burmese meanwhile invaded Manipur and occupied it till the British-Burmese war of 1824.

*Brown: Statistical Account of Manipur.

On the declaration of the general war between the British and the Burmese, the latter invaded Assam and Cachar simultaneously.

Gambhir Sing raised a local force to resist the Burmese, which later on was known as Manipur Levy. Gambhir Sing was furnished with muskets by the British to equip his 500 men. The combined forces of the British and the Manipuris drove the Burmese out of Cachar, who fell back and lodged themselves in the valley of Manipur. The combined forces of Gambhir Sing and the British finally drove the Burmese out of Manipur Valley also.

The British Government made Gambhir Sing the Raja of Manipur as both Chourjit and Marjit declined the offer. They were paid some life pension and, at the insistence of the British, went out of Cachar, which was restored to Kachari Raja Gobinda Chandra.

Kubo Valley returned to Burmese.

Eight years after the conclusion of the Yandaboo Treaty, Kubo Valley which was part of Manipur kingdom ever since the time of Garib Newaz, was returned to the Burmese King at the request of the British Government, which, however, paid a monthly sum of Rs. 500/- to Manipur King to compensate the loss of Kubo Valley.

In 1834, a political agent was posted to Manipur, but the Raja was treated more or less as the ruler of a sovereign State.

Gambhir Sing regains control of hill areas.

After the Burmese war, Raja Gambhir Singh, with the aid of the British fire-arms now in his possession regained control over the tribes inhabiting the hill-regions surrounding the Manipur Valley.

infant son, administration conspired to kill fled to Cachar Senapati interpreting the flight as abdication, declared himself Raja.

Gambhir Sing's agreement with British. Narsing new Raja.

Raja Gambhir Sing died in 1834, leaving an Chandra Kirti Sing. Senapati Narsing ran the as regent ably and wisely, but the queen him and, when the conspiracy became known, taking the young prince with her. Narsing

Chandra Kirti Sing.

When Narsing died in 1850, Gambhir Sing's son, Prince Chandra Kirti Sing returned to Manipur and was accepted as the Raja both by the people of Manipur as well as by the British Government.

During the first Indian war of Independence 1857 (called by the British Sepoy Mutiny), Manipur was generally calm and quiet.

Sura Chandra Sing.

In 1886, Raja Chandra Kirti Sing died and his son Sura Chandra Singh succeeded him. In 1890. Surachandra was driven away from the palace by Jubaraj Kuladhaj and Senapati Tikendrajit Sing, both of whom were his half-brothers. Jubaraj Kula Dhaja Sing occupied the throne and moved Government of India to ratify the accession. Government of India, considering the circumstances prevailing at the time,

Conflict between Manipuri and British forces 1891.

Death of Chief Commissioner .

decided to recognise the Jubaraj as the new Raja but at the same time to remove the Senapati from Manipur as he was suspected to be the prime mover of all the palace-intrigues. Chief Commissioner of Assam, Mr. Quinton, himself with a small force proceeded to Manipur, under the direction of Government of India to enforce this decision. This resulted in a clash between the Manipuri and the British forces. The British forces failed to capture the Senapati; on the other hand, the Political Agent's Residency was stormed by the Manipuri forces. Chief Commissioner Mr. Quinton and four other British Officers were killed.

British expedition to Manipur.

An expedition was then sent to Manipur to re-assert the political supremacy of the British Government. The British forces marched in three columns, -one from Kohima, one from Silchar and the third from Tammu. Only the Tammu contingent met with some resistance, but the others none. In April, 1891, the forces entered the capital, which was found deserted. After about a month, the Jubaraj, the Senapati and others engaged in the anti-British conflict were arrested from their places of hiding. Senapati Tikendrajit Sing and Thangal General were convicted on the charges of waging war against the Queen Empress and of abetting the murder of British Officers, and were publicly hanged. Jubaraj Kuladhaja Sing and fourteen others were convicted on the charge of waging war and transported for life.

Hanging of Tikendrajit Sing Senapati.

course, liable to the British

decided to keep it as a protected State and to set up on the throne a great-grandson of Raja Narsing, named Chura Chand Sing. * It was further decided that the rulership of the State would descend in the direct line by primogeniture, provided the succession in each case received the approval of the Government of India. A Sanad was also granted to the new chief, which provided for complete subordination of Manipur State and for payment of an annual tribute of rupees fifty thousand, with effect from 21st August 1891. It further provided that, - "the permanence of the grant conveyed by the Sanad will depend upon the ready fulfilment by you and your successors of all orders given by the British Government with regard to the administration of your territories, the control of hill- tribes dependent upon Manipur, the composition of the armed forces of the State and any other matter in which the British Government may intervene." *

Subordination of Manipur State to the Govt. of India.

In September, 1891, the question of the future of Manipur State was decided. It was, of be forfeited and could have been annexed by Government, but the latter, as an act of grace,

Thus ended the sovereignty and independence of the ancient kingdom of Manipur and it became a princely native State like those in other parts of India.

* Vide Govt. of India notification No.1700-E Dt.21 . 8. 1891 and 1862-E Dt.18th Sept.,1891.

Raja Surachand Sing and regency of Political Agents.

Raja
Chura

Chand Sing was a minor at the time. So the administration was run by the Political Agent

who was made also a Superintendent. He was given full power to introduce reforms, paying due regard to the customs and traditions. He promptly abolished slavery and the system called **Lallup** whereby every male in the valley was required to work for the Raja 10 days after every 30 days. In lieu thereof a house tax of Rs 2/- per year was introduced throughout the valley. A regular system of land-revenue was also instituted, the annual rent being fixed at Rs. 2/- per acre. In the hill-areas, there was no land-revenue but the house tax was imposed at the rate of Rs.3/- per year.

Raja and the Durbar.

In 1907, the Raja having attained the majority, the administration of the State was made over to him. He was assisted by a Durbar of six Manipuri members and an officer of the Indian Civil Service who presided over it.

Raja Budha Chandra Sing.

After the death of Raja Chura Chand Sing, his son Budha Chandra Sing succeeded him and continued to rule till Independence of India.

Before the under the tributes from

Position of the Hill tribes.

Burmese war, the hill-tribes were only nominally control of Manipur Government. The Raja collected the tribes and sometimes sent armed expeditions as

reprisals against raids by the hill-tribes on the people of the valley.

“Before the action of the British Government with that of Munnipore took place, the latter, not to speak of exerting influence over the tribes, was unable to protect the inhabitants of the valley from their aggressions or to resist their exaction of black-mail, and even after the conclusion of peace with Burma, the majority of the tribes were independent and known to us little more than by name. With the assistance of the arms and ammunition given to Munnipore by the British Government, some of the tribes have been thoroughly, the northern ones partially, reduced.” **

Hill-tribes that harassed the valley.

The hill-tribes that harassed the Manipuris were, -(1) the Angamis of south Naga Hills, (2) the Suktes of the Chin Hills, (3) the Lushai tribes of the North Lushai Hills and (4) the Thadou Kuki or Khongjai clans.

In 1832 and 1833, two expeditions, the first under Captain Jenkins and Captain Pemberton and the second under Raja Gambhir Sing and Lieutenant Gordon penetrated and subjugated the Angami country.

* Vide Aitchison's "Treaties, Engagements, Sands etc." form No. LXXII.

** Report of Colonel McCulloch, Political Agent from 1844 to 1867.

Expedition against the Angamis.

But this did not put a stop to occasional raids by the Angamis on the plains people both on the Manipur side as well as on the Assam side. In 1842, Captain Gordon, Political Agent in Manipur, fixed the western and north-western boundaries of the State, excluding from Manipur the Angami country proper, but including the territories of the Mao tribe. In 1878, the north-eastern

boundary of the State was laid down. As the Angami raids still continued, British expedition was sent in 1878 against the chief Angami villages. In 1879, Mr. Damant was murdered by the Nagas, and the British forces laid a seize of Kohioma and subjugation of the Angamis became sufficiently complete to protect Manipur from further serious outrages.

Expedition against the Suktes

The Suktes or Kamhaos, inhabiting the Chin Hills, began their raids from the time of Raja Narsing (1834-1850). They pushed the Thadou Kukis northwards and raided almost as far as the Manipur Valley. In 1856, the Raja himself led an expedition against the Suktes as far as Tiddim, the chief village of the Suktes. In 1875 again, another expedition was dispatched with the consent of the Government of India. Sukte incursions, however, continued till the Chill-Hills operations of 1888-93, since when they had been under the British administration .

Of the raids by the Lushais, the first was recorded in 1844. The Lushais came down as far as the Manipur Valley but were repulsed by the Manipuri villagers. In 1849 the Manipur outpost at Kala Naga, overlooking Cachar, was thrice attacked. In 1872 a combined British and Manipuri column penetrated the Lushai country bordering Manipur, and effected release of a large number of captives. Incursions stopped for a short while, but they recurred again. Complete freedom from aggression was only finally attained with the occupation of the Lushai Hills by the British Government after the operations of 1889-91.

Kuki Rebellion of 1917 and its suppression.

The Thadou Kukis were pushed into Manipur by the Suktes and the Lushais during the reign of Raja Nar sing. They were not unwelcome, and were even recruited into a village Militia called “Sepoy villagers” and were used against the Angamis and the Suktes. But in 1877, their chief was murdered by a Manipur Government official and they became hostile. In 1917 the Chiefs of most Thadou Kuki clans rebelled and raided villages of Manipur Valley till the end of 1918. In 1919, however, with the help of the British Government, the rebellion was finally suppressed and the hostile clans disarmed. Since then no trouble from the Thadou Kukis was experienced.

Reorganisation of administration of hill-areas.

After the Thadou Kuki rebellion of 1917-18, the administration of hill-areas was reorganised. Four Sub-divisions were formed, of which three were administered by officers of the Assam Provincial Civil Service and the fourth was directly under the President of the Darbar. The President was responsible for administration of the entire hill-areas of Manipur State of behalf of the Maharaja. In criminal and civil matters appeals from the decision of the President lay to the Political Agent.

Manipur Constitution Act 1947.

Reorganisation of the administration of the hill-areas increased the cost of establishment; and the British Government as a gesture of good will reduced the amount of tribute payable by the King from Rs. 50, 000 to Rs. 5,000 only.

While Maharaja Budha Chandra Singh was still the ruler of Manipur Princely State, a major constitutional change was brought about by enactment of the Manipur Constitution

Act, 1947. This Act authorized establishment of a democratic legislature and a council of Ministers elected on the basis of adult franchise to aid and assist the Ruler of the State, who would be constitutional head of the State. Fundamental rights on the line of those later on enshrined in the Indian Constitution were also guaranteed by the Act.

Interim Govt. 1947 under the Act.

Pending election of representatives of the people under the said Act, an interim Council of Ministers was set up in June 1947 to replace the old Darbar. The British I.C.S. officer who had been President of the Darbar became the interim Chief Minister of Manipur for a short period. Election of the people's representatives under the said Act took place in 1948 and the Legislature held its first sitting on September 18, 1948. Maharaj Kumar Priyabrata Singh, second son of late Chura Chand Singh, became the Chief Minister till the dissolution of Manipur State Legislature on October 15, 1949.

Agreement for merger with India.

Meanwhile, India having attained Independence, the paramount power of His Majesty, the British Emperor, lapsed with effect from August 14, 1947. An agreement of merger of the princely native State of Manipur with India was executed on September 21, 1949, between the Maharaja and the Governor General on behalf of the Dominion of India. The administration of Manipur was taken over by the Dominion of India with effect from October 15, 1949, on which date the State Legislature established under the Manipur Constitution Act 1947 stood dissolved.

Manipur (Administration) Order 1949.

The Constitution of India had not yet come into force. There was no State Legislature, and no Council of Ministers. So the Central Government, under powers given to it by the Extra Provincial Jurisdiction Act, 1947, passed the Manipur (Administration) Order 1949, for the administration of the State with effect from October 15, 1949.

Chief Commissioner's Province 1950.

In 1950, the Governor General of India, in exercise of the powers conferred by section 190-A of the Government of India Act 1935, promulgated the States Merger (Chief Commissioner's Province) Order 1950, and under this Order Manipur was administered as if it were a chief Commissioner's Province with effect from 23rd January, 1950.

Part-C State 1950 and Union Territory 1963.

On the 26th January 1950 the Constitution of India came into force and Manipur became a Part-C State. It continued to be so till 1963, when it became a Union Territory under the Government of Union Territories Act 1963.

Full-fledged State 1972.

On the 21st January 1972 Manipur became a full-fledged State under the Indian Constitution as a result of the enactment of the North Eastern Areas (Reorganisation) Act, 1971.

Evolution of Land-system in the Manipur Valley.

Absolute ownership of the King over all lands.

The Raja of Manipur, from the earliest times, claimed absolute ownership of all lands within his territory. He made extensive grants of lands to Brahmins, sepoys, priests, idols, and his own relatives. Large areas of lands were also given to various

Extensive grants by the king.

categories of employees. The remaining areas were cultivated by his own, direct tenants.

Certain classes of these lands were revenue-free in perpetuity, but all other classes were liable to pay land - revenue in kind.

Revenue free tenures.

Among the revenue-free tenures, known locally as “Khorposh” tenures, the following were important :-

(1) Brahmangi Lugun Lou:

These were grants made to Brahmin boys when they were invested with sacred thread. One ‘pari’ * of land was donated, free forever from payment of revenue, to every Brahmin boy on the date of his Upanayan (i.e. sacred thread) ceremony. This land was partially heritable, that is to say, on the death of the donee his widow or the children would be entitled to retain half of the land and the remaining half would revert to the Raja. But, then, the male children when they in their turn started wearing the sacred thread would each get one ‘pari’ of land afresh.

(2) Lai Rou.

These were grants made to deities or idols. These lands were revenue-free forever. Out of the produce of these lands, regular worship and religious ceremonies were maintained.

(3) Sipahi Lou.

These were grants of rice lands made to soldiers. They were revenue-free, and heritable, subject to the condition that the heir would inherit only half of the total area of the deceased’s land, the remaining half reverting to the Raja.

(4) Mana Rou.

These land-grants were made to honour certain eminent persons. They were a kind of recognition of the merits of such persons. These land were revenue-free in perpetuity.

(5) Pangal Lou.

These revenue-free grants were also made as a form of reward, - but reward for a special work or a special service, e.g. distinction in a particular war, or construction of a defensive wall within a very short time, or hazarding life in any work of public welfare and so on.

* A “pari” = about a hectare.

(6) **Ningthougi Masagi and Ningthougi Macha Masu.**

These were the personal lands of the Raja and of the other members of the royal family. As already mentioned the Raja kept large areas of lands for cultivation by his own personal tenants. He also made grants to his queens and to other members of his family who appropriated the income from such lands for their own personal expenditure or saving. A daughter of the King or an ex-King, on marriage, was customarily denoted 25 paris of land. All these lands were revenue-free.

Revenue-paying tenures

Revenue-paying tenures were divided into three classes :-

(I) **Phom Lou.**

These were lands settled with the Raja’s officials. But they were not revenue free. If the owner defaulted payment of the revenue, the land could be taken back by the Raja.

(II) **Toun Rou.**

This was the type of land which was settled on reclamation of waste-land. When a person reclaimed a plot of land from its jungle-stage, he was not required to pay any revenue for the first year. But as soon as any crop was grown on the reclaimed land, it became liable to assessment of land-revenue in kind. The cultivator had to deliver the revenue at any place as demanded by the Raja. Often during military expeditions, revenue in the form of paddy might be demanded to be delivered at a centre, nearer the front.

These lands were permanent, heritable and transferable. Transfer, of course had to be intimated to the concerned officers of the Raja.

The Raja could not take back these lands without payment of compensation.

(III) **Sarkari :**

These lands were given to the personal servants of the Raja. They had to pay revenue in kind, besides rendering personal services.

Areas under different tenures in 1891.

In 1891, which is considered by the Manipuris to be the year of loss of their independence, the following were the approximate areas of lands held under different tenures :-

Table 1. *

Areas of Different tenures in Raja's time .

Sl. No.	Name of tenure.	Area in 'pari' (or hect.)	
1.	Brahmangi Lagunlou	2,500	} Revenue free
2.	Lai Rou	500	
3.	Sipahi Lou	9,000	
4.	Mana Rou	3,000	
5.	Ningthougi Mosagi etc	5,300	
6.	Phom Lou	1,200	} Revenue paying.
7.	Toun Rou	5,000	
		26,500 "Pari" = (hect.)	

According to this statement, about three-fifth of the areas were under grants to Sepoys, Brahmins, Idols etc. about one-fifth of the areas under grants to close relatives and the rest were under direct tenants of the king.

Writing in 1873, R. Brown, who was the Political Agent then, said that besides the **Brown's report on position of land tenures in 1873.** land directly cultivated for the Raja, grants of lands were made to officials and favourites, sometimes for their own lives, or for a specified time, sometimes for themselves and descendants. These held lands on payment of the usual tax in kind. Connections of the Raja, Brahmins and sepoys paid no rent or tax on a fixed proportion of land regulated in each case, but on any increase on the land cultivated above that, proportion-rent was paid.

From the above, it is seen that there were three distinct classes of tenures prevailing during the regime of the independent Kings, namely, –

- (1) Revenue-paying lands cultivated by tenants directly under the King or under his family members on various terms;
- (2) Revenue-free lands granted to Brahmins, sepoys, idols and certain eminent persons. They were non-cultivating intermediaries in general and got their lands cultivated by tenants.
- (3) Lands granted to officers, headmen and other employees who held them by favour from the King, but were required to pay land-revenue. They were not tillers but intermediaries.

In 1873, R. Brown estimated that, -

1. "The proportion of land cultivated under what may be called the direct system on account of the Raja, is about a third of the whole."
2. "Rather more than a third is in the possession of the members of the ruling family, Brahmins and Sepoys."

* Source - An article captioned "Lom" written by Sri Khelchandra Singh and published in a Manipuri journal called "Sahitya" in May – August issue 1979.

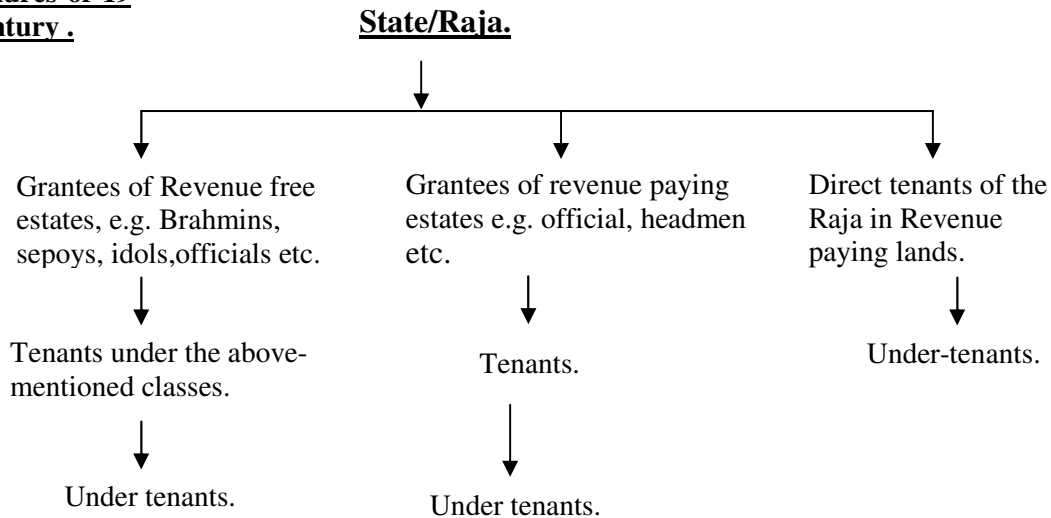
3. "The remainder is in the hands of the headmen, officials etc. who hold it by favour from the Raja." *

The estimates given by Brown do not tally with the figures shown in the Table 1. But neither Brown's estimates nor the figures of table 1 were based on any actual survey. In either case they showed only the broad spectrum.

The first category mentioned by Brown above possibly included Phomlou and Tounrou lands described earlier. The second category included all revenue-free lands. The third category was held on service tenures but was liable to payment of revenue and possibly included the class of Sarkari land described before.

Diagrammatic representation of tenures of 19th century .

Summing up, these may diagrammatically be represented roughly as follows:-



Land revenue in kind. The land-revenue was payable in kind, i.e. in the form of paddy. The general rate of rent payable to the Raja was one pot of paddy for one pari (= hect.) of land per year. One pot was equal to two baskets, and one basket contained about 26.6 kg. of paddy, so that the rent per hectare came to about 53 kg. of paddy. Though this was the general rule, the actual rent realised varied from 2 baskets to 12 per pari, and in lands belonging to officers and other intermediaries it went up to 24 baskets per pari. The average yield of paddy per pari was 150 baskets, so that even 24 baskets, as rent per pari, were not too much of a burden, as it did not exceed even one-sixth of the yield. *

Village granary of King. There was a king's granary in each village and the village headman collected the crop rent from the cultivators and stored the crops in the village granary. As already mentioned, in times of emergency like war or famine, the cultivators, if so ordered, had to deliver the paddy in a granary situated near the centre of emergency.

* Brown : Statistical Account of Manipur.

No interest was charged on arrears of revenue. But Phomlou land could be taken back by the king if it was in default.

The Raja had a sort of land-records, which, though not very satisfactory, contained lists of persons liable to pay revenue and of the estates that were revenue-free. There were ten books (some sort of jamabandis) in all, four of which were kept in the Raja's office for collection of revenue of revenue-paying estates and for record of Sipahi Lou and other revenue-free estates; four books were kept in the local divisional (panna) offices; one book was maintained separately for the King's personal land; and the tenth book which was a comprehensive one contained the lists of all holders of lands included in the three others as mentioned above.

Administrative machinery for collection of revenue.

Collection of revenue and maintenance of records were, apparently, a complicated affair. The King set up a special department for carrying out all these functions, headed by an officer called Phunan Salungba, It was his duty to supervise all matters connected with land-cultivation. He looked after the measurement, received the rent in kind and transacted all business connected with land on behalf of the king. *

In each village there was a headman called Loupanaba who looked after land-cultivation and was responsible for collection of the revenue in kind, but he had no interest in the land and was not the owner of the village lands nor was an intermediary like the Zamindars of Bengal. He was merely an agent of the king and exercised certain delegated powers, such as for example,- he could give settlement of land to a cultivator upto one pari and could also accept surrender of land by any villager within his jurisdiction. He kept a copy of the village land-records with him and collected revenue in crop accordingly.

Grazing reserve.

In each village, there was a cattle grazing reserve, and it was the duty of the village headman to see that no encroachment took place. If any encroacher did not vacate the encroached land after service of notice on him, the village headman reported the matter to the king who passed orders for eviction of the encroacher and the village headman evicted him accordingly. No grazing fee was required to be paid by the villagers for using the village grazing ground for tending cattle.

Slaves owned lands.

Slavery was common in Manipur before the advent of the British, but a slave could exercise the rights of a tenant in the land he cultivated. The owner of the slave gave him land and implements but the entire produce of the land was not taken away by the owner. He was paid 30 pots (60 baskets) of paddy per pari by the slave and the remaining quantity belonged to the slave.

* Brown : Ibid.

System of Lallup. (forced labour). The system of forced labour called Lallup was also prevalent in Manipur, but the persons donating the labour were regular owners of lands. The Lallup system resembled the paik system of the Ahom kings of Assam. “The general system of Lallup is based on the assumption that it is the duty of every male between the ages of 17 and 60 to place his services at the disposal of the State, without remuneration, for a certain number of days in each year. The number of days thus placed nominally at the disposal of the State is ten days in every forty. This ten days’ service is so arranged that a man works his ten days and has his interval of thirty with regularity all the year round. On an individual coming of age to perform Lallup, he is entitled to cultivate for his support one pari of land, subject to the payment in kind of the tax to the Raja”*

There was no “Lallup” or forced labour for women, but even the Brahmins, had sometimes to perform ‘Lallup’, such as for example, cooking for the Raja and for the idol Gobindaji. “In fact except the lowest kind of service, there is scarcely any which is not performed by some part of the Meitei population.” **

The difference between the Ahom system and the Manipuri system was that, in the Ahom system, the paik was not required to pay revenue for 2 puras (slightly above 1 hectare) of land cultivated by him, and paid revenue only for the excess land over 2 puras, if he took any such land in excess. In the Manipuri system, even for the one pari (i.e. 1 hectare) that was given to him for cultivation he had to pay revenue.

Abolition of revenue in kind and introduction of cash revenue. After 1891, the British Government, as already narrated, began to intervene in the internal administration of the State particularly on land-matters which they had not done before the rebellion of 1891. The Political Agent was in charge of the administration of the State during the minority of the new King Chura Chand Sing and during this period, the payment of land-revenue in kind was abolished . Instead, a cash revenue at the flat rate of Rs. 5/- per pari (= hectare) was substituted, irrespective of the quality of the land. No classification of land was made according to the fertility of the soil.

During the last World War II, this rate was raised to Rs. 6/- per pari and then, after the war, to Rs. 9/- per pari. At this time different rates were introduced for shop-sites, industrial sites, brick-fields etc.

Abolition of system of Lallup or forced labour. In 1892, the forced labour or Lallup system was also abolished, and in lieu thereof a separate tax @ Rs. 2/- per household was introduced. This tax, however, was abolished in 1900 A.D.

House tax in the hill areas. In the hill – areas, there was no land-revenue. During the British period after 1892, the Chin Hill Regulation was made applicable to the

* Brown : Ibid.

** E.W. Dun : Gazetteer of Manipur 1886.

hills of Manipur State and a house-tax was imposed @ Rs. 3/- per year per household.

**After Independence
application of Assam
Land & Revenue
Regulation 1886.**

After Independence, the Assam Land and Revenue Regulation 1886 was applied in Manipur Valley vide Manipur Govt. Notification No. R/58/51/51 Dated 15 th May 1952 and survey operation was started under that Regulation. In this operation, lands were classified according to productivity and location, and different rates were proposed for different classes. *

**Tenures re-
classified.**

Though assessment at different rates according to difference in quality and situation was not very difficult, real problems raised their head in connection with the recording of the land-rights and character of different tenures which had prevailed during the Raja's time.

(i) **Khorposh tenures :**

We have already mentioned the various types of revenue-free tenures. It is understood that these were classified as "Khorposh" tenures at the time of survey and settlement. The word "Khorposh" meant grants for maintenance of family.** "Khorposh" lands were recorded in a separate register known as 'maintenance register'.

Khorposh lands were heritable and transferable. As there is no provision in the M.L.R. & L.R. Act 1960 for revenue-free estates, the "Khorposh" lands are being covered by ordinary "patta" which gives the holder the status of a land-owner.

(ii) **Talab-lou-tenures.**

Certain lands were granted to some employees in lieu of cash salaries as we have already indicated. Such lands were not heritable, and the tenures came to an end with the retirement from, or the termination of, the services. The lands reverted to the State. With the progress of money-economy in the State, the system of granting land in lieu of services gradually disappeared, but certain estates were found still to have been hold during the survey and settlement operation started after Independence. They were allowed to be converted to regular holdings under the normal patta-system, but if the owners did not take the opportunity to do so, the lands were to be treated as Government land.

(iii) **Patta-system:**

Patta-system was introduced when the Assam Land & Revenue Regulation 1886 was extended to Manipur valley. Owners of lands liable to pay revenue were given a patta signed by the Deputy Commissioner, which recognised the rights of the owner in the lands covered by the patta. These rights were heritable and transferable. Phomlou and Tounrou lands appear to have been covered by such patta.

After the M.L.R. and L.R. Act 1960 came into force, this came to be the only form of patta valid in law, as neither revenue-free tenures, nor service tenures, nor annual leases are permitted to be held by the State Government.

* Handbook of Survey & Settlement Training 1981-82 published by Directorate of Settlement & Land Records,

** The Persian word 'Khar' meant 'food' and 'posh' meant 'dress' so that 'Kharposh' meant that which gave food and dress (Vide Handbook of Survey and Settlement Training).

(iv) **Annual patta.**

Annual patta differs from the 'patta' mentioned in the preceding paragraph. An annual patta was issued by the Deputy Commissioner, when a deserving cultivator applied for Government Khas land. Such a patta, however, was continued from year to year, till it was terminated by notice from either side i.e. the Government or the patta-holder. The patta was heritable but not transferable. It resembled the annual lease prevailing in Assam. When the Assam Land & Revenue Regulation 1886 was repealed by the Manipur Land Revenue and Land Reforms Act, 1960, the annual lease system had no legal footing to stand upon since the latter Act did not provide for such leases. No new annual lease was therefore issued by Government and the old annual-lease-holders were given an option to obtain regular pattas by paying premiums at concessional rates before 31st January, 1970. Those who did not do so had no right over their lands which, in theory, were to be considered as Government land. The matter has still remained in a fluid condition. *

**Introduction of
Tenancy Act of
Bombay.**

**New Act 1960 (Manipur
land revenue and Land
Reforms Act 1960). ...and
repeal of old Acts.**

As we have been before most of the revenue-free tenures were held by non-cultivating persons or institutions, and so the tenancy system was prevalent during the Raja's time. There was no tenancy regulation during his regime, but after independence, with the introduction of the Assam Land & Revenue Regulation 1886, the Bombay Vidarbha Region Agricultural Tenancy Act of 1957 (Bombay Act IX of 1958) was also made applicable to Manipur Valley. This Act was soon after repealed when the Manipur Land Revenue & Land Reforms Act 1960 was brought into force.

* Vide the Handbook of Survey and Settlement Training mentioned before.

New Land law of Manipur.

MLR & LR Act, 1960. The Manipur Land Revenue and Land Reforms Act, 1960 is modelled on the pattern of the Tripura Land Revenue and Land Reforms Act, 1960. But there are significant differences between the two.

Differences from TLR & LR Act 1960.

The chief difference relates to abolition of intermediaries. Chapter XI and XII of the Tripura LR & LR Act 1960 deals with acquisition of rights of intermediaries by the State. But these two chapters do not find place in the Manipur legislation.

Then the original MLR & LR Act of 1960 was amended several times, - each time enacting new provisions which widened the gulf between the legislations of Manipur and Tripura.

Brief summary of MLR & LR Act, 1960.

Before we proceed to scrutinise the MLR & LR Act, 1960, it would perhaps not be out of place to give here a very brief summary of the essential provisions of the MLR & LR Act 1960. *

The State is the absolute owner of all property. The first eight chapters of the Act are concerned with revenue administration, preparation of record-of-rights, mode of recovery of arrear revenue, mutation and partition of estates and the like. The only basic thing dealt with in these chapters is the declaration that all lands including forests, mines and minerals which are not the property of any person are the property of the State. (S. 11). This is in conformity with the Manipuri tradition that the King was the absolute proprietor of all lands within his territory.

The next question that automatically comes to mind is, - what then would be the position of various tenures which had been prevailing since the Raja's time and also those which were introduced during the decade 1950-60 when the Assam Land and Revenue Regulation 1886 had been in operation ? Chapter IX gives an answer, though not a very satisfactory one, to this basic question.

Section 99, being the first section of chapter IX, enunciates that, -

Pattadars and settlement holders recognised as land-owner.

“Every person who, at the commencement of the Act, holds any land from the Government for agricultural purposes, whether as a settlementholder or as a pattadar and his successors-in-interest, shall, subject to the provisions of sub-Section (2), become the owner thereof as and from such commencement.”

Sub-section (2) provides for exclusion of such acquisition of rights in the bed of a river or stream or tank and certain other categories of land which have been expressly or impliedly reserved for public or community purposes.

* For the sake of brevity, the abbreviation “MLR & LR Act” will be used in place of Manipur Land Revenue & Land Reforms Act.

The next question that arises is, - who then are the settlementholders and pattadars ? Curiously enough, the words “settlementholders” and “pattadar” have not been defined in the Act. This, in our opinion, is a serious gap.

Rights of a land owner. A person who has acquired the status of a landowner under section 99 shall have permanent, heritable and transferable right in the land, and he shall be entitled to use and improve the land through his servants, agents or tenants. (Vide S. 100).

Creation of new tenancy prohibited, old tenants continue. The above section (S.100) thus authorises tenancy in existing land, but, in the amended section 106, the Act prohibits the creation of any new tenancy after the commencement of the Amendment Act of 1975, except by the following categories of persons or institutions, namely, (i) a disabled person , (ii) a public charitable or religious institution or (iii) a local authority or (iv) a cooperative society.

Other provisions in this chapter are not important for our purpose.

Rights of tenants. The next chapter, is important. It deals with tenants’ rights. In the previous chapter, we have seen that the tenancies which subsisted at the commencement of the Act would continue to exist even after the commencement of the Act. What then would be the terms and conditions of their existence?

Three F’s. The basic features of any good tenancy are – (1) fixity of tenure, (2) fair rent, and (3) freedom from ejection (called three F’s in abbreviation). Have these three F’s been ensured by the Act ?

Fixity of tenure. Now, as to fixity of tenure, the Act provides that the interest of a tenant shall be heritable but not transferable. However, transfer by way of mortgage to Government or to a cooperative society for obtaining loans is permissible. It does not indicate whether the rights are permanent.

As regards fair rent, the Act provides that (i) the maximum produce-rent shall be one-fourth of the produce if the plough cattle is supplied by the landowner, otherwise one-fifth; in either case, payment of the estimated value of such produce is allowed by the Act; and (ii) the maximum cash-rent shall be four times the land-revenue of the land (S.112).

Freedom from ejection. As regards freedom from ejection, the Act provides that no tenant shall be evicted except on the following grounds, namely that, –

- (a) the tenants misused the land so as to impair materially its utility for agricultural purposes, or
- (b) the rent is in arrear for 3 months, or
- (c) the tenant has sub-let the land without the consent of the landlord.

Acquisition of ownership rights by tenants through Govt. initiative.

Like the Tripura Land Revenue and Land reforms Act 1960, the MLR & LR Act 1960 also provides for acquisition of ownership rights by the tenants. There are two separate provisions in this regard.

Firstly, section 127 provides for transfer of ownership of the landowner to the tenant at the initiative of the State Government. The State Government may by notification declare that, with effect from a date specified in the notification, the ownership right of any land in occupation of a tenant shall stand transferred to the tenant. Certain categories of lands have been excluded from the scope of this provision, such as, lands of which the owner is a disabled person or a religious or charitable institution, or a cooperative society.

In case the disability of a landowner ceases, the provisions of section 127 shall apply to his land after such cessation. But some consideration is shown to him, which is not applicable to a landowner who was never under disability. The disabled landowner whose disability has ceased is entitled within one year of such cessation to resume for his personal cultivation half the area under tenancy, provided, at least, one hectare of land is left with the tenant.

Such right of resumption has not been allowed to a landowner who was not under any disability.

Secondly, section 132 provides for transfer of ownership to a tenant at the initiative of the tenant. If a landowner at any time intends to sell his tenanted land, then the first option to purchase it shall be given to the tenant by serving a written notice on the tenant. If the tenant does not exercise his option within two months, the landowner may sell it to any other person. If the tenant desires to purchase it, then a reasonable price may, on application of either party, be fixed by the competent authority. If the tenant fails to deposit the money within a specified period, then the landowner shall be at liberty to sell it to anyone else.

Transfer of ownership rights to tenants at the initiative of the Tenant.

The MLR & LR Act, 1960 fixes two limits, 1 – The ceiling for a family is 5 hectares in case of irrigated land and 6 hectares in case of non-irrigated land. 2 – Where the no. of family members exceeds five, the limit may be increased by one hectare for each additional member, so however as to not exceed 8 hectares in irrigated land and 10 hectares in non-irrigated land in the aggregate.

Besides this, if there is in the family an adult son (who is excluded from the definition of the family), then the limit shall further be increased by one-half of the area which the adult son would otherwise have been entitled to hold.

In order to prevent evasion, it is provided in Section 136-A, that any transfer or partition made during the period from 21st January 1971 to the date when the Amendment Act No. 13 of 1975 came into force would be ignored. Then again, under section 136-B, any transfer made, after the commencement of the Amendment Act of 1975 and before the

determination of the excess land by the Government, by a person having land in excess of the ceiling except with the permission of the Deputy Commissioner shall be null and void. But this prohibition will not apply to any land mortgaged to Government or a banking company as defined in the Act.

Other provisions regarding ceiling are on the same pattern as the Tripura Act, but the rates of compensation in Manipur are obviously higher. These rates range from 100 to 200 times the land-revenue, whereas in Tripura they range from 30 to 100 times only.

Allotment of acquired excess land. In allotting excess lands which vest in Government as a result of acquisition under the ceiling provisions, preference is to be given to landless agriculturists belonging to Scheduled Castes and Tribes. Allotment shall not exceed a basic holding (i.e. one hectare) and the allottee shall have no power of transfer for a period of 10 years.

Exemption from ceiling. The State Government has the power to exempt several categories of lands from the scope of the ceiling provisions (S. 150). These are chiefly, –

- (i) land held for plantation of tea, coffee, rubber, cardamon or cocoa and for purposes ancilliary thereto or for their extension,
- (ii) land held by cooperative bank, commercial banks, agricultural universities, colleges or research centres,
- (iii) sugarcane farm held by sugarcane factory not exceeding 40 hectares.
- (iv) land held by a cooperative farming society.
- (v) land held by existing religious, charitable or educational trusts not exceeding 50 hectares.

There is a small chapter on prevention of fragmentation of holdings on the same line as the Tripura Act.

Restriction on transfer of land by a tribal. For protection of tribals, there is a special provision (S. 158) which prohibits transfer of a tribal's land to a non-tribal without the pervious permission of the Deputy Commissioner and the consent of the District Council, but unlike the Tripura Act, the MLR &LR Act 1960 has no provision for regulating transfer by a non-tribal of his land situated in predominantly tribal-inhabited villages.

Allottees. Detailed rules have been framed under the Act, among which the Rules for allotment of Govt. land are important. These Rules create a new class of holders of rights as in the State of Tripura. The allottee's agricultural land is not transferable within 10 years of the allotment, except with the consent of the Deputy Commissioner. However, mortgage to Government, a cooperative society or a bank is allowed without such consent.

Criticism. No direct provision for abolition of intermediates . The chief objection against the MLR & LR Act, 1960 is that it does not contain direct provisions for abolition of intermediaries as the Tripura Act does. It cannot be said that there are no intermediaries in the States. We have seen in the previous chapter that huge areas of

lands had been granted by the ex-Kings of Manipur to Brahmins, priests, soldiers and royal kinsmen. They were all non-cultivators and got their lands cultivated by tenants. Even in 1891, the total area so held by the intermediaries were of the order of about 20,000 hectares. As in all other States of India, there should have been special provisions for acquisition of the interests of the intermediaries by the Government itself, thereby bringing the tenants into direct contact with the State.

As against this, it may, of course, be argued that Section 127 (“Rights of tenants”) provides for notification for transfer of ownership rights of any land under tenancy to the tenant in possession. But the burden of payment of compensation under this procedure is laid upon the tenants, whereas in most land-reform legislations of India, the burden of compensation payable to the traditional intermediaries like Zamindars, Brahmins and temples, has not been shifted to the tenants.

Secondly, the provision as to the eligibility to become landowners at the commencement of the MLR & LR Act 1960 under section 99 is vague. The section provides that a “settlement-holder” or a “pattadar” at the commencement of the Act, shall become a landowner. But no definition of either a “settlementholder” or a “pattadar” has been given in the Act. From the study of evolution of the earlier land system of the State we have learnt that pattas were issued under the Assam Land & Revenue Regulation 1886 during the period preceding the enactment of the MLR & LR Act 1960. At least three types of pattas so issued were found at the commencement of the MLR & LR Act 1960. These were (1) revenue-free or Khorposh pattas, (2) pattas corresponding to periodic pattas of Assam and (3) annual pattas corresponding to the pattas under the same name prevailing in Assam. It is not clear whether the holders of all these pattas became landowners at the commencement of the MLR & LR Act 1960. If so, then certain steps currently taken by Government in relation to the annual pattas were unnecessary. For example, annual pattasholders have been asked to get their annual pattas converted to permanent pattas by paying premiums within a specified date, failing which the lands covered by the annual pattas would be treated as Government Khas land. If the annual pattadars were covered by the provisions of section 99, then they are to be treated as land-owners and their lands cannot be considered as Govt. Khas land in this manner.

No clear provision as to the classes of persons who became land –owner.

Again, if ‘Khorposh’ pattas (i.e. revenue-free grants) are covered by section 99, then the grantees are to be treated as having a status resembling that of the raiyats under section 99 of the Tripura LR & LR Act 1960. The aim of all land reform legislations is to bring the State into direct relationship with the actual tiller of the soil (i.e. raiyat), and this particular section was meant to confer ownership right on tillers. But these grantees owning revenue-free lands were, and still are, traditional intermediaries and should not have been lumped together with the actual tillers. As intermediaries, they should have been dealt with in a different chapter and completely abolished by now.

Definitions of ‘pattadars’ and ‘settlementholders’ should have been incorporated in the Act. In absence of such definitions all sorts of complications may arise in future. Under section 99, every person holding land as “settlementholder” or “pattadar” at the

commencement of the Act becomes landowner. Is the “settlementholder” different from “pattadar”? If so, what classes of persons were legally considered as “settlement holder”?

Tenants not conferred right of transfer. Right of transfer has not been conferred on the tenants, except for the purpose of mortgage to Government or banks or a cooperative society (S. 109). Why the right of transfer has been denied is not known, but it makes a big dent in the value of the tenant’s rights. Restriction on transfer in the interest of protection of Scheduled Tribes or Castes is welcome, but outright prohibition of the right of transfer is a different matter.

No justification for allowing certain classes of institutions to continue leasing out their lands. Leasing in future by a landowner has been prohibited u/s 106, but an exception has been made in case of a disabled person or a public charitable or religious institution or a local authority or a cooperative society. Leasing by disabled person is understandable, but the right of leasing allowed to the other categories mentioned above cannot be easily defended. In Assam, charitable or religious institutions have been given perpetual annuity in conformity with the value of the rents received by these institutions and their tenants have been made landholders having direct contact with the State.

Local authorities like Panchayats and Municipal Boards should not be converted to intermediaries. Feudalism among these bodies is the least defensible practice.

Still worse is the provision to allow the cooperative societies to lease out their lands. The basic philosophy of cooperation is to abolish the middleman or intermediary. Hence, such a practice is a downright contradiction.

Section 107 allows leasing, under orders Deputy Commissioner of any uncultivated land of a landowner which has remained fallow for 2 consecutive years. This undermines the very objective of S. 106. Every non-cultivating landowner would like to entertain tenancy in this roundabout manner.

Exclusion of certain land from ceiling not justified. In the chapter on ceiling, the new provisions of section 136 (B) to prevent evasions, may be nullified, in practice, by taking advantage of the proviso attached to that section. Exclusion of land mortgaged to a banking company from the scope of the said section is not very happy. By large-scale mortgages to different units of banks, the whole purpose of ceiling may be defeated.

Allottees. Allotment Rules of 1962 create a new kind of holders of land-rights on land who are not conferred right of transfer for the first 10 years. Their rights are inferior to those of landowners. Is it the intention of the Act to create a new type of holders of land-rights? A good land-system always avoids multiplicity of tenures .

Omission of certain provisions of the Act at the time of enforcing the Act. Apart from these imperfections of the MLR & LR Act 1960, the most significant point in actual practice was the omission of the very important provisions of the Act at the time of bringing it into force in 1961 in the Valley of Manipur. At that time the chapter IX on “Rights of landholder” and the chapter XI on “Ceiling on Land Holdings” were omitted in toto. So also were omitted the following sections of

chapter X on “Rights of Tenants”, namely, - sections 121, 122, 123, 124, 127, 128, 129, 130, 131. *

These omitted chapters and the sections contain the basic principles of land-reforms. Their exclusion showed that the State was not ready for land-reform measures, though by that time most States of India had carried out such measures actually in the field.

Question of extension of the Act to hill-areas.

The MLR & LR Act 1960 does not apply to the hill-areas of the State, but the State Government may extend the whole or any part or any section of the Act to any of the hill-areas of Manipur. The hill-districts do not automatically become the “hill-areas”, which term, under the MLR & LR Act 1960 has been assigned a specific meaning. According to section 2 (j) of the MLR & LR Act 1960, the term “hill-areas” means such areas in the hill-tracts of the State of Manipur as the State Government may by notification in the official Gazette, declared to be hill areas. The State Government has since notified ** that the following are the hill-areas, namely, –

1. Jiribam Sub-division (mainly plains). Hill areas only 24 villages.
(In the remaining 92 villages, the MLR & LR Act 1960 was extended under Government notification No. 142/12/60-R Dated 22.2.62, and these 92 villages are included in the plain portion of Imphal districts.)
2. Tengnoupal sub-division – 190 villages – Hill Areas.
3. Tamenglong sub-division – 196 villages – Hill Areas.
4. Ukhru sub-division 244 villages – Hill Areas.
5. Mao & Maram sub-divisions – 312 villages – Hill Areas.
6. Churachanpur sub-division 225 villages – Hill Areas.

(In the remaining 89 villages of Churachanpur, the Act was extended in 1962 vide notification No. 142/12/60 – M Dated 22.2.62).

In the above named “hill-areas”, the MLR & LR Act 1960 does not apply.

The Deputy Commissioners of the hill districts seem to be of the opinion*** that due to non-extension of the Act in the hill-areas, they are unable to take up further survey work in those areas since there is resistance, especially from the village chiefs. The Government, however, holds the view that extension should be done gradually, in a planned manner and in selected pockets only.

In pursuance of this cautious policy of gradual extension of the Act to the hill-areas, the MLR & LR Act 1960 has not been extended to the hill-districts except the following more or less plain areas situated within the boundaries of the respective hill-districts, –

- (i) 89 villages of Churachanpur Districts, vide Govt. notification No. 142/12/60-M Dt. 22.2.62.

- (ii) Makhaw Tampak village of Churachanpur, vide notification No. 140/12/60-M(A) Dt. 20.11.69.

* Vide notifications No. 140/12/60 – M (VI) Dt. 31.5.61, and No. 142/12/60 M Dt. 22.2.62.

** Vide notification No. 181/2/61 Dt. 25.1.62.

*** Vide Govt. notification called “Updating of land-records and revenue collection camps in Manipur”

- (iii) 14 villages of Mao Sub-division, situated in the Sadar Hills Circles, vide notification No. 138/4/64-M Dt. 26.2.65.

- (iv) 809 hectares of land in Khoupum Valley of Tamenglong district, vide Govt. notification No. 3/12/83-LRC Dt. 14/11/1978.

To sum up then, the MLR & LR 1960 applies to about 665 villages out of which 550 villages are situated in the three plain districts and the rest (105) in the plain areas of the hill-districts. The most of the latter villages lie in Churachanpur district and some in Senapati district. The total number of villages in the State of Manipur being 2109, the territorial jurisdiction of the MLR & LR Act 1960 extends to about 31% of the total number of villages of the State, - which is not a very impressive proportion. But in point of population, it extends over about 71% of the total population of the State, and from that view-point, it is impressive and important.

FIELD STUDIES IN PLAIN AREAS OF MANIPUR.

TENANCY.

Application of the MLR & LR Act, 1960.

We have seen in the previous chapter that the M.L.R. & L.R. Act 1960 now applies only to the plain areas of Manipur which form less than 10% of the total area of the State. The plain areas are confined mostly to what is known as the Imphal Valley which has now been divided into three administrative districts, namely, Imphal, Thoubal and Bishenpur. They comprise 550 villages on the whole. It may be noted in this connection that Jiribam subdivision, though separated from the main valley by hills of Tamenglong sub-division, is included in Imphal-East district for purposes of general and revenue administration, as it is almost wholly plain area, having only 24 villages in the hills out of a total of 116 for the whole sub-division.

But a sizeable number of villages in the hill-districts are also situated in the more or less plain areas of the foothills. To these villages, too, the M.L.R. & L.R. Act 1960 has been extended. There are more than a hundred such villages as already mentioned at the end of the previous chapter.

Field visits.

A team of officers from the Law Research Institute, Gauhati visited 13 villages in the Valley out of which 6 lie in the plain districts proper and 7 in the plain areas of the hill-districts. The villages visited in the hills have been dealt with in a separate chapter. The M.L.R. and L.R. Act 1960 applies to all these 13 villages. These villages possess records of rights, too, and the people seem to be vigilant about their rights. In fact, the people of Manipur Valley are used to the system of records-of-rights ever since the ex-Rulers' time. As already mentioned, even in the nineteenth century, the royal authorities prepared some sort of a list of persons holding lands, the area held by each, and the revenue payable by him. After Independence, when the Assam Land and Revenue Regulation 1886 was applied to Manipur, the lands were

State of records before MLR & LR Act 1960.

classified according to the status of the holders of land (i.e. revenue-free, periodic and annual-patta holders) and according to the configuration and use of the land (i.e. homestead, high land, wet-rice-land, etc.). These things were recorded in the Chitha and the Jamabandi. When the MLR & LR Act 1960 was brought into force, legally there was to be only one status of holders of land, namely, the status of landowner (vide S. 99 of the Act). The annual patta-holders, as mentioned before, were asked to convert themselves to landowners by paying premiums. Those annual patta-holders who did not do so within a specified date became status-less and were recorded only as "occupants", and treated almost on the same footing as encroachers of Government Khas land, which seem rather harsh and anomalous. "Khorposh" estate holders, whose lands were revenue-free in Ex-Rulers' time, also found themselves thrown into an unenviable situation, because all lands, under the new Act, are liable to payment of revenue, unless specially exempted. Due to

these new situations, in certain areas records continue to mention annual pattas or even Khorposh pattas.

Tenants' rights recorded. Again , since intermediaries have not been abolished, tenancies are found in most places of the State, but it is good that the status of tenants and other particulars have been also note in the records of rights. Recorded tenants have received Khatians. (Vide form No. 9 under Rules).

Keeping the above facts in mind, we may now proceed to analyse the data collected during the field studies.

Table 2 is a general statement of the studied plots in the 13 villages and the manner of acquisition of rights in them.

Table 2
GENERAL STATEMENT OF THE STUDIED PLOTS
IN THE VALLEY ARREARS OF MANIPUR.

District.	Name of village.	Total No. of studied plots.	Total No. of inherited plots.	Transferred plots studied.				Total transferred plots studied.	Allotment.	Jungle clearing without allotment.
				Purchase.	Gift.	Mortgage	Sub-letting.			
1	2	3	4	5	6	7	8	9	10	11
Imphal	1. Andro	50	22	16	3	1	3	23	3	2
	2. Lamsang	38	8	7	1	-	20	28	-	2
	3. Laingamkhul	12	5	1	1	-	-	2	5	-
	4. Yambem	14	8	2	-	-	2	4	-	2
	5. Topsingtha	31	9	6	1	2	12	21	1	-
	6. Mayang-Imphal	75	16	20	1	-	20	41	18	-
Churachanpur	7. Saikot	31	-	3	-	-	-	3	15	13
	8. Pearsonmun	23	1	4	-	-	-	4	7	11
	9. Molnom	23	1	14	-	-	-	14	6	2
Senapati	10. Saikul	40	9	3	12	-	9	24	-	7
	11. Purum-Likli	29	5	6	1	-	7	14	4	6
Chandel	12. Chandel-Christian	21	1	7	-	-	-	7	6	7
	13. Komlathabi	23	2	6	6	-	-	12	7	2
	Total	410	87	95	26	3	73	197	72	54
	Percentage		21.21	23.17	6.34	.73	17.80	48	17.56	13.17

**Land rights
acquired in 3 ways.**

Rights over land everywhere are acquired in three general ways, namely, -(1) by inheritance from a previous owner, (2) by transfer from a previous owner, or (3) by allotment of new land by Government. Transfer includes, sale, gift, mortgage and lease (sub-letting). In the 13 villages 410 plots were studied on the spot. As will be seen from the table 2, 21% of these 410 plots were inherited, 48% were acquired by transfer and 17.56% acquired by new allotment. Another 13% were occupied by clearing jungles in the expectation of getting allotment.

**Different forms of
transfer prevalent.**

As regards transfer, 23.17% of the total number of plots 410 were acquired by purchase, 6.34% by gift, .73% by mortgage and 17.80% by lease of sub-letting. This last group constitutes tenancy and is of great importance in the study of land-system. We shall therefore start with the study of the last group first.

Details of the tenanted plots are given in the next table (Table 3).

Table 3
Tenanted plots studied in Valley area.

District.	Name of village.	No. of tenanted plots studied.	Commencement of tenancy.						Particular of tenancy.			If tenants can be replaced at any time.
			Before 1975			After 1975.			On cash rent.	On fixed crop.	Crop-share.	
			Record-ed.	Un-record-ed.	Total	Record-ed.	Un-recorded.	Total				
1	2	3	4	5	6	7	8	9	10	11	12	13
Imphal	1. Andro	3	3	-	3	-	-	-	-	12 pots per pari	-	Yes, for non-payment of rent
	2. Lamsang	20	15	3	18	-	2	2	-	Do	-	Do
	3. Yambem	2	1	-	1	1	-	1	-	18 pots per pari	-	No, but for per cultivation by 1 year notice
	4. Topchingtha	12	-	9	9	-	3	3	-	-	½ share	Do
	5. Mayang Imphal	20	20	-	20	-	-	-	-	12 pots per pari	-	Period is fixed by agreement. It may vary from 1-10 years.
Senapati	6. Saikul	9	-	-	-	-	9	9	Rs. 300 or 400/-- p.m. in market area for 20x50 ft.	30 pts per pari	-	Tenant can be changed in every year.
	7. Purum Likli	7	-	1	1	-	6	6	-	16 pots per pari.	-	No change of tenants.
		73	39	13	52	1	20	21				

Tenanted plots.

**Analysis of
tenanted plots.**

Of the tenanted plots, the largest number was found in villages Mayang Imphal and Lamsang, both of which are understood to be comparatively affluent villages.

In the 7 plain villages of the hill-districts, it was expected that tenancy would be at the minimum level. In actual fact, in three of these villages, namely, Pearsonmun, Mulnom and Saikot, no tenanted plot was come across, though it was understood, that tenancy did prevail there, too, to some extent. In villages Saikul and Purum-Likli of Senapati District, however, as many as 16 plots out of 69 under study (i.e. 23.2%) were found to be clearly sub-let.

**Recorded and
un-recorded
tenants.**

Out of the 73 tenanted plots found in all the plain villages under study, 40 were recorded in the records of rights and the tenants were given Khatians. The balance (33 tenancies) was unrecorded. It is to be remembered in this connection that after the commencement of the 1975 Amendment of the MLR & LR Act 1960* no new tenancy could be recognised, but the tenancies created before the commencement of the said Amendment would continue to subsist. It is found from our data that 52 tenancies had started before 1975 and 21 after 1975. Of the 21 tenancies created after 1975, none but one was recorded in the record-of-rights, and this one must have been recorded through oversight or through mistake about the date of its creation, or because the chapter of the MLR & LR Act relating to tenants was not brought into force at that time. This particular tenancy does not belong to exempted category under section 106(2).

**Tenancies
created before
and after 1975.**

On the other hand, of the 52 tenancies created before 1975, all, though required to be recorded, were not so done. Only 39 (or 75% of 52) have been included in the records-of-rights, but the remaining 13 (i.e. 25%) have found no place in them. (Vide table 3).

* Section 106(1) of MLR & LR Act 1960 reads as follows:-

“106. Right to lease. – (1) Save as otherwise provided in this section no landowner shall, after the commencement of Section 16 of the Manipur Land Revenue and Land Reforms (Amendment) Act, 1975, transfer by way of lease for period whatsoever any land comprised in this holding and any transfer by way of lease made in contravention of this sub-section shall be void and inoperative.”

Whether recorded or unrecorded, prevalence of tenancy appears to be greater in Manipur plain areas than in the neighbouring States of Tripura and Assam.

Apart from what was found during our field studies which were done in terms of holdings, even according to the figures collected during World Agricultural Census of 1970-71, the total rented area in Manipur formed 8.8% of the total cultivated area whereas in Assam and Tripura the percentages were 5 and 4.2% respectively.

Why tenancy system is more prevalent in Manipur.

The reason for the comparatively wider prevalence of tenancies in Manipur is that abolition of intermediaries has not been done on the initiative of the State Government as it has been done in case of Tripura and Assam. In Manipur, emergence of new intermediaries has been prevented by banning creation of future tenancies, but old tenancies have not yet been converted to full ownership and so the old intermediaries continue as before. Though there is a provision (vide S. 127)* for declaring all tenants as owners from a specified date, no such declaration has in fact been issued till now. Secondly though there is a provision for right of pre-emption (Sec. 132)**in favour of the tenant whenever a landowner intends to sell his land, such case must have been extremely rare, for, firstly, the landowners' intentions to sell lands do not occur frequently, and, secondly, the landowners may, by manipulation, easily by pass the tenants. Such provision for pre-emption cannot be regarded as a general measure of land-reform.

* "127. Transfer of ownership of land to tenant.-

(1) Subject to the other provisions of this Act, the ownership of any land which is in the occupation of a tenant at the commencement of Section 26 of the Manipur Land Revenue and Land Reforms (Amendment) Act, 1975 shall stand transferred from the land-owner thereof to the tenant with effect from such date as may be specified by notification in the Official Gazette, and the tenant shall become the owner of such land and be liable to pay land revenue therefor."

** "132. First option to purchase. – (1) If a landowner at any time intends to sell his land held by a tenant, he shall give notice in writing of his intention to such tenant and offer to sell the land to him. In case the latter intends to purchase the land, he shall intimate in writing his readiness to do so within two months from the date of receipt of such notice."

Section 99 and 100 of the MLR & LR Act 1960 has retained the position of the intermediaries of the Ex-Raja's time intact so far as their tenancies are concerned, except that the benefits of reduced rate of rent and protection of tenants from ejection would have to be afforded by them as by any other landowners of any other States to their tenants. Hence the number of tenancies did not decrease in Manipur after the enactment of the MLR & LR Act 1960. *

Rent. Rent in fixed produce is the general rule. Cash-rent is not prevalent. In olden days even the land-revenue payable to the King was paid in paddy. Since 1891, however, the land-revenue is being paid in money. But money-rent is a rarity in Manipur. Rent is fixed in terms of a number of pots per pari, not in terms of percentage of yield. Neither Adhi nor Barga system, as understood in Assam and Bengal, is popular in Manipur. According to the World Agricultural Census figures of 1970-71, 99% of the rented area was on terms of fixed produce, the balance 1% was on crop share basis. "Fixed produce" rent is a peculiarity of the Manipur tenancy system.

Form and level of rent. One pot is equivalent to 43.3 kg. and one pari is equivalent to one hectare. In the villages visited by our team, the rates of rent varied from 12 pots per pari to 18 pots per pari (vide table 3). That is to say, the range of rates of rent is from 6.39 quintol per hectare to 9.59 quintol per hectare. In terms of maund per bigha, which is still the common measure prevalent in Assam Valley, the above rents of Manipur would range from about 2.5 maunds per bigha to 3.5 maunds per bigha. According to the prevailing practice in Assam, the fixed crop-rent ranges from 1 maunds to 2 maunds per bigha, but the Adhi system being prevalent in Assam, the rent comes usually to 3 maund to 3.5 maunds per bigha. The rates of crop rent prevalent in Manipur are, therefore, slightly higher than in Assam, but not unreasonably higher.

In one village, namely Saikul, the rent was found to be unusually higher i.e. 30 pots

* "99. Accrual of rights of land-owner.-

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

"100. Rights of land-owners.-

(1) Every person who has become a land-owner under sub-section (1) of Section 99 shall

- (a) have permanent, heritable and transferable rights in the land;
- (b) be entitled by himself, his servants, tenants, agents or other representatives to erect farm buildings, construct well 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 fall, utilise or dispose of the timber of any trees on the land."

per pari (hectare). This is almost double of the rates prevalent elsewhere. The reason for the higher rate of rent was said to be, firstly, that the land was more fertile, and secondly, because the tenants were mostly Nepalis, who were prepared to pay any rent for land because they wanted to have a foothold by any means. Thirdly, these lands were close to Saikul Subdivisional Head quarter, and there was a prospect of converting them to non-agricultural use, e.g. trade-sites, where the rents were fantastically high. For example, in Saikul Bazar, a few plots measuring 50 ft. x 20 ft. each were found which, with a small wretched thatched house standing on it, attracted a rent of Rs.300/- per month.

Adhi system. Rents on Adhi terms (i.e. 50% share of the crop) were found to have been paid in 12 plots in village Topchingtha, but in no other villages of the sample, Adhi system appeared to be so popular as the rents on fixed-produce term.

Adhi-system is not banned in Manipur as has been done in Assam. The definition of 'rent' provides for payment of "share of the produce" as well as "a fixed quantity of the produce. "Adhiar is also recognised as a tenant, and gets all the benefits and safeguards provided for tenants. From the view point of land-reforms, Adhi system is a retrograde step, and should not be encouraged. Fortunately, in Manipur, it is not yet prevalent on a very wide scale, and it would be comparatively easier to abolish it. It is better to nip it in the bud.

Barring this small deficiency, the rent-system is not very unreasonable. The law * (S. 112 of M.L.R. & L.R. Act) restricts the rent to a maximum of $\frac{1}{4}$ and $\frac{1}{3}$ of the produce. The rent of 12 pots per pari approximates this quantity and appears to be within the legal limit.

Fixity of tenure. There is no uniformity as to the period of leasing. In village Saikul, tenants are changed every year, though renewal of tenancy is done upto 10 to 12 years. In village Purum Likli, landlords do not change tenants every year. In village Andro, a tenant can be ejected at any time by the landlord for non-payment of rent. In village Yambem, the landlord cannot eject his tenants at his own sweet-will, but can resume land for personal cultivation with one year's notice. In Mayang Imphal, the period of tenancy is fixed by agreement between the landlord and the tenant and it may vary from one year to ten years.

* "112. Maximum rent.- The rent payable by a tenant in respect of any land held by him 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 land-owner;
- (b) in any other case, four times the land revenue payable in respect of the land."

Thus the practice about duration of tenancy differs from locality to locality. The minimum duration, of course, is one year. Thus, generally speaking there is no fixity of tenure.

Ejection. Ejection is common and easy. An agricultural tenant rarely goes to the court for filing objection against ejection. In village Andro, Tomchansing, a tenant since 1963, was evicted by the new landlord Paka Sing who purchased the ownership right over the land in 1975. The new owner then cultivated the land himself. In village Samsang, a female owner Srimati Luerem Mayang gave the land to a tenant for cultivation in 1954 but took it back in 1966, after a lapse of 12 years, and got it cultivated by her husband. Of course, it was said to be taken over by amicable settlement, but such 'voluntary' surrenders are often not voluntary in the proper sense of the term.

In village Saikul, we had already shown, the tenants were allowed to cultivate for only one year, and though, renewal of tenancy occurred in some cases, the changing of tenants was the usual practice. Thus the safe-guard provided by Section 119* is not very effective. Neither the tenants nor the landlords seemed to know about such provisions, but even if they knew, the customs pre-dominated rather than the law.

Rights of pre-emption. Provisions of section 132 are not known to the agricultural tenants. There was no instance of pre-emption of a landlord's rights by a tenant. Not that purchase of landlord's land by tenant does not take place, but it is not done consciously under provisions of section 132. Thus in village Andro, tenant Abera purchased the land of owner Ibohi Sing for Rs. 6,000/-. The area was 1.1 acre. The price was said to be the market value but appeared to be rather on the high side and the tenant paid it without taking recourse to provisions of S. 132.

* "119. Eviction of tenant. – No person shall be evicted from any land held by him as tenant except under the order of the competent authority made on any of the following grounds, namely:

- (a) that the tenant has intentionally and will-fully committed such acts of waste as are calculated to impair materially or permanently the value or utility of the land for agricultural purposes;
- (b) that the tenant has failed to pay rent within a period of three months after it falls due;

Provided that the competent authority may, if it thinks fit, grant further time not exceeding one year for payment of the rent;

- (c) that the tenant, not being a person under disability, has after the commencement of this Act, sub-let the land without the consent in writing of the landowner.

(2) No order, for eviction of a tenant shall be executed till the standing crops, if any, on the land are harvested."

**Summing up
about tenants.**

To sum up, then, the prevalence of tenancy is a major feature of land-system of Manipur. Though the tenants cannot be said to be rack-rented, they do not enjoy security against ejection despite the protective provisions of the M.L.R. & L.R. Act 1960. Besides, there is no easy method for the tenants to acquire the landlord's rights.

**Absentee
landlords.**

Further, the absentee landlords were found to have predominated in at least three villages, namely, Mayang Imphal, Lamsang and Topchingtha. (see table 4). In mayang Imphal, out of 24 landlords that were found in the sample, as many as 18 (i.e. 75%) were found to be absentee landlords, residing in Imphal Town and collecting crop-rents from the tenants during the harvest. In Lamsang, the percentage of such landlord was 59% and in Topchingtha 46%. Though in some of the villages such absentee landlords were not found, in the group as a whole, the percentage of absentee landlords came to as high as 51.22%.

Table 4.
Number and percentage of Absentee Landlords (Plains).

District.	Name of village.	No. of tenanted plots studied.	Total No. of landlords.	No. of absentee landlords.	Percentage to column 4.
1	2	3	4	5	6
Imphal	1. Andro	3	3	1	33.33%
	2. Lamsang	20	29	17	58.62%
	3. Yambem	2	2	Nil	-
	4. Topchingtha	12	13	6	46.15%
	5. Mayang-Imphal	20	24	18	75% One absentee landlord for homestead land.
Senapati	6. Saikul	9	8	Nil	
	7. Purum Likli	7	3	Nil	
Total		73	82	42	51.22% out of 82.

TRANSFER.

Different forms of transfer.

Sub-letting, leasing or creation of tenancy is one form of transfer about which we have discussed in foregoing pages. But there are other forms of transfer which are also prevalent in the State of Manipur in quite a sizable number.

From the next table (table 5), it will be seen that 23.17% of the total number of plots studied (410) were acquired by purchase, 6.34% by gift, and .73% by mortgage, Mortgage, though prevalent, seems not very popular, but gift is not insignificant. Purchase seems to be a common and regular phenomenon. Existence of records of rights, commercially active nature of the people, and gradual disappearance of available wasteland in the valley seem to have contributed to the wider prevalence of this form of transfer i.e. purchase.

Transfer by registered documents common.

Execution of documents of transfer and their registration also seem to be quite a common practice even among the villagers. This practice is not so common among villagers of many other States of the region. About 34% of the total plots transferred by way of sale, gift, mortgage etc. in the villages visited were found to be transferred by registered documents. The prevalence of this salutary practice on such a satisfactory scale indicates that people are conscious about the provisions of the law of transfer, and also that lands are very valuable.

In actual fact, the value of lands in the Manipur valley seems to be strikingly high. The next table (table 6) shows the price of some lands which changed hands in recent years in some of the villages visited.

The cases that have been tabulated (table 6) show clearly the very high level of price of land in the villages of Manipur Valley. There were other instances of still higher prices, but the area involved was small and so these not been cited.

Table. 5

MANIPUR VALLEY..

Transferred plots studied .

District.	Village.	Total studied plots.	Total transferred plots studied.	Nature of transfer.				Transfer by written document	Transfer by mere delivery of possession
				Sale	Mortgage	Gift	Sub-let.		
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>
Imphal	1. Andro	50	23	16	1	3	3	12	11
	2. Lamsang	38	28	7	-	1	20	6	22
	3. Laingamkhul	12	2	1	-	1	-	1	1
	4. Yambem	14	4	2	-	-	2	-	4
	5. Topchingtha	31	21	6	2	1	12	3	18
	6. Mayang-Imphal	75	41	20	-	1	20	19	22
Senapati	7. Saikul	40	24	3	-	12	9	3	21
	8. Purum-Likli	29	14	6	-	1	7	6	8
Churachanpur	9. Saikot	31	3	3	-	-	-	3	-
	10. Pearsonmun	23	4	4	-	-	-	4	-
	11. Molnom	23	14	14	-	-	-	14	-
	12. Chandel Christian	21	7	7	-	-	-	7	7
	13. Komlaithabi	23	12	6	-	6	-	-	12
	Total	410	197	95	3	26	73	126	71
	Percentage- (Out of total studied plots 410)		48%	23.17%	.73%	6.34%	17.80%		

Table 6.

Manipur Valley.Sale Prices of transferred lands.

District.	Village.	Name of seller.	Name of purchaser.	Year	Area in acre.	Price.	Rate per hectare.	Remarks.
Imphal	1. Andro	P. Hera Singh	Sura Ch.Singh & Tara Ch.Singh	1982	2.91	Rs. 20,000/-	Rs. 16,976/-	
		C.Hema Singh	P.H.Emujou Singh	1973	2.39	Rs.15,000/-	Rs. 15,502/-	
		H.Lal Singh	P.H. Surachandra	1979	2.45	Rs.12,000/-	Rs. 12,098/-	
		L.Iboki Singh	Sabaicham Abera	-	1.10	Rs. 6,000/-	Rs. 13,473/-	
		Sekhar	P.H. Nava Kumar	1969	1.25	Rs. 6,500/-	Rs. 12,844/-	
		H.Thombajou	Chand Singh	1975	.42	Rs. 3,000/-	Rs. 17,643/-	
	2. Yambem	Thanjom Mohan	Abdul Karim	1983	.55	Rs. 7,000/-	Rs. 31,436/-	
	3. Topchingtha	S.Narayami Devi	Y.Yobomcha Singh	1981	.76	Rs. 15,000/-	Rs. 48,750	
		M. Jogeswar Singh	M.K.Sharmah	1983	.70	Rs. 17,000/-	Rs. 59,986/-	
		M.D.Ali	K.H.Sing	1968	.59	Rs. 10,000/-	Rs. 41,864/-	
		Abdul Azad	P.Ali Miya	1982	1.02	Rs 16,000/-	Rs. 38,745/-	

(Table 6 continue)

District.	Village.	Name of seller.	Name of purchaser.	Year	Area	Price.	Rate per hectare.	Remarks.
Imphal	4. Mayang Imphal	Ch. Thambou	Abui Kabni	1979	1.50	Rs. 11,000/-	Rs. 18,113/-	
		Arambam Lemba	Oinam and anr.	1973	1.42	Rs. 20,000/-	Rs. 34,789/-	
		Abdul Jalil	Md. Abdul	1978	.40	Rs. 8,000/-	Rs. 49,400/-	
		Md.Abdul	Md.Serajuddin	1974	.74	Rs. 15,000/-	Rs. 50,067/-	
		Md.Ameruddin	Md.Abdul	1969	.52	Rs. 12,000/-	Rs. 57,000/-	
		Allauddin	Md.Naziruddin	-	.60	Rs. 10,000/-	Rs. 41,166/-	
		Md.Ali	Tellamu	1975	1.40	Rs. 11,000/-	Rs. 19,407/-	
		Ajajuddin	Ahemd Ali	1974	1.16	Rs. 13,000/-	Rs. 27,681	
		Tameuddin	Fajul Karim	1970	.64	Rs. 10,000/-	Rs. 40,499/-	
		Senapati	5. Saikul	Mangjaho	*****	1983	1/8 th h.	Rs. ****	Rs. 48,000/-	Homestead land.
K.John (Chief)	Satyajit			1972	15x25 ft.	Rs. 100/-	Rs. 28,571/-	Roadside.

Manipur is far away from the main channels of communication with the outside world. There is no rail communication in the State, no river-transport, no major road-transport system, too. No major industries have also been established there. It was therefore expected that commerce would be dull and land-values low. But Imphal Town is always bubbling with brisk commercial activities and the people are all the while busy. The reason is that the Valley is over-populated. The population density of the valley is 414 per sq. km., and about two-thirds of the total population of the State are concentrated in the valley area which is only one-tenth of the total State area. More than nine lakh people are inhabiting an area of about two thousand sq.km. with big lakes and small hill-ranges interspersed here and there. The average area of an agricultural holding is about 1.15 hectare. *There is thus a heavy pressure of population on land. Besides, there being no scope for investment in other spheres of economic activities, those who have funds to spare invest them generally in lands.

On account of all this, prices of land in Manipur are high.

Gifts Gift plots form 6.34% of the total studied plots. Though by law, every land gift needs to be registered, there was no registration in any of the cases, and the gifts were completed by mere delivery of possession.

The largest number of gift-plots was found in the Kuki (sub-tribe Kom) village called Saikul, where the Chief made gifts of these lands to his followers, -not necessarily relatives. The custom among the Kukis is that all lands in the village belong to the Chief. If the village is situated in the hills, then he distributes the lands among the villagers for jhum cultivation for the temporary period of jhum-season after which the lands revert to him. But if the village is situated in the plains area, then he allots the lands to his villagers permanently by demarcating the boundaries of each plot. He does not generally charge any price or fee for such allotment. Besides, once allotted, the land does not revert to the chief, and virtually becomes the property of the allottee. In this sense, the transaction amounts to a pure gift. And most of the plots referred to above were of this type.

This does not mean that the Chief always makes a free-gift of his land. Sometimes, he charges a price, particularly in case of valuable lands, and sometimes he also sublets his land. But such cases were few and far between. Majority of the cases were pure gifts. The occupants do not pay any annual fees or rents to the Chief. On the other hand they have been allowed to get their names recorded in the Government Chitha as owners. In fact, during the settlement operation, these persons were granted pattas, of course, with the consent of the Chief.

The image of the Chief. The image of the Chief that emerges out of the study of this village is somewhat different from that usually conceived by many. The Chief is not like a traditional Zamindar collecting rents from the persons cultivating his land and driving them out whenever he likes. He is more like a father of the whole village

* Source – World Agricultural Census 1970-71.

distributing lands to the villagers for their maintenance. For his own maintenance, this particular Chief has kept only 5 hectares, which he gets cultivated by hired labourers. In the market area, he has divided the land into a number of small plots and rented them out. Every year all the villagers give one day's free labour and work gratuitously on his cultivated land.

Wood-land. All wood-land in the village belongs to the Chief but people of the village are allowed to gather firewood from the Chief's forest on payment of a nominal fee to him and, sometimes, even without any payment.

Common lands. The Chief has reserved special areas for community centres, school, playground, burial-ground, religious worship and so on. He has also donated 27 acres of land to Government for various public purposes.

Homestead. Every family has been given a plot of homestead land with an area of 1/8 th hectare. The homestead land is heritable but not transferable. Cultivated lands are, however, both heritable and transferable.

All this throws up an image of a benevolent father-figure. **Father figure.** In actual fact, he looked like a holy man of the church. He has shorn himself of the most of the traditional powers of a Chief and allowed the Village Authority set up under the Manipur law to exercise them. The roads and public places are well-planned, wide, and commodious. How far this ideal position owes its origin and growth to Christian influence is difficult to say, but the difference from other villages is there for all to see.

In village Komlathabi inhabited by Moyan Nagas, out of the 23 plots studied, 6 were acquired by gift. The gifts were mostly from father to his children, who could not inherit his property. Sri L.Thoma Nage gifted 1.30 acres to one of his four daughters, namely, Miss Florence, as his only son would inherit all his lands after his death. Sri Suthur gifted .98 acre to Miss C.R. Shama, his eldest daughter on her marriage. Sri L. Nagadil gave 2.72 acres to his second son, and Sri Mothi Naga divided his land equally among his two sons. In all these instances there was no written document, and the transaction was completed by delivery of possession.

Mortgage. Mortgage prevails in most villages of the plains, but their number is few. Our officers came across one mortgage in village Andro and two in village Topchingtha (vide Table 9). All these mortgages were usufructuary in form. The possession of land was given without registration of document, and the creditor cultivated it and took away the entire crop in lieu of interest. The land will not be returned till the principal is repaid in full. No part of the principal is deducted in lieu of the crop. In village Topchingtha one mortgagor bound himself to sell the land to the mortgagee if he failed to repay the loan by a specified date. Of course the mortgagee in such case would pay to the mortgagor the market price of the

mortgaged land, and adjust the loan-money against the sale-proceeds. But such condition seems to be a clog on the equity of redemption and void.

Exchange of land occurs here and there but is not common. No case of exchange was come across among the plots visited.

Restriction on transfer. Though the landowner has got unrestricted right of transfer, there is a restriction if he happens to be a member of any Schedule Tribe. Such a tribal land-owner cannot sell or otherwise transfer his land except to another member of a Schedule tribe. If he intends to transfer his land to a non-tribal, he would have to obtain prior written permission of the Deputy Commissioner. The Deputy Commissioner, before giving such permission, is required first to secure the consent of the District Council within whose jurisdiction the land is situated. (Vide Section 158 of the MLR & LR Act 1960).

Our officers came across a few cases of transfer by tribal persons to non-tribal. These have been shown in the next Table (Table 7).

Table 7.

Manipur ValleyTransfers from Tribal to Non-tribal.

Name of village.	Name of seller.	Tribe of seller.	Name of purchaser.	Caste/comm unity of purchaser.	Whether		Year of transfer.	Remarks
					With perm-ission	Without permis-sion		
1	2	3	4	5	6	7	8	9
1. Andro	1. Aber Naga	Naga	S. Tombi Sing	Schedule Caste	Yes	-	1983	
	2. Malulubui Nagani	Naga	S. Tombi Sing	Do	Yes	-	1983	
	3. Khamba Maring	Other S/T	K.S. Sing	Do	Yes	-	1980	
2. Yambem	4. Thongjom Mahan	Other S/T	Abdul Karim	Muslim	-	Yes	1983	Total case = 7
	5. Tomphajo	Other S/T	Jamal Ali	Muslim	-	Yes	1958	With permission Without permission = 2
3. Topchingtha	6. Jogeswar Sing	Other S/T	Kirti Ch. Sarma.	Brahmin	Yes	-	1983	
4. Mayang Imphal	7. Chingkhuke Naga	Naga	Thokchem Ibohi Sing	Non-tribal	Yes	-	1978	

Transfer from tribal to non-tribals. From the table it will be seen that the sellers were tribals in all the cases, but the purchasers were Scheduled Caste persons in 3 cases, Muslims in 2 cases and other non-tribals in 2 cases. It may be noted in this connection that unlike Assam, the Schedule Castes in Manipur are not included among the protected categories. So a transfer from a tribal to a scheduled caste person would be illegal, unless previous permission of Deputy Commissioner was taken. In these cases, the permission of Deputy Commissioner was, however, taken. Permission was taken also in case of sales to other non-tribals, except those made to the Muslims. Of the two cases of sales to Muslims, one sale took place in 1958, i.e. before the coming into force of the MLR & LR Act 1960; hence the permission was not necessary. Only in the other case there was an absence of permission, - and this was due to oversight and not due to any malafide intention. It is thus seen that people in Manipur are generally aware of the special provisions of Section 158 which relate to restriction on transfer from tribals to non-tribals.

This is further confirmed by the table 8 (next page) where 4 types of transfers have been classified, namely, (1) transfer from tribal to tribal, (ii) transfer from tribal to non-tribal; (iii) transfer from non-tribal to tribal and (iv) transfer from non-tribal to non-tribal.

Table 8
Manipur Valley. Transfer by non-Tribals as well as Tribals.

District.	Village.	Tribal to tribal.	Tribal to non-tribal.	Non-tribal to tribal.	Non-tribal to non-tribal.	Total	Remarks.
1	2	3	4	5	6	7	8
Imphal	1. Andro	-	3	-	17	20	
	2. Lamsang	-	-	-	8	8	
	3. Laigamkhul	-	-	-	2	2	
	4. Yambem	-	2	-	-	2	
	5. Topchingtha	-	1	-	8	9	
	6. Mayang Imphal	-	1	-	20	21	
Senapati	7. Saikul	15	-	-	-	15	
	8. Purum Likli	7	-	-	-	7	
Churachandpur.	9. Saikot	3	-	-	-	3	
	10. Pearsonmun	4	-	-	-	4	
	11. Molnom	14	-	-	-	14	
Chandel	12. Chandel Christian	7	-	-	-	7	
	13. Komlathabi	12	-	-	-	12	
	Total	62	7		55	124*	
	Percentage	50.0%	5.64%		44.35%		Figure includes purchased, mortgaged and gifted plots excluding the tenanted plots.

It will be seen that out of 124 cases of sale, mortgage and gift, only 7 cases were from tribal to non-tribal, whereas 62 cases (i.e. 50%) were from tribal to tribal. It is of course true, on the other hand, that the tribals are not yet able to purchase lands of non-tribals, there being not a single case of transfer from non-tribal to tribal, though the number of transfers from non-tribal to non-tribal is quite large, - 55 (i.e. 44%). This is possibly due to the fact that the tribals in the valley area are not so affluent as the non-tribals who prefer to sell their lands to richer non-tribals at higher prices. It may also be that the tribals, being generally shy, do not like to acquire lands in thickly populated non-tribal villages of the plain districts of Manipur.

ALLOTMENT

We have already mentioned that rights over land are acquired in 3 ways, namely (1) by transfer (2) by new allotment or settlement of land or (3) by inheritance. In the preceding pages, we have discussed in detail about the lands acquired by transfer. Now we may have a look into the lands acquired by new allotment or settlement of land.

As all waste lands in Manipur belong to the Government, it is only the Government or its authorised agent who can make allotment of new lands. Section 14 of the MLR & LR Act 1960 provides for allotment of Government land. Under this Section, a separate set of Rules for allotment of land has been framed. These are called the Manipur Land Revenue and Land Reforms (Allotment of Land) Rules 1962.

Allottees are different from landowners. These Rules are very important, because they create a new class of holders of land-rights. Persons who are allotted Government land are distinct from the class of “landowners” recognised under section 99 (1). Landowners are those persons who had already held lands from the Government at the commencement of the MLR & LR Act 1960. Those persons had held lands as settlement-holders or as pattadars. We have seen from the history of the land-tenures during the Raja’s time that there were several classes of persons holding either revenue-free lands or revenue-paying lands. After Independence, and before the passing of the MLR & LR Act 1960, those persons became “landowners” and their rights were recognised as permanent, heritable and transferable. Their descendants and successors-in-interest would also continue to be ‘landowners’. But there cannot be any new addition to this class of ‘landowners’ through the mechanism of fresh settlement of Government waste-lands, as it can be in Assam by issue of new periodic leases in Government waste-land. In Manipur, people who get new settlement of Government waste land form a separate class called allottees enjoying a separate set of rights.

Rights and obligation of allottees . These rights, needless to say, are of slightly lesser value than those of land-owners. Firstly, the land of an allottee is not transferable for 10 years from the date of allotment, except with the written consent of the Deputy Commissioner. Of course, mortgage of the land to Government or a bank or a Cooperative society needs no such consent.

Secondly, the allotted waste-land must be brought under cultivation within a period of 3 years from the date of allotment.

Thirdly, in case of allotment of land for non-agricultural purpose, the allottee must use it for that purpose within 2 years from the date of allotment.

In case of breach of the above-mentioned or any other conditions of allotment, the allotment is liable to be cancelled, without payment of any compensation. (Rule 15 of Allotment Rules).

Payment of premium. Allotment of land is made only on payment of premium. The premium is rather high in case of already-cultivated land, namely, 20 times the net annual income from the land. In case of other types of agricultural land, it is not so high, namely, 30 times the annual land revenue. Dwelling-house site carries a still higher rate of premium, namely, the market-value (Rule 11). This seems to be unusual, particularly in view of the all-India policy that every man should be provided with a house-site.

A good feature of the rules is that no allotment is ordinarily to be made with a person who does not live within 8 Kms. of the village where the land is situated (Rule 10(a)).

Order of preference. In allotting agricultural land the Deputy Commissioner has to follow the order of preference as under, -

- (i) landless tenant who has been evicted by the landlord on the ground of requiring the land for landlord's personal cultivation,
- (ii) an agricultural worker rendered landless by land-acquisition proceeding,
- (iii) other landless agricultural workers,
- (iv) a person evicted under section 15 of the Act (for encroachment of Govt. land), who does not hold land exceeding one basic holding (i.e. 1 hectare),
- (v) other persons holding land less than one hectare,
- (vi) any other person (Rule 6).

Encroacher may get allotment. It may be noted here that an encroacher of Government land without authority gets a better preference than an ordinary person under Rule 6(iv). The reason for providing this unusual preference is not very clear. But, whatever the cause, the effect may be disastrous. Instead of submitting application for allotment of Government land and competing with hundred others without any certainty of succeeding, a landless encroacher may choose to cultivate Government land be evicted, and thereby acquire a qualification for claiming allotment of Government land. In fact, as we shall soon see, there are many persons who occupy the land first and then apply for allotment.

Field studies. The research officers of the Law Research Institute came across 72 cases of allotment and 54 cases of encroachment of Government land in the course of field-studies in the villages. (Table 6 before). These form 17.56% and 13.17% respectively, out of the total studied plots. The largest number of allotted plots were found in Mayong Imphal, a very big Methei village, and in Saikot, a Kuki village established in the plains area.

Mayang Imphal village.

Mayang Imphal village covers a total area of 5766 acres, out of which 2321 acres have been already settled for cultivation and homestead purposes. A total area of 2673 acres is used for roads, drains and embankments, village-grazing grounds, cremation-grounds, schools, Government officers, bazars and other public purposes and includes various classes of reserved lands. An area of about 770 acres is Sarkari Khas land and part of it is still available for cultivation after proper reclamation. It is, therefore, not surprising that, in spite of great density of population in the Valley, newly allotted lands are found on a sizable scale here.

Normal allotment.

On the whole, there were 18 allotted plots (i.e. 24%) out of the total plots (75) studied in the village. Premium has been paid in each case and allotment order received. No encroached plots were found in the sample. Due to larger availability of Khas land, allotments could be obtained in the normal way without resorting to encroachment.

Similarly in village Laingamkhul, 5 plots were found which were occupied after regular allotment order was passed on payment of the requisite premium.

Encroachment with a view to getting allotment.

But in other villages, there have been cases of encroachment with a view to getting allotment. In village Andro, two persons occupied a small hillock (about 5.5 acres) in 1960 or so without any permission or allotment order. Later on they applied for allotment of the land, paid the requisite premium and got an order of allotment. Similarly in village Topchingtha, two persons encroached Government land and then applied and paid premium. They received allotment order in 1982. In village Yambem, two Government plots were found under encroachment, and the encroachers were expecting the process of allotment to materialise.

It thus appears that squatting with a view to getting allotment of Government land is not grimly frowned upon by Government or the people. Provided the squatter is otherwise eligible, his occupation is regularised on receipt of application and payment of premium.

Land occupation in plain villages in hill districts.

But the position is somewhat different in the plain villages of the hill-districts. The villages visited by our team of officers included seven such villages, namely, Saikot, Pearsonmun, Molnom, Saikul, Purum Likli, Chandel Christian and Komlathabi. All the villages happen to be inhabited by the different sub-tribes of the Kukis and the Nagas, - Saikot by Hmars, Pearsonmun by Paites, Molnom by Thadous, Saikul by Koms, Purum Likli by Purums, Chandel by Anal Nagas and Komlathabi by Moyan Nagas. In these villages, a total number of 72 cases were found where the occupants had received allotment orders for regularisation of their earlier occupation, and 54 cases where such occupations had not been so regularised. But occupation in either case was not wholly without authority. The occupants had done so under the authority of the Chiefs.

It may not be out of place here to examine the customary land systems of the Kukis, the indifference to, or inadequate understanding of, which has given rise to certain problems. Under the Kuki customs, the Chief is the absolute owner of all lands within his jurisdiction. “The Village Chief is entirely supported by the villagers; they cultivate his fields, and give him a certain proportion of the produce, both animal and vegetable, of the village.”*

“The Thadou Chief has the absolute power over the village land. It is his duty to distribute cultivable land to all the villagers..... . The Villagers give tax to the Chief for the cultivation of the land. A basketful of paddy equivalent to five tins is given from each household on a particular occasion fixed by the Chief.”**

Village Saikot. In village Saikot, our officer found that the village was established in 1920 by the great-grand-father of the present Chief. He brought with him his relatives and followers for establishment of this village. Others followed them and got settlement of land with the permission of the Chief. They used to pay him every year 5 K.T. (Kerosene tins) of paddy and the front-leg of any animal killed in the jungle. The forest inside the village belonged to the Chief. The village possessed fixed boundaries within which the Chief exercised absolute powers. No individual could transfer the land which was under his possession, though the Chief could do so. In olden days, the Chief could even turn out a recalcitrant villager, who defied or disobeyed him.

Position after Independence.

After Independence, the powers and influence of the Chief sharply declined. By and by, the villagers began to stop payment of a share of paddy or animal-meat, but the Chief carried on the administrative functions as before.

People were not required to pay any land – tax to the Government during the Raja’s time, but paid only housetax.

MLR & LR Act, 1960, extended and gave rise to new problems.

In 1962, the MLR & LR Act 1960 was extended to this village along with 88 other villages of all the entire hill-districts, which lei in plain areas. No sooner had the Act been enforced, peculiar problems began to emerge. All occupants, even those whose families had come at the time of establishment of the village, were regarded as possessors of vacant Govt. land Under section 15 of the MLR and LR Act 1960, they came to be, in the eye of law, trespassers or encroachers and were advised to apply under section 14 for allotment of land they had possessed for generations without any hitch. Some did and many did not. Those who did get allotment but only after they had paid premium under rule 11 of the Allotment Rules, at the rate of 20 times the annual net income in case of cultivated lands,

* Brown – Statistical Account of Manipur.

** P.Hungyo – Anthropological Survey of India, Shillong, in a Seminar paper on “Land Tenure System in the Hills of Manipur”, 1981.

and 30 times the annual land-revenue in case of other lands. Besides, the allotment holders had to pay land – revenue every year, - which they had not done before.

House-tax in addition to land-revenue. But the matter did not end there. They had to continue to pay the house-tax which they had previously paid in lieu of land-revenue. House-tax everywhere is paid in lieu of land-revenue, but here they had to pay it in addition to land-revenue. These hills-tribes pointed out that the people of the Valley did not pay house-tax in addition to land-revenue, - and asked why were the hill-tribes made to pay the both for the same piece of land. Was not this tantamount to double-taxation and discrimination?

The peculiar situation to which the hill-tribe-cultivators have been pushed into by the extension of the MLR and LR Act 1960 has given rise to grievances among those who have been brought within the ambit of the Act, and resistance among those who are proposed to be so brought within its ambit by further extension of the MLR and LR Act 1960.

Position of village forest. Another effect of the extension of the above Act was that the forest in the hill-portion of the village were taken out of the village, leaving only the circular belt of the jungles around the village and were merged in the Government's Dempfi Forest Reserve. The villagers, however, are allowed to gather fuel, firewood, poles etc. for the domestic consumption.

Allotment of land to Chief on payment of premium. It appears curious that even the Chief had to pay premium for obtaining allotment of the land which he had personally cultivated and also for his homestead land. Had he not done so, said he, he would have been treated as encroacher. He now possesses what he calls allotment-patta (patta no. 100/2) and pays land-revenue @ Rs. 4.22 for his homestead (vide Receipt No. 36 BK No. 63 Dt. 26.4.79) besides paying house-tax @ Rs. 6 /- per year.

Dar Kamlo and seven others had to pay premium for their homestead lands at the rate of Rs. 108/- per acre.

Position of those who did not pay premium. On the other hand, Sauham Paite occupied 1.30 acres of land since 1964 and did not pay premium, nor applied for allotment of the land under his occupation, nor has he paid any land-revenue. In the record-of-rights, his name does not appear as owner, but only as occupant. The "State" is shown as the owner.

In another homestead plot (1.53 acres) Jakhu Paite was the occupant since 1964. As he did not pay the premium, he was treated as mere occupant and the owner's column in the record-of-right showed the 'State' as the owner. But Jakhu sold away his possession to Saukhalin Paite in 1977, and the sale was approved and mutation granted to Saukhalin as successor-occupant to

Jakhu (vide mise. Case No. 106/SDC(S)/ 1977). No revenue is realised, as there is no allotment order.

In another plot, the possession was purchased from the so-called encroacher, and then the purchaser paid premium and got allotment order in 1981 (Dag No. 594, area 1.67 acres).

Two plots were found where the occupants had been given annual pattas under the Assam Land and Revenue Regulation 1886, before the MLR and LR Act 1964 was enacted. They have not paid premium and obtained allotment order. The annual patta, therefore, continues. But, then, there is no provision for annual patta in the M.L.R. & L.R. Act 1960. Hence, annual pattas, it is understood, are being non-renewed and the annual pattadars going to be asked to pay premium and pray for allotment of the land covered by the erstwhile annual pattas.

In this village Saikot, on the whole, 15 plots, which were previously occupied under the Chief have now been covered by allotment order on payment of premium, and 13 plots so occupied are still not covered by allotment order and the occupants are treated as unauthorised occupant of Government land.

This peculiar situation is said to be created as a result of the extension of the MLR & LR Act to the hill-district villages.

Village
Pearsonmin.

Pearsonmun is another village where the same features are found more or less on the same scale. This is a village inhabited by the Paite sub-tribe of the Kuki tribe. It was established in 1946. Major Pearson, I.P.S. who was then the President of Manipur Raj Darbar granted the entire area for establishing the village. According to the Kuki custom, if a Kuki Chief has 20 families with him as his followers, then a new village may be established by him. Major Pearson's order dated 29.5.46 runs as follows:-

“Mr. Thangkhai has been given a village site by me in the Khuga Valley area and has done well to get 20 houses in the first year. He has done well to break up new land.Pata for his land should be issued as soon as the land can be surveyed.”

At the time of the visit to the village by our officers, it had 100 households and a population of 769. The Chief distributed lands among all the families. For getting the land, the villagers are not required to pay anything,

Chief realised
no salaami nor
rent.

but some people simply entertain him by offering tea. Arable lands are almost all cultivated with wet-rice but in some cases maize, pine-apples and vegetables are also grown. Homestead plots contain kitchen-gardens. Most of the plots have been under continuous possession for 25 to 35 years. In this village 4 persons were given allotment by Government after realisation of premium. Seven persons who have long been in possession of their lands granted by the Chief, have been treated as encroachers. Three plots were found

which were covered by old pattas issued before the MLR & LR Act 1960 came into force. Possibly, these were issued during the survey and settlement operation started under the Assam Land & Revenue Regulation in the fifties, - either with the permission of the Chief or due to a mistaken view of the rights over land in a Kuki village. A few cases of this kind were found also in village Saikul (already described), but there the Chief acknowledged having given consent to the issue of patta.

There are cases of sale of land by one occupant to another, even before receipt of any patta or allotment order. One Kamzathang purchased a plot of homestead land for Rs. 300/- in 1963 from one Bumlong. The purchaser said he had not received any patta or allotment order for his piece of land.

Village Molnom. Village Molnom is the third village the plain lands of which have been treated as Government lands, even though originally these were included within the domain of the Chief. This village is wholly inhabited by Thadou Kukis, the most numerous of the Kuki tribes that have settled down in Manipur. There are 140 households in the village. The village was established in 1946 by the present Chief, Thanghen Lungolin, who was an Ex-Jemadar in the army. xxxxxxxxxx In recognition of his meritorious services in the army, the Manipur Durbar gave him about one square mile of land for establishing a village. This area was previously a part of the chiefship of Teisang but as it was lying vacant it was granted to the present Chief, with the consent of the Chief of Teisang. The new Chief had to establish at least 20 households and no doing so he was given some sort of a sanad or patta. The present Chief brought many families from Tengnoupal, his home sub-division, and established them at the present site.

Realisation of salaami & rent by the Chief. Unlike the Chief of Pearsonmun he did not give them the lands free; on the other hand he realised Rs. 600/- to Rs. 1000/- as Salaami from each family. Besides, the families had to pay him 5 K.T. of paddy every year as rent of the lands and one front-leg of any animal killed, for collection of firewood, bamboo, timber etc.

This practice gradually fell into disusage. Far from giving him the front leg of any animal killed, people no longer pay him even paddy as rent.

Position after extension of MLR & LR Act 1960. After the extension of the MLR & LR Act 1960 in the plain portion of the village many people got allotment order by payment of premium to Government, and they pay land-revenue to the Government. Those who have not yet obtained allotment order by payment of premium to Government pay neither revenue to Government nor rent to the Chief. All people of course pay house-tax to the Government.

Pattas issued during prevalence of ALRR. Before the extension of the MLR & LR Act 1960 but after the Assam Land & Revenue Regulation 1886 was enforced for the intervening period since

Independence there was some sort of a survey and some cultivators obtained patta under the Regulation. Those pattas are still continuing. The Chief himself has patta for his own personal land.

Right of sale. The Chief cannot now-a-days sell any land possessed by a villager. The Chief can sell his own personal cultivated land.

No homestead land can be sold by an individual villager except with the permission of the chief.

Crux of the problem. The crux of the whole problem is the question whether on application of the MLR & LR Act 1960 to a Chief's village, the lands situated therein automatically become Government land. According to the Kuki customs regarding the rights of the Chiefs, the Kuki Chief is the owner of the lands within his jurisdiction. He realises premium at the time of settlement of land and also annual crop rent regularly from the villagers. In olden times, he could even turn out a villager from his village. Now-a-days, of course, these privileges are honoured more in breach than observance. Nevertheless these customs indicate clearly that the Chief's rights over land do not lapse automatically on extension of the MLR & LR Act 1960. Section 11 of the Act clearly provides that only those lands which are "not the property of any person are the property of the Government." The Chief of the Kuki village has rights over the village land, and these rights constitute his property. In the case of villages Pearsonmun and Molnom, the Government itself gave them this property and there was no condition that the Government could take it back at its sweet will. The Chiefs whether created by Government or by custom cannot be divested of their property in village land except by way of acquisition. In fact the State has already passed a legislation to acquire the Chiefs' rights, which is known as the Manipur Hill Areas (Acquisition of Chiefs' Rights) Act, 1967. The very fact of such enactment is an acknowledgment of the existing rights of the Chiefs. If the Chiefs' rights are first acquired by the State and then the MLR & LR Act 1960 is extended to these villages, then all the vacant lands would be Government land, and thereafter the Government may apply the Allotment Rules and realise premium for settling new lands. The lands which had been settled by the Chief with the villagers are not, in this view, liable to payment of premium. It is for the Government now to give them the proper status, i.e. the status of landowner under section 99 and then assess them to land-revenue payable every year.

If this view is accepted, then the mere fact of extension of the MLR & LR Act 1960 does not entitle the revenue staff to treat all lands in the village as 'State'-khas-land, and all occupants therein as unauthorized possessors or encroachers. They should not, in this view, be required to pay premium for lands which they have been occupying for decades and decades, and for which they had, in two villages at least, paid heavy premium to the Chiefs (e.g. Rs. 600/- to 1000/- per family). There are wide-spread grievances among the cultivators on this score.

House-tax question. The second point on which the villagers expressed dissatisfaction in these villages was that they were required to pay house-tax in addition to land-revenue. House-tax is prevalent in all the States and Union Territories of the North Eastern region, but is always confined to jhum lands only. It is an assessment in lieu of land-revenue. In jhumland assessment of land-revenue is not practicable, as the cultivation shifts from plot to plot every year or every two/three years. Hence house-tax is assessed on every separate household. In section 47(1) of the Assam Land and Revenue Regulation 1886, it is specifically mentioned that “in lieu of the revenue assessable on any land, there shall be collected an annual tax on each male person who has completed the age of 18 years taking part in the cultivation of land at any time during the year of assessment, or on each family or house of persons taking part as aforesaid.”

In the Manipur Hill Areas (House tax) Act 1966, house-tax has been defined as “a tax commonly known as house-tax or Nagabari payable by the inhabitants of the hill-areas.

The Manipur definition is wider than the Assam one, but the basic principle is the same in every State and is meant to be assessed in lieu of land-revenue.

It was found by our officers that the cultivators of the W.R.C. lands in Saikot, Molnom and Pearsonmun had their permanent dwelling houses in the plain portion, not on the hills, and the plain portion constituted a separate revenue-village. Nor did these persons practice jhum cultivation in the nearby hilly-areas.

No good justification for collection of house-tax in addition to land revenue.

There seems to be thus no satisfactory reason for collecting house-tax in addition to the land-revenue, although technically speaking anyone who resides in a “hill-area” is liable to pay house-tax. Though these villages are situated inside hill-districts they are not hill-areas but plain areas adjacent to the Manipur Valley. Like all lands in villages of the plain districts, they have been assessed to land-revenue, but while the cultivators in the villages of the plain districts are required to pay no house-tax, the inhabitants of these villages are obliged to pay both house-tax and land-revenue.

High rate of house-tax. The rate of house-tax in Manipur State is also on the high side. In Arunachal Pradesh the rate of annual house-tax is Rs. 2/- per household, in the Garo Hills of Meghalaya Rs. 3.95, and in Manipur itself the rate was Rs. 3/- during the British period. It was raised to Rs. 6/- in 1975. It is understood that it is proposed further to be raised to Rs. 10/- now. Such a rate obviously would weigh heavy on the hill-dweller.

Question of abolition of Chiefs' rights.

Government of Manipur appears to be aware of the peculiar situation created by the extension of MLR & LR Act 1960 to the hill-areas, without first abolishing the rights of the Chiefs. In a meeting of the Deputy Commissioners dated 23.5.83, in which, besides the Revenue Secretary and the Deputy Commissioners, the Chief Minister and the Revenue Minister were also present, the hill-Deputy Commissioners expressed the view that, due to non-extension of the MLR & LR Act 1960 to the hill-areas of Manipur, they were unable to take up further survey work in those areas since there was resistance, specially from the village chiefs. Some of the Deputy Commissioners, however, pointed out that since the Manipur Hill Areas (Acquisition of Chiefs' Rights) Act, 1967 was not yet implemented in Manipur, the provisions of the M.L.R. & L.R. Act 1960 **could not be extended effectively in the hill-areas of Manipur.**

Difficulties in the way.

But there was difficulty in the way of implementing the Manipur Hill-Areas (Acquisition of Chiefs' Rights) Act 1967. The Chief Minister himself pointed out the difficulty by observing that "the provisions of the said Act, as it stood now, were applicable only to the Kuki Chiefs and he asked the Revenue Department for suitable amendment to make the same applicable to all chiefs of other tribes also, otherwise, the provisions of the Act would be discriminatory and it would be difficult to enforce it."*

It is thus clear that without first abolishing the Chiefs' rights, the mere extension of the M.L.R. & L.R. Act 1960 does not bring the actual cultivators into direct contact with the Government, and it would not be regular for the Government to realise premium and issue allotment order, - unless, of course a Chief voluntarily agrees to such action, as it has been done in village Saikul for example.

No direct collection of land-revenue by Govt. in such areas.

Nor would it be advisable to collect land-revenue directly from the individual farmers cultivating the lands of a Chief. Government can, of course, assess the Chief on the total area of land over which he claims ownership and leave the Chief to reimburse the amount by collecting rent from the cultivators, who, in the eye of law, occupy the position of his tenants. As all lands under section 16, are liable to payment of land-revenue to Government, the Chief's land also may be made liable to payment of land-revenue, but it is the Chief, claiming ownership, who should in the first instance be made liable to pay to Government not his tenants.

Recording of vacant land of Chief as Govt. land improper.

Nor does it appear to be correct for Government to get the word "State" recorded against unoccupied plots in the column of the Chitha meant for recording the landowner's name, in this case, the Chief's name. Till the

* Minute of proceeding of the meeting dt.23.5.83.

Chiefs' rights are abolished by implementing the Manipur Hill Areas (Acquisition of Chiefs' Rights) Act 1967, the Chief is the landowner holding land under the State.

Double taxation to be avoided. Nor is it advisable to impose both land-revenue and house tax for the same plot of land. This matter was raised by the Deputy Commissioner of Churachanpur District in the monthly meeting of the Deputy Commissioners dated 15.9.83. He "drew the attention of the Secretary, Revenue that till now the orders for the stoppage of realisation of double-taxes (both house-tax and land-revenue for owning the same piece of land) from certain areas of his district were not received. The Secretary, Revenue stated that already the views of the Law Department had also been obtained on the subject, and so far as he remembered the Law Department also had advised to abolish such practice of double-taxation." *

It is thus clear that Government is aware of the problem of double taxation of the same piece of land, and it is hoped that rectification would soon be effected.

Plots under previous annual lease. In the course of filed studies in these village, our officers came across some plots of land which had previously been covered by annual pattas issued after Independence but before the enforcement of the M.L.R. & L.R. Act 1960. On enforcement of the latter Act, these annual pattas were cancelled and the lands made Khas, and the original patta-holders were asked to pay premium and obtain allotment order under the new Act. Three such plots were found in village Saikot and one each in village Pearsonmun and village Andro. From our discussion with the villagers and officers, we learnt that there was a large number of plots of land like this in other villages, too. The following paragraph quoted from the Handbook of Survey and Settlement Training 1981-82 published by the Directorate of Settlement and Land Records, Manipur speaks for itself :-

"Annual patta:- This was a creature of the Assam Regulations. The Deputy Commissioner was empowered to grant annual lease of Government land to deserving persons cultivating the same in consideration of payment of rent which used to be somewhat higher than the land-revenue for a corresponding piece of land. While the lease was supposed to be annual theoretically, but in fact it was to continue indefinitely until terminated by either of the parties (that is, the Deputy Commissioner or the leaseholder). The right was heritable but not transferable.

After the commencement of the MLR & LR Act, 1960, such leases became legally untenable as this Act does not provide for such a kind of lease and as the Assam Regulations were completely repealed.

However, a policy decision was taken by the Government not to determine the leases and, at the same time, not to grant any fresh

* Minutes of the meeting of the Deputy Commissioners Dated 15.9.83.

lease. Subsequently, the annual leaseholders were given an option to obtain a Jamabandi patta by paying certain amount of premium (less than the normal premium) by 31.1.70. A large number of annual leaseholders thus became normal landholders. However, a considerable number of leaseholders could not convert their pattas, either on account of ignorance, or due to lack of diligence on the part of revenue-officials. The present status of such persons is that **their land is to be treated as Govt. land**, and they can only be recorded as “occupiers in the **dag** chitha. They have no right to sell or mortgage such land.”

Unhappy position.

This position does not appear to be very happy. It is difficult to explain to the simple villagers, particularly those of the hill-tribes, as to why, for no fault of theirs, their annual leases have got to be cancelled and why they have to pay premium for getting back their own land. It would also be awkward for the Government to face a situation where a large number of old leaseholders do not pay premium but continue to be in full possession of their lands. It would be difficult to insist that they were encroachers on Khas Government land, because they had actually been installed there by regular process and Govt. itself had given recognition of this position by issuing annual pattas at one time. Though theoretically, the pattas may be non-renewed, it is inadvisable to do so when hundreds of families are involved. It may be pointed out in this connection that an ordinary tenant who cultivates a private landowner’s land becomes unequivocal under section 119 of the MLR & LR Act as soon as he has got a lease; but it is an irony that in the circumstances mentioned above, a genuine cultivator cultivating Government land under Government authority possessing a lease issued by Government is liable to be evicted, if he does not pay premium by a specified date. This situation, in our opinion, should be rectified.

Analysis of the legal position.

Section 14 of the MLR & LR Act 1960, which deals with the allotment of Govt. land, seems to have in view Govt. land lying waste and uncultivated. It seems never to have contemplated artificial creation of Government Khas land by cancelling people’s patta over land which has already been cultivated. Nor has the Act laid down any mandatory provision for realisation of premium. The premium is a creature of the Rules, and the Rules can be amended by the Government. Rule 11(1) (i) of the Allotment Rules hits the old annual pattaholder more harshly than a new applicant for Government waste land, - because the pattaholders’ lands are already cleared and cultivated for which they should have been rewarded rather than penalised, but the premium rate is higher in their cases. This Rule may be suitably amended so as to provide for no premium in case of previous annual pattaholders, or if at all, only nominal premium.

Section 99. Secondly, it may be examined whether annual patta-holders are covered by the provisions of Section 99 of the MLR & LR Act 1960. According to that section, “every person who, at the commencement of the Act, holds any land from the Govt. for agricultural purposes, whether as a

settlement -holder or as a pattadar” shall become the land-owner. The words ‘settlementholder’ and ‘pattadar’ have not been defined in the Act. As the Assam Land and Revenue Regulation 1886 was in force in Manipur before the commencement of the MLR & LR Act, 1960, and the annual pattas had been issued under that Regulation, the word “Settlementholder” should, in our opinion, be interpreted in the light of the provisions of the A.L.R.R. 1886. In that Regulation, the word settlementholder has been so defined that it includes an annual pattadar.

The word ‘pattadars’ similarly appears to include a holder of annual, periodic, khorposh or other patta prevalent in Manipur before the commencement of the MLR & LR Act 1960.

From whichever angle the matter may be looked at, the intention of section 99 seems to be to give the status of landowners to all persons who had validly held land from before 1960, leaving it to the State Government to give or not to give the same status to the future allottees under section 14. If this view is accepted, then the annual pattadars’ pattas, instead of being cancelled, should have been converted to certificates of landownership as contemplated in Rule 137(1) of the Manipur Land Revenue and Land Reforms Rules 1961.

Section I- Land Reforms.

Three aspects of land reforms

Land reform chiefly includes three important aspects of agricultural reorganisation, namely, (i) abolition of intermediary rights between the State and the actual tiller of the soil, (ii) tenancy reforms and (iii) fixation of ceiling of agricultural landholding and acquisition of lands held in excess of the ceiling.

No separate provision for abolition of intermediaries in Manipur

The M.L.R. & L.R. Act 1960 provides for tenancy-reforms and ceiling on landholdings, but it contains no separate chapter on acquisition of intermediary rights as the Tripura enactment does. The reason for non –inclusion of such a chapter is not very clear. It cannot be argued that there are no intermediary interests in Manipur. A very large number of actual cultivators, during the ex-Ruler's regime, used to hold lands under intermediaries who did not themselves cultivate but lived on the produce of the lands cultivated by tenants. These intermediaries either paid nominal revenue to the Raja or held the lands revenue-free forever. These intermediary interests have not been acquired by the State as yet. The intermediaries are, therefore, continuing under the new Act (MLR & LR Act) as 'landowners', and their old tenants still as tenants.

As regards tenancy-reforms, the provisions, of the Act are comprehensive, and the tenants have got security against arbitrary ejections. Their names have been recorded in the record-of-rights, and they have been given Khatians. The rent has been controlled by the Act, but people are paying rent at the customary rate and in the form of produce. Luckily the rate is not unreasonably high and is more or less around the rate fixed by the Act.

Ceiling on landholdings.

As regards fixation of ceiling and acquisition of the surplus land, though the provisions of the Act are comprehensive, yet, not much land has been obtained as surplus for acquisition.

Figures of areas acquired & distributed.

The next tables (table 9) shows the position about acquisition of ceiling surplus land in Manipur State:-

Table 9.**Manipur State****Acquisition of Ceiling Surplus land till January 1984.**

State.	Total area declared surplus.	Total area acquired.	Total area redistributed.	No. of beneficiary families.			Remarks.
				(a) General	(b) S.T.	(c) S.C.	
1	2	3	4	5			6
Manipur State	837 acres (338.8 hectares)	710 acres (291.5 hect.)	575 acres (232.8 hect.)	352	60	17	

The figure of ceiling surplus land acquired till January 1984 looks rather small. The Government seems to be keen to acquire any surplus that may be available according to law. Almost in every monthly meeting of the Deputy Commissioners held since the middle of 1983 under the auspices of the Revenue Minister, the subject of ceiling surplus land came up for detailed discussion, and the honourable Minister repeatedly pressed for fulfilling the targets fixed in the meeting according to time. In one of the meetings (meeting dated 15.10.83), the Minister reminded the Deputy Commissioners concerned of the following targets in their respective districts:-

1.	Imphal	-----	249.82 acres.
2.	Thoubal	-----	70.57 acres.
3.	Bishenpur	-----	93.14 acres.
			Total...413.53 acres.

And in every subsequent meeting he reviewed the position as to the extent of achievement of the targets.

Ground for smallness of ceiling surplus.

Under such direct supervision from the top, the staff engaged in the operation could not be evasive, and the charge of lack of diligence could not perhaps be laid at the door of the Government. Of course, there appears to have been some hesitation in the past, since the chapter on Ceiling (Chapter XI) was not brought into force in 1961 when the MLR & LR Act 1960 was applied to the State of Manipur. This might have given opportunity to some people to transfer or partition their lands before the chapter on Ceiling was enforced. The smallness of the actual area acquired under the ceiling law naturally gives rise to the question whether there was actually large-scale evasion, or whether there was really not much surplus land above the ceiling limit in the valley of Manipur.

On general grounds, it can be easily conceived that the size of the holdings in the Valley of Manipur would be small. The total population of the valley is more than 9 lakhs and the area of the valley is only about 2238 sq. Km. and the density of population is 414 sq.Km. This in itself leads to a presumption of smaller holdings predominating in the valley.

Smallness of holdings.

According to the 1970-71 Agricultural Census of Manipur, there were 79,927 operational holdings and they covered an area of 92,340.5 hectares. Hence the average holding on this count comes to only 1.15 hectares, which is very much below the ceiling limit (10 hectares) fixed by the MLR & LR Act 1960. The total number of wholly self-owned and self-operated holdings came to 72,030 and the area covered by them was 79,476 hectares. The average size of wholly self-owned and self-operated holding comes to be smaller still i.e. 1.10 hectares.

The next table (table 10) which is based on the figures of the agricultural Census of 1970-71 throws further light on this matter. It would be seen therefrom that the total number of holdings, each with an area of 10

hectares or above, in 1970-71 was only 22 and the total area covered by them was only 378.66 hectares. In terms of percentage, these holdings form only .026% of the total number of holdings in the central districts (i.e. the Valley), and the total area covered by them is .4% only. The limit of ceiling area under the law being 10 hectares, the total ceiling surplus area in 1970-71 was thus less than even one percent of the total area of all holdings.

Table 10.Manipur.

(Central District and 13 villages of South District). **No. and area of operational Holdings by Tenure & size of holdings.**
 –Source Agri. Census of Manipur 1970-71. Area in hectares.

Sl. No.	Size of holding.	Total No. of operational holding.	Area	Wholly owned & self operated.		Partly owned and partly rented.		
				No.	Area	No. of holdings.	Owned area	Rented Area
1	2	3	4	5	6	7	8	9
1.	Below 0.25	2227	468.066	2225	467.8	-	-	-
2.	0.25-0.50	6976	2089.519	6890	2058.226	39	9.153	8.956
3.	0.50-1.00	23474	14894.658	22365	14109.897	642	247.480	241.821
4	1.00-2.00	34270	40633.651	29897	34488.699	2661	2382.172	1729.092
5	2.00-3.00	9776	22184.036	7990	18156.175	1085	1393.177	1142.537
6	3.00-4.00	2208	7028.688	1339	5838.523	266	493.149	382.816
7	4.00-5.00	658	2814.481	526	2214.330	109	208.339	294.230
8	5.00-10.00	316	1848.895	276	1764.186	30	16.516	21.191
9	10.00-20.00	15	179.096	15	179.096	-	-	-
10	20.00-40.00	4	94.494	4	94.494	-	-	-
11	30.00-40.00	3	104.968	3	104.968	-	-	-
12	40.00-above	-	-	-	-	-	-	-
Total		79927	92340.552	72030	79476.418	4831	4749.986	3820.74

Table 10 (continued).

Sl. No.	Size of holding.	Wholly rented		Area rented on fixed money.	Area rented on fixed produce.	Area rented on crop share basis.	Area rented on other terms.	Total rented area.	Remarks
		No.	Area						
1	2	10	11	12	13	14	15	16	17
1.	Below 0.25	2	.242	-	.242	-	-	.242	
2.	0.25-0.50	47	13.184	.405	21.484	.242	-	22.131	
3.	0.50-1.00	467	295.5	.506	533.747	3.028	-	537.281	
4	1.00-2.00	1712	2033.658	2.022	3741.623	19.735	-	3763.380	
5	2.00-3.00	701	1492.147	-	2634.684	-	-	2634.684	
6	3.00-4.00	104	314.202	-	697.016	-	-	697.016	
7	4.00-5.00	23	97.574	-	391.804	-	-	391.804	
8	5.00-10.00	10	46.902	-	46.902	-	-	68.193	
9	10.00-20.00	-	-	-	-	-	-	-	
10	20.00-40.00	-	-	-	-	-	-	-	
11	30.00-40.00	-	-	-	-	-	-	-	
12	40.00-above	-	-	-	-	-	-	-	
		3066	4293.397	2.933	8067.50	23.115	-	8114.731	

Possibilities of evasion. If this was the position in 1970-71, then ten years later. (I.E. 1981) the holdings are likely to have been still smaller, - due to fragmentation resulting from family partitions and also due to deliberate division and transfer of lands with a view to evading the ceiling law. Evasion everywhere has been a patent feature in spite of careful drafting of legislations to plug the loop-holes of law. And in case of Manipur, delayed enforcement of the provisions of the law must have contributed to some evasion. In absence of reliable statistics, it is difficult to assess the magnitude of the evasion.

In this connection it is interesting to note that the figure of 378.66 hectares representing the total area of all holdings of the size of 10 acres and above as per the Agricultural Census of 1970-71, is quite close to the figure 338.8 hectares (837 acres) representing the area declared to be surplus by Government according to the provisions of the ceiling law.

The ceiling limit under the MLR & LR Act 1960 is, of course, a variable limit, in the sense that it varies according to the size of the family and the quality of the land. The arguments in the preceding paragraphs have been based on the assumption of the application of the highest limit namely 10 acres. For lower-quality land and for smaller family, the ceiling area is smaller than 10 acres, but the lower limit does not go below 5 hectares. Between the two limits of 5 hectares and 10 hectares, different limits will apply to different families, and the average as it, actually worked out is not available. But even if the average limit be lower than 10 hectares, the net result in 1981 is not likely to be much different, because any increase in area due to a lower limit must have been offset by division of holdings during the course of all these years, and by transfer with a view to evasion.

Section 2. Concentration of holdings.

A further analysis of the data relating to different size-groups of landholdings (i.e. marginal, small, semi-medium, medium etc.) would not be out of place here, as it throws interesting light on the actual land-system.

Marginal holdings. It would be seen from the foregoing table 14, that 41% of holdings are below one hectare in size, and they cover a total area equal to 19% of the aggregate area of all holdings of all sizes. According to section 2(c) of the MLR & LR Act 1960, an agricultural holding with an area of one hectare is called a 'basic holding', and a person holding land equal to a basic holding or less is called a landless person (vide Rule 2 of the Allotment Rules). So according to this definition, two-fifths of the total number of holders of land in Manipur Valley would be landless in the eye of law, for the purpose of allotment of land. Compared to Tripura, however, the position is much better, because, in the same year (1970-71), the number of holdings below one hectare formed 69.5% of the total number of holdings of all sizes and covered 27.6% of the total area of all holdings.

Small holdings. Small holdings (i.e. holdings in the size group of 1 to 2 hectares) dominate the field. In number, they form 42.9% of all holdings of all sizes, and in area they cover 44% of the total area of all holdings of all sizes. In Tripura, on the other hand, this group forms 18.8% of the total number of holdings and they cover 26% of the total area of all holdings.

Semi medium holdings. Coming to the size-group of semi medium holdings (i.e. holdings of the group 2 to 4 hectares), we find that they form 14.9% of the total number of holdings of all sizes and cover 31.6% of the area of all holdings.

In Tripura, the respective percentage are 8.9% and 23.6%.

Medium holdings. In the next size-group of 4 hectares to 10 hectares called medium holdings, there is a sharp fall in Manipur. The holdings, between 4 hectares and 10 hectares form only 1.2% of the total number of holdings of all sizes and cover only 5% of the total area of all holdings. In Tripura also there is a fall in the number and area of such holdings, the respective percentages being 2.6 and 14. The reason for the sharp fall in this group seems to be the fact that the limits of ceiling area are located in this group, - 5 hectares being the lowest limit of ceiling-area and 10 hectares the highest. Naturally, people would be inclined to partition their holdings and to bring them below 5 hectares so as to avoid the ceiling law.

Large holdings. Large holdings, i.e. holdings above 10 hectares, appears to have almost disappeared. In number they form only .026% of the total number of holdings of all sizes and in area they cover .5% of the area of all holdings. In Tripura the figures are slightly higher, due possibly to the existence of tea-estates on a sizable scale.

Largest concentration in 1-2 hectares. Now analysing the concentration aspect we find that the largest concentration of holdings is in the group called small holdings (i.e. holdings between 1 hectare and 2 hectares). The total number of holdings in this group form as high a percentage as 42.9%, and they cover a total area which forms 44% of the aggregate area of all holdings of all sizes. They thus predominate the agricultural field, and Manipur State appears to be a land of small farmers.

Basic holdings and holdings below basic also form a substantial percentage, namely, 40.9%. It shows the existence of a large class of landless cultivators and of holders of uneconomic holdings. Semi-medium holdings (i.e. 2 to 4 hectares) cover a substantial area, namely , 31.6% of aggregate area of all holdings, but their number forms only 14.9% of all holdings. Holders of this group are generally able to support themselves from the yield of the field, and so the larger their number, the better for the State.

**Almost 99% of
holdings are
below 4 hectares.**

Taking together all the 3 groups namely marginal, small and semi-medium, we find that 98.7% of the holdings in Manipur are below 4 hectares, and they cover an area which forms 94.5% of the total area of all holdings. As the lower limit of ceiling area is 5 hectares, we cannot escape the conclusion that there is very little surplus land left in Manipur for acquisition under the ceiling law.

THE LAND ACQUISITION ACT 1894

(Act 1 of 1894)

(AS AMENDED UP TO DATE)

An Act to amend the law for the acquisition of land for public purposes and
for companies

[2nd February, 1894]

Whereas it is expedient to amend the law for the acquisition of land needed or public purposes and for the companies and for determining the amount of compensation to be made on account of such acquisition; it is hereby enacted as follows:

P A R T I - Preliminary

1. Short title, extent and commencement .—This Act may be called the Land Acquisition Act, 1894.

(2) It extends to the whole of India except ¹[the State of Jammu and Kashmir .]

(3) It shall come into force on the first day of March, 1984.

2. [Repeal] [Rep. partly by the Repealing and Amending Act, 1914 (x of 1914), S.3, and Schedule II and partly by the Repealing Act, 1938 (I of 1938), S.2 and Sch.]

3. Definitions.- In this Act, unless there is something repugnant in the object or context,-

(a) the expression “land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

²[(aa) the expression “local authority” includes a town planning authority by whatever name called) set up under any law for the time being in force;]

(b) the expression “person interested” includes all persons claiming an interest compensation to be made on account of the acquisition of land under this Act: and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;

(c) the expression “Collector” means the Collector of a district, and includes Deputy Commissioner and any officer specially appointed by the appropriate Government to perform the functions of a Collector under this Act;

²[(cc) the expression “corporation owned or controlled by the State” means any body corporate established by or under a Central, Provincial or State Act, and includes a Government Company as defined in section 617 of the Companies Act, 1956 (1 of 1956), a society registered under the Societies Registration Act, 1860 (21 of 1860), or under any corresponding law for the

1. Subs. By Act 68 of 1984, S. 2.

2. Ins. by Ibid. S.3

time being in force in State, being a

society established or administered by Government and a cooperative society within the meaning of any law relating to cooperative societies for the time being in force in any State, being a cooperative society in which not less an fifty one per centum of the paid up share capital is held by the Central Government, or by State Government or Governments, or partly by the Central Government and partly by one or more State Government;]

(d) the expression “Court” means a principal Civil Court of original jurisdiction unless the appropriate Government has appointed (as it is hereby empowered to do) a special judicial officer within any special local limits to perform the functions of the Court under this Act;

¹[(e) the expression “company” means –

(i) a company as defined in section 3 of the Companies Act, 1956 (1 of 1956), other than a government company referred to in clause (cc);

(ii) a society registered under the Societies Registration Act, 1860 (21 of 1860), or under any corresponding law for the time being in force in a state, other than a society referred to in clause (cc);

(iii) a cooperative society within the meaning of any law relating to cooperative societies for the time being in force in any state, other than a cooperative society referred to in clause (cc);]

²[(ee) the expression “appropriate Government” means, in relation to acquisition of land for the purposes of Union, the Central Government , and, in relation to acquisition of land for any other purposes, the State Government ;]

³[(f) the expression “public purpose” includes-

(i) the provision of village sites or the extension, planned development or improvement of existing village sites;

(ii) the provision of land for town or rural planning;

(iii) the provision of land for planned development of land from public funds in pursuance of any scheme or policy of government and subsequent disposal thereof in whole or in part by lease, assignment or outright sale with the object of securing further development as planned;

(iv) the provision of land for a corporation owned or controlled by the states;

(v) the provision of land for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by government, any local authority or a corporative owned or controlled by the state;

1. Ins. by Ibid., S.3.
 2. Ins. by the AO 1950.
 3. Subs. By Act 68 of 1984, S.3.

(vi) the provision of land for carrying out any educational housing, health or slum clearance scheme sponsored by government, or by any authority established by government for carrying out any such scheme or, with the prior approval of the appropriate government, by a local authority, or a society registered under the Societies Registration Act, 1860 (21 of 1860), or under any corresponding law for the time being in force in a state, or a cooperative society within the meaning of any law relating to cooperative societies for the time being in force in any state;

(vii) the provision of land for any other scheme of development sponsored by government, or with the prior approval of the appropriate government, by a local authority ;

(viii) the provision of any premises or building or locating a public office; but does not include acquisition of land for companies;]

(g) the following persons shall be deemed persons “entitled to act” as and to the extent hereinafter provided (that is to say)-

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability;

a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and whether of full age or not, to the same extent as if she were unmarried and of full age; and

the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act to the same extent as the minors, lunatics or idiots themselves, if free from disability could have acted:

Provided that –

(i) no person shall be deemed “entitled in act” whose interest in the subject-matter shall be shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;

(ii) in every such case the person interested may appear by a next friend or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;

(iii) the provisions of ¹[Chapter XXXI of the Code of Civil Procedure] shall **mutatis mutandis**, apply in the case of persons interested appearing before a Collector or Court by a next friend or by a guardian for the case, in proceedings under this Act; and

(iv) no person “entitled to act” shall be competent to receive the compensation money payable to the person for whom he is entitled to act unless he would have been competent to alienate the land and receive and give a good discharge for the purchase-money on a voluntary sale.

PART II – Acquisition

Preliminary Investigation

4. Publication of preliminary notification and powers of officers thereupon. – (1) Whenever it appears to the appropriate Government that land in any locality is needed or is likely to be needed for any public purpose²[or for a company], a notification to that effect shall be published in the official **Gazette.**²[and in two daily newspapers circulating in that locality of which at least one shall be in the regional language] and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality²[the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the notification)].

(2) Thereupon it shall be lawful or any officer, either generally or specially authorised by such Government in this behalf, and for his servants and workmen to enter upon and survey and take levels of any land in such locality ;

to dig or bore into the sub-soil ;

to do all other acts necessary to ascertain whether the land is adapted for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;

to make such levels, boundaries and line by placing marks and cutting trenches; and

where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle :

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days’ notice in writing of his intention to do so.

1. See now the Code of Civil Procedure, 1908 (V of 1908), r. I, Order XXXII.
2. Ins. by Act 68 of 1984, S.4.

5. Payment for damage. - The officer so authorised shall, at the time of such entry, pay or tender payment of all necessary damage to be done as aforesaid and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other Chief Revenue Officer of the district, and such decision shall be final.

Objections

5.A. Hearing of objections .- (1) Any person interested in any land which has been notified under section 4, sub-section (1), as being needed or likely to be needed for a public purpose or for a company may, ¹[within thirty days from the date of the publication of the notification] object to the acquisition of the land or of any land in the locality, as the case may be.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard ¹[in person or by any person authorised by him in this behalf] or by pleader and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, [either make report in respect of the land which has been notified under section 4, sub-section (1) or make different report in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government]. The decision of the appropriate Government on the objections shall be final.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act.

Declaration of Intended Acquisition

6. Declaration that land is required for a public purpose.-

(1) Subject to the provisions of Part VII of this Act, when the appropriate Government is satisfied, after considering the report, if any, made under section 5-A sub-section (2), that any particular land is needed for a public purpose, or for a company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorised to certify its orders, ¹[and different declarations may be made from time to time in respect of different parcels of any land covered by the same notification under section 4, sub-section (1), irrespective of whether one report or different reports has or have been made (wherever required) under section 5-A, sub-section (2)]:

1. Subs. by Ibid., S. 5.

²[Provided that no declaration in respect of any particular land covered by a notification under section 4, sub-section (1),-

(i) published after the commencement of the Land Acquisition (Amendment and validation) Ordinance, 1967 (1 of 1967), but before the commencement of the Land Acquisition (Amendment) Act, 1984, shall be made after the expiry of three years from the date of the publication of the notification ; or

(ii) published after the commencement of the Land Acquisition (Amendment) Act, 1984, shall be made after the expiry of one year from the date of the publication of the notification:]

Provided further that no such declaration shall be made unless the compensation to be awarded for such property to be paid by a company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority :]

³[**Explanation 1.-** In computing any of the periods referred to in the first proviso, the period during which any action or proceeding to be taken in pursuance of the notification issued under section 4, sub-section (1) is stayed by an order of a court shall be excluded.

Explanation 2.- Where the compensation to be awarded for such property is to be paid out of the funds of a corporation owned or controlled by the state, such compensation shall be deemed to be compensation paid out of public revenues.]

(2) ⁴[Every declaration] shall be published in the Official **Gazette**, ⁵[and in two daily newspapers circulation in the locality in which the land is situate of which at least one shall be in the regional language and the Collector shall cause public notice of the substance of such declaration to be given at convenient places in the said locality (the last of the dates of such publication and the giving of such public notice, being here after referred to as the date of the publication of the declaration), and such declaration shall state] the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area and where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a company, as the case may be, and after making such declaration, the appropriate Government may acquire the land in manner hereinafter appearing.

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1. Subs. by Act 13 of 1967.
 2. Proviso ins. by Act 13 of 1967 and first proviso subs. by Act 68 of 1984, S.6.
 3. Ins. by Act 68 of 1984, S.6.
 4. Subs. by Act 13 of 1967.
 5. Subs. by Ibid.

7. After declaration Collector to take order for acquisition .

Whenever any land shall have been so declared to be needed for a public purpose, or for a company, the appropriate Government, or some officer authorised by the appropriate Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

8. Land to be marked out, measured and planned.-

Collector shall thereupon cause the land (unless it has been already marked out under section 4 to be marked out. He shall also cause it to be measured , and (if no plan had been made thereof), a plan to be made of the same.

9. Notice to person interested .- (1) The Collector shall then

cause **public** notice to be given at convenient place on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurement made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve, notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address or place of business and ¹[registered under sections 28 and 29 of the Indian Post Office Act, 1898 (6 of 1898)].

Notes

It was held that validity of notice under Sec. 9 (3) the onus of proof lies on Land Acquisition Authorities. (**Kedar Singh v. State of Bihar**, AIR 1985), Patna 235).

10. Power to require and enforce the making of statement as to names and interests. (1) The Collector may also require any such person

1. Subs. by Act 68 of 1984, S.7.

to make or deliver to him, of a time and place mentioned (such time not being earlier than fifteen days after the date of requisition), a statement containing so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

(2) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do within the meaning of sections 175 and 179 of the Indian Penal Code.

Enquiry into Measurements, Value and Claims and Award by the Collector.

11. Enquiry and award by Collector .-¹(1) On the day so fixed, or on any other day to which the enquiry has been adjourned, to Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 9 of the measurement made under section 8, and into the value of the land at the date of the publication of the notification under section 4, sub-section (1), and into the respective interests of the persons claiming the compensation and shall make an award under his hand of –

- (i) the true area of the land;
- (ii) the compensation which in his opinion should be allowed for the land; and
- (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

²[Provided that no award shall be made by the Collector under this sub-section without the previous approval of the appropriate Government or of such officer as the appropriate Government may authorise in this behalf :

Provided further that it shall be competent for the appropriate Government to direct that the Collector may make such award without such approval in such class of cases as the State Government may specify in this behalf.

³(2) Notwithstanding anything contained in sub-section (1) ,if at any stage of the proceedings, the Collector is satisfied that all the person interested in the land who appeared before him have agreed in writing on the matters to be included in the award of the Collector in the form prescribed by

1. Sec. 11 re-numbered as sub-section (1) thereof by Ibid., S.8
 2. Added by Act 68 of 1984, S.8.
 3. Sec. 11-A added by ibid., S.9.

rules made by the appropriate Government, be may, without making further enquiry, make an award according to the terms of such agreement.

(3) The determination of compensation for any land under sub-section (2) shall not in any way affect the determination of compensation in respect of other lands in the same locality of else where in accordance with the other provisions of this Act.

(4) Notwithstanding anything contained in the Registration Act, 1908 (16 of 1908), no agreement made under sub-section (2), shall be liable to registration under this Act,]

² [**11 A. Period within which an award shall be made.-** (1) The Collector shall make an award under section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse :

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984, the award shall be made within a period of two years from such commencement.

Explanation.- In computing the period of two years referred to in this section, the period during which any action or proceeding to be taken in pursuance of the said declaration is stayed by an order of a court shall be excluded.]

12. Award of Collector when to be final.- (1) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the appointment of compensation among the persons interested.

(2) The Collector shall give immediate notice of award to such of the persons interested as are not present personally or by their representatives when the award is made.

Notes.- It was held that any employee of the Union of India cannot institute proceedings and challenge awards in Land Acquisition case.

(Deputy Director, Administration, Aviation Research Centre Govt. of India v. B.K. Mohanty, AIR 1985 Orissa 213).

13. Adjournment of enquiry. - The Collector may, for any cause he thinks fit, from time to time, adjourn the enquiry to a day to be fixed by him.

³[**13-A. Correction of clerical errors, etc.-** (1) The Collector may at any time but not later than six months from the date of the award, or where he

1. Added by Act 68 of 1984, S.8.
2. Sec. 11-A added by Ibid., S. 9.

has been required under section 18 to make a reference to the Court, before the making of such reference, by order, correct any clerical or arithmetical mistake in the award or errors arising therein either on his own motion or on the application of any person interested or a local authority:

Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making a representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in case of any default or refusal to pay, the same, may be recovered as an arrear of land revenue.]

14. Power to summon and enforce attendance of witnesses and production of documents.- For the purpose of enquires under this Act the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner, as is provided in the case of Civil Court under the ²[Code of Civil Procedure, 1908 (5 of 1908)].

15. Matters to be considered and neglected. – In determining the amount of compensation to Collector shall be guided by the provisions contained in sections 23 and 24.

³[**15-A. Power to call for records, etc.-** The appropriate Government may at any time before the award is made by the Collector under section 11 call for any record of any proceedings (whether by way of enquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety of any finding or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation thereto as it may think fit:

Provided that the appropriate Government shall not pass or issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard.]

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1. Sec. 13-A added by Ibid., S.10.
 2. Subs. by Act 68 of 1984 S. 11.
 3. Sec. 15-A added by Ibid, S. 12.

Taking Possession

16. Power to take possession. – When the Collector has made an award under section 11, he may take possession of the land, which shall thereupon vest absolutely in the Government free from all encumbrances.

17. Special powers in cases of urgency.- (1) In case of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section (1),¹[(take possession of any land needed for a public purpose]. Such land shall thereupon vest absolutely in the Government free from all encumbrances.

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purposes of making thereon a riverside or **ghat** station, or of providing convenient connection with or access to any such station²[or the appropriate Government considers it necessary to acquire the immediate possession of any land for the purpose of maintaining any structure or system pertaining to irrigation, water supply, drainage, road communication or electricity] the Collector may, immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the appropriate Government, enter upon and take possession of such land, which shall thereupon vest absolutely in the Government free from all encumbrances :

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours' notice of his intention so to do, or such longer notice

as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

(3) In every case under either of the preceding sub-sections the Collector shall, at the time of taking possession, offer to the persons interested compensation for the standing crops and trees (if any) on such land and for any other damage sustained by them caused by such sudden dispossession and not excepted in section 24 ; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

³[(3A) Before taking possession of any land under sub-sections (1) or sub-section (2), the Collector shall, without prejudice to the provisions of sub-section (3), -

(a) tender payment of eighty per centum of the compensation for such land as estimated by him to the persons interested entitled thereto, and

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1. Subs. by Ibid., S.13.
 2. Ins. by Act 68 of 1984, S. 13
 3. Added by Ibid., S. 13.

(b) pay it to them, unless prevented by some one or more of the contingencies mentioned in section 31, sub-section (2), and where the Collector is so prevented, the provisions of section 31, sub-section (2), except the second proviso thereto); shall apply as they apply to the payment of compensation under that section.

(3-B) The amount paid or deposited under sub-section (3A), shall be taken into account for determining the amount of compensation required to be tendered under section 31, and where the amount so paid or deposited exceeds the compensation awarded by the Collector under section 11, the excess may, unless refunded within three months from the date of the Collectors award, be recovered as an arrear of land revenue.]

(4) In the case of any land to which, in the opinion of the appropriate Government, the provisions of sub-section (1) or sub-section (2) are applicable the appropriate Government may direct that the provisions of section 5-A shall not apply, and if it does so direct, a declaration may be made under section 6 in respect of the land at any time ¹[after the date of the publication of the notification] under section 4, sub-section (1).

PART III – Reference to Court and Procedure thereon

18. Reference to Court. – (1) Any person interested who has non-accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken :

Provided that every such application shall be made-

(a) if the person making it was present to represent before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other case within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award whichever period shall first expire.

19. Collector's statement to the Court. - (1) In making the reference, the Collectors shall state for the information of the Court, in writing under his hand-

(a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon ;

(b) the name of the persons whom he has reason to think interested in such land ;

1. Subs. by Ibid., S. 13.

¹[(cc) the amount paid or deposited under sub-section (3A) of section 17 ; and]

(d) if the objection be to the amount of the compensation, the ground on which the amount of compensation was determined.

(3) To the said statement be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively.

20. Service of notice.- The Court shall thereupon cause a notice specifying the day on which the Court will proceed to determine the objection, and directing their, appearance before the Court on that day, to be served on the following persons, namely :

(a). the applicant ;

(b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and

(c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

21. Restriction of scope of proceedings.- The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

22. Proceedings to be in open Court.- Every such proceedings shall take place in open Court, and all persons entitled to practise in any Civil

Court in the State shall be entitled to appear, plead and act (as the case may be) in such proceeding.

23. Matters to be considered in determining compensation.-

(1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration-

first, the market, value of the land at the date of the publication of the notification under section 4, sub-section (1);

secondly, the damage sustained by the person interested, by reasons of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof;

thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land.

1. The word 'and' omitted and cl. (cc) added by Act 68 of 1984 S. 14.

fourthly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings

fifthly, if in consequence of the acquisition of the land by the Collector the person interested is compelled to change his residence or place of business the reasonable expenses (if any) incidental to such change; and

sixthly, the damage (if any) **bona fide** resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land.

¹[(1-A) In addition to the market value of the land, as above provided, the court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market value for the period commencing on and from the date of the publication of the notification under section 4, sub-section (1), in respect of such land to the date of the award of the Collector of the date of taking possession of the land, whichever is earlier.

Explanation.- In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded.]

(2) In addition to the market-value of the land as above provided the Court shall in every case award a sum of ²[thirty per centum] on such market-value, in consideration of the compulsory nature of the acquisition.

Notes.- Potential value.- It was held that prospects and possibilities of future development ought to be taken into account in assessing the value of land,- (**Anar Singh v. Union of India**, AIR 1985 Delhi 298).

24. Matters to be neglected in determining compensation .-

But the Court shall not take into consideration-

first, the degree of urgency which has led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put;

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1. Added by Act 68 of 1984, S. 15.
 2. Subs. by *ibid.*

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;
²[**]

seventhly, any outlay or improvement, on, or disposal of the land acquired, commenced, made or affected without the sanction of Collector after the date of the application of the notification under section 4, sub-section (1);
¹[or]

[eighthly, any increase to the value of the land on account of its being put to any use which is forelidden by law or opposed to public policy.]

²[**25. Amount of compensation awarded by Court not to be lower than amount awarded by the Collector.-** The amount of compensation awarded by the Court shall not be less than the amount awarded by the Collector under section 11].

26. Form of awards.- (1) Every award under this part shall be in writing signed by the Judge, and shall specify the amount awarded under clause **first** of sub-section (2) of section 23, and also the amount (if any) respectively awarded under each of other clauses of the same sub-section together with the grounds of awarding each of the said amounts.

(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award, a judgment within the meaning of section 2, clause (2) and section 2, clause (9), respectively, of the Code of Civil Procedure, 1980.

27. **Costs.**- (1) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proceedings they are to be paid.

(2) When the award of the Collector is not upheld, the costs shall ordinarily be paid by the Collector, unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

28. Collector may be deemed to pay interest on excess compensation.- If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation, is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of ¹[nine per centum]

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1. The word 'or' omitted at the end of clause **sixthly**, added at the end of clause **seventhly** and new cl. eighthly added by Act 68 of 1984, S. 16.
 2. Sec. 25 subs. by *ibid.*, S. 17.

per annum from the date on which he took possession of the land to the date of payment of such excess into Court.

²[Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry.]

Notes.- It was held that amount withdrawn before the Amendment Act of 1984 came into force-claimant is not entitled to interest at the enhanced rates. (**Nagar Mahapalika Agra v. Lajpast Rai Kapoor**, AIR 1985 Allahabad 345).

³[**28.- A. Redetermination of the amount of compensation on the basis of the award of the Court.**- (1) Where in an award under this part, the Court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 11, the person interested in all the other land covered by the same notification under section 4 sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from

the date of the award of the Court require that the amount of compensation payable to them may be redetermined on the basis of the amount of compensation awarded by the Court :

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an enquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector require that the matter be referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.]

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1. Subs. by Act 68 of 1984, S. 18.
 2. Proviso added by Ibid.
 3. Sec. 28-A added by Ibid., S. 19.

PART IV - Apportionment of Compensation

29. Particulars of apportionment to be specified.- When there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award, shall be conclusive evidence of the correctness of the apportionment.

30. Dispute as to apportionment .- When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

PART V- Payment

31. Payment of compensation or deposit of same in Court.-
 (1) On making an award under section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

(2) If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted :

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount.

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18 :

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section the Collector may, with the sanction of the appropriate Government, instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land revenue on other lands held under the same title, or, in such other way as may be equitable having regard to the interests of the parties concerned.

(4) Nothing in the last foregoing sub-section shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land and [competent to contract in respect thereof].

32. Investment of money deposited in respect of lands belonging to persons incompetent to alienate.- (1) If any money shall be deposited in Court under sub-section (2) of the last preceding section and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall -

(a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have deposited was held, or

(b) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the Court shall think fit ;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied,-

(i) in the purchase of such other lands as aforesaid; or

- (ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of money deposited to which this section applies, the Court shall order the costs of the following matters, including therein all reasonable charges and expenses incidental thereto, to be paid by the Collector, namely :-

(a) the costs of such investments as aforesaid ;

(b) the costs of the orders for the payment of the interest or other proceeds, of the securities upon which such moneys are for the time being invested, and for the payment out of Court of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

33. Investment of money deposited in other cases.- Where any money shall have been deposited in Court under this Act for any cause other than that mentioned in the last preceding section, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

34. Payment of interest.- When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of ¹[nine per centum] so paid or deposited.

²[Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.]

PART VI – Temporary Occupation of Land

35. Temporary occupation of waste or arable land. Procedure when difference as to compensation exists. – (1) Subject to the provisions of Part VII of this Act, whenever it appears to the appropriate Government that temporary computation and use of any waste or arable land are needed for any public purpose, or for a company, the appropriate Government may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the person interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof, for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation either in a gross sum of money, or by monthly or other periodical payments as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the Court.

36. Power to enter and take possession, and compensation on restoration.- (1) On payment of such compensation, or on executing such agreement or on making a reference under section 35, the Collector may enter upon and take possession of the land and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein.

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate

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1. Subs. by Act 68 of 1984, S. 20.
 2. Added by *ibid*.

Government shall record under this Act to acquire the land as if it was needed permanently for a public purpose or for a company.

37. Difference as to condition of land.- In case the Collector and persons interested differ as to the condition of the land and expiration of the term, or as to any matter connected with the agreement, the Collector shall refer such difference to the decision of the Court.

PART VII – Acquisition of Land for Companies

38. Company be authorised to enter and survey.- (Omitted by Act 68 of 1984, S. 21).

38-A. Industrial concern to be deemed Company for certain purposes.- An industrial concern, ordinarily employing not less than one hundred workmen owned by individual or by an association of individuals and not being a company, desiring to acquire land for the erection of dwelling-houses for workmen employed by the concern and for the provision of amenities directly connected therewith shall, so far as concerns the acquisition of such land, be deemed to be a company for the purposes of this Part and the references to company in ¹[Sections 4,5A,6,7 and 50] shall be interpreted as references also to such concern.

39. Previous consent of appropriate Government and execution of agreement necessary.- The provisions of ²[sections 6 to 16 (both inclusive) and sections 18 to 37 (both inclusive)] shall not be put in order to acquire land for any company [under this part] unless with the previous consent of the appropriate Government or unless the company shall have executed the agreement hereinafter mentioned.

40. Previous enquiry.-(1) Such consent shall not be given unless the appropriate Government be satisfied, either on the report of the Collector under section 5-A, sub-section (2), or by an enquiry held as hereinafter provided,-

(a) that the purpose of the acquisition is to obtain land for the erection of dwelling-houses of workmen employed by the company or for the provision of amenities directly connected therewith; or

⁴[(aa) that such acquisition is needed for the construction of some building of work for a company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose; or]

(b) that such acquisition needed for the construction of some ⁵[work] and that such work is likely to prove useful to the public.

1. Subs. by Act 68 of 1984,S,23.

2. Subs, by ibid. S.23.

3. Ins. by Act 68 of 1984,S,23.

4. Ins. by Act 31 of 1962,S,3.

5. The term "work" shall be deemed to "include electrical energy supplied or to be supplied by means of the work to be constructed. See Electricity Act, 1910 (9 of 1910), S,57 (1).

(2) Such enquiry shall be held by such officer and at such time and place as the appropriate Government shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and as far as possible, in the same manner as is provided by the ¹[Code of Civil Procedure, 1908 (5 of 1908)] in the case of a Civil Court.

41. Agreement with appropriate Government.- If the appropriate Government is satisfied after considering the report, if any, of the Collector under section 5-A, sub-section (2), or on the report of the officer making an inquiry under section 40, that ²[the proposed acquisition is for any of the purposes referred to in clause (a) or clause (aa) or clause (b) of sub-section (1) of section 40] it shall require the company to enter into an agreement with the appropriate Government, providing to the satisfaction of the appropriate Government for the following matters, namely :

(1) the payment to the appropriate Government of the cost of the acquisition;

(2) the transfer, on such payment, of the company;

(3) the terms on which the land shall be held by the company;

(4) where the acquisition is for the purpose of erecting dwelling-houses or the provision of amenities connected therewith, the time within which the condition on which and the manner in which the dwelling-houses or amenities shall be erected or provided:

(4-A) where the acquisition is for the construction of any building or work for a company which is engaged or is taking steps for engaging itself in any industry or work which is for public purpose, the time within which, and the condition on which, the building or work shall be constructed or executed;

(5) where the acquisition is for the construction of any other work the time within which and the conditions on which the company shall be entitled to use the work.

42. Publication of agreement.- Every such agreement shall as soon as may be after execution be published in the Official **Gazette**, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of the Act.

43. Sections 39 to 42 not to apply where Government bound by agreement.- The provisions of sections 39 to 42 both inclusive, shall not apply and the corresponding section of the ³[Land Acquisition Act, 1870], shall be deemed never to have applied, to the acquisition of land for any Railway or other company for the purposes of which under any agreement with such company, the Secretary or any State for India in Council, the Secretary of State, the Central Government or any State Government is or was bound to provide land.

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1. Subs. by Act 68 of 1984, S.24.
 2. Ins. by Act 31 of 1962,S,4.
 3. Rep. by this Act.

44. How agreement with Railway Company may be proved.- In the case of the acquisition of land for the purposes of a Railway Company, the existence of such an agreement as is mentioned in section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government.

¹[**44-A. Restriction on transfer, etc.-**No company for which any land is acquired under this Part shall be entitled to transfer the said land or any part thereof by sale, mortgage, gift, lease or otherwise except with the previous sanction of the appropriate Government.

44-B. Land not to be acquired under this Part except for certain purposes for private companies other than Government Companies.- Notwithstanding anything contained in this Act, no land shall be acquired under this Part, except for the purpose mentioned in clause (a) of sub-section (1) of section 40, for a private company which is not a Government Company.

Explanation.-“Private Company” and “Government Company” shall have the meaning respectively assigned to them in the Companies Act, 1956.]

Part VIII - Miscellaneous

45. Service of notice.-(1) Service of any notice under this Act, shall be made by delivering or tendering a copy thereof signed in the case of notice under section 4, by the Officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge

(2) Whenever it may be practicable the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on an adult male member of his family residing with him, and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the court-house, and also in some conspicuous part of the land to be acquired:

Provided that, if the Collector of Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and ¹[registered under sections 28 and 29 of the Indian Post Office Act, 1898,(6 of 1898)] and service of it may be, proved by the production of the addressee’s receipt.

46. Penalty for obstructing acquisition of land.- Whoever wilfully obstructs any person in doing any of the acts authorised by Sec, 4, or

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1. Ins. by Act 31 of 1962, S. %.
 2. Subs. by Act 68 of 1984, S. 25.
 3. Subs. by Act 68 of 1984, S. 26.

Sec, 8, or willfully fills up, destroys, damages or displaces any trench or mark made under section 4, shall on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding ³[five hundred rupees], or to both.

47. Magistrate to enforce surrender.- If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police and such Magistrate, or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

48. Completion of acquisition not compulsory, but compensation to be awarded when not completed,- (1) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the Government withdraws from any such acquisition the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person intersected together with all costs reasonably incurred by him in the possession of the proceedings under this Act relating to the said land.

(3) The provisions of Part III of this Act shall apply, so far as may be to the determination of the compensation payable under this section.

49. Acquisition of part of house or building.- (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desired that the whole of such house, manufactory or building, shall be so acquired:

Provided that the owner may, at any time before the Collector has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house , manufactory or building shall be so acquired:

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section the Collector shall refer the determination of such question to the Court and shall not take possession of such land until after the question has been determined.

In deciding on such a reference, the Court shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house, manufactory or building.

(3) If, in the case of any claim under section 23, sub-section (1) **thirdly**, by a person interested, on account of the severing of the land to be acquired from his other land, the appropriate Government is of opinion that the claim is unreasonable or excessive , it may, any time before the Collector has made his award order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the last case hereinbefore provided for, on fresh declaration or other proceedings under section 6 to 10 both inclusive, shall be necessary; but the Collector shall without delay furnish a copy of the order of the appropriate Government to the person interested, and shall thereafter proceed to make his award under section 11.

50. Acquisition of land at cost of a local authority or company.- (1) Where the provisions of this Act are put in force the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of

any company, the changes of land incidental to such acquisition shall be defrayed from or by such fund or company.

(2) In any proceeding held before a Collector or Court in such cases the local authority or company concerned may appear and adduce evidence for the purpose of determining the amount of compensation :

Provided that no such local authority or company shall be entitled to demand a reference under section 18.

51. Exemption from stamp-duty and fees.- No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

¹[**51-A. Accepted of certified copy as evidence.-**In any proceeding under this Act, a certified copy of a document registered under the Registration Act, 1908 (16 of 1908), including a copy given under section 57 of that Act, may be accepted as evidence of the transaction received in such document.]

52. Notice in case of suits for anything done in pursuance of Act.- No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceedings, and of the cause thereof, or after tender of sufficient amends.

53. Code of Civil Procedure to apply to proceedings before Court.- Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the ²[Code of Civil Procedure, 1908(5 of 1908)] shall apply to all proceeding before the Court under this Act.

54. Appeal in proceedings before Court.- Subject to the provisions of the Code of Civil Procedure, 1908, applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any

1. Sec. 51-A Added by Act 68 of 1984, S. 27.

2. Subs. by Ibid. S. 28.

part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal lie to the Supreme Court subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908 , and in Order XLV thereof.]

55. Power to make rules.- (1) The appropriate Government shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made :

Provided that power to make rules for carrying out the purposes of Part VII of this Act shall be exercisable by the Central Government and such rules may be made for the guidance of the State Government and the officers of the Central Government and of the State Government :

Provided further that every such rule made by the Central Government shall be laid as soon as may be after it is made, before each House of parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, ¹[before the expiry of the session immediately following the session or the successive sessions aforesaid] both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulments shall be without prejudice to validity of anything previously done under that rule.

¹[Provided also that every such rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.]

(2) The power to make, alter and added to rules made sub-section(1) shall be subject to the condition of the rules being made, altered or added to after previous publication.

(3) All such rules, alteration and addition shall be published in the Official Gazette, and shall thereupon have the force of law.

1. Ins. by Act 68 of 1984, S. 29.

~~ENACTED BY~~
THE LAND ACQUISITION (AMENDMENT) ACT 1962
(NO. 31 of 1962)

[12th September, 1962]

Section 1 to 6. –[Incorporated in the text at their relevant places.]

7.Validation of certain acquisitions.- Notwithstanding any judgement, decree or order of any court, every acquisition of land for a company made or purporting to have been made under Part VII of the

principal Act before the 20th day of July, 1962, shall in so far as such acquisition is not for any of the purposes mentioned in clause (a) or clause (b) of sub-section (1) of section 40 of the principal Act, be deemed to have been made for the purposes mentioned in clause (aa) of the said sub-section, and accordingly every such acquisition and any proceeding, order, agreement or action in connection with such acquisition shall, and shall be deemed always to have been, as valid as if the provisions of sections 40 and 41 of the principal Act, as amended by this Act, were in force at the material time when such acquisition was made or proceeding was held or order was made or agreement was entered into or action was taken.

Explanation.- In this section, "company" has the same meaning as in clause (e) of section 3 of the principal Act, as amended by this Act.

8. Repeal and saving.- (1) The Land Acquisition (Amendment) Ordinance, 1962 (3 of 1962) as hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 20th day of July, 1962.

Extracts from
THE LAND ACQUISITION (AMENDMENT LAND VALIDATION)
ACT 1967
(NO. 13 of 1967)¹

An Act further to amend the Land Acquisition Act, 1894, and to validate certain acquisition of land under the said Act

[12th April, 1967]

Be it enacted by Parliament in the Eighteenth Year of the Republic of India follows:-

1. **Short title.**- This Act may be called the Land Acquisition (Amendment and Validation) Act, 1967.

Sections 2 and 3. - [Incorporated at their appropriate place and so omitted here.]

4. Validation of certain acquisitions.- (1) Notwithstanding any judgement, decree order of any Court to the contrary-

(a) no acquisition of land made or purporting to have been made under the principal Act before the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967 and no action taken or thing done (including any order made, agreement entered into, or notification published, in connection with such acquisition shall be deemed to be invalid or ever to have become invalid merely on the ground-

(i) that one or more Collectors have performed the functions of Collector under the principal Act, in respect of the land covered by the same notification under sub-section (1) of section 4 of the principal Act;

(ii) that one or more reports have been made under sub-section (2) of section 5-A of the principal Act, whether in respect of the entire land, or different parcels thereof, covered by the same notification under sub-section (1) of section 4 of the principal Act;

(iii) that one or more declarations have been made under section 6 of the principal Act in respect of different parcels of the land covered by the same notification under sub-section (1) of section 4 of the principal Act;

(b) any acquisition in pursuance of any notification published under sub-section (1) of section 4 of the principal Act before the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967), may be made after such commencement and no such acquisition and no action taken or thing done (including any order made, agreement entered into or notification published), whether before or after such commencement, in connection with such acquisition shall be deemed to be invalid merely on the ground referred to in clause (a) or any of them.

1. Published in the **Gazette of India**, Extraordinary, dated 29th April, 1967.

Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967), under sub-section (1) of section 4 of the principal Act, shall be made after the expiry of two years from the commencement of the said Ordinance.

(3) Where acquisition of any particular land recovered by a notification under sub-section (1) of section 4 of the principal Act, published before the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967), is or has been made in pursuance of any declaration under section 6 of the principal Act whether made before or after such commencement, and such declaration is or has been made after the expiry of three years from the date of publication of such notification, there shall be paid simple interest, calculated at the rate of six per centum per

annum on the market-value of such land, as determined under section 23 of the principal Act, from the date of expiry of the said period of three years to the date of tender of payment of compensation awarded by the Collector for the acquisition of such land:

Provided that no such interest shall be payable for any period during which the proceedings for the acquisition of any land were held up on account of stay or injunction by order of a Court:

Provided further that nothing in this sub-section shall apply to the acquisitions of any land where the amount of compensation has been paid to the person interested before the commencement of this Act.

5. Repeal and savings.- (1) The Land Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 20th day of January, 1967.

Extracts from

LAND ACQUISITION (AMENDMENT) ACT, 68 OF 1984

[24th September, 1984]

An Act further to amend the Land Acquisition Act, 1894.

Be it enacted by Parliament in the Thirty Fifth year of the Republic of India as follows.

1. Short title.- This Act may be called the Land Acquisition (Amendment) Act, 1984.

2 to 29. - Incorporated at their proper place.

30. Transitional Provisions.- (1) The provisions of sub-section (1A) of section 23 of the Principal Act, as inserted by clause (a) of section 15 of this Act, shall apply, and shall be deemed to have applied, also to, and in relation to.....

(a) every proceeding for the acquisition of any land under the principal Act taking on the 30th day of April 1982 [the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the People], in which no award has been made by the Collector before that date;

(b) every proceeding for the acquisition of any land under the Principal Act commenced after that date, whether or not an award has been made by the Collector before the date of commencement of this Act.

(2) The provisions of sub-section (2) of section 23 and section 28 of the Principal Act, as amended by clause (b) of section 15 and section 18 of this Act respectively, shall apply, and shall be deemed to have applied, also to, and in relation to, any award made by the Collector or Court or to any order passed by the High Court or Supreme Court in appeal against any such award under the provisions of the Principal Act after the 30th day of April, 1982 [the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the People and before the commencement of this Act.

(3) The provisions of section 34 of the Principal Act, as amended by section 20 of this Act, shall apply, and shall be deemed to have applied, also to, and in relation to,-

(a) every case in which possession of any land acquired under the Principal Act had been taken before the 30th day of April, 1982 [the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the People, and the amount of compensation for such acquisition had not been paid or deposited under section 31 of the Principal Act until such date, with effect on and from that date; and

(b) every case in which possession has been taken on or after the date but before the commencement of this Act without the amount of compensation having been paid or deposited under the said section 31, with effect on and from the date of taking such possession.

THE MANIPUR STATE HILL PEOPLES (ADMINISTRATION) REGULATION 1947

Preamble.- WHEREAS it is expedient to consolidate and amend the law governing the administration of the Manipur State Hill Peoples; now therefore the Maharaja of Manipur is pleased to make the following Regulation.:-

CHAPTER 1 : GENERAL

1. **Title, Extent, Commencement and Repeal** –
 - (a) This Regulation may be called the Manipur State Hill Peoples (Administration) Regulation 1947.
 - (b) It shall apply to all the Hill Peoples of the Manipur State.

(c) It shall come into force on such date as the Maharaja may appoint and all previous rules of administration which are in conflict with this regulation shall be deemed to be repealed.

1. This Regulation has been repealed in part by section 58 of the Manipur (Village Authorities in Hill Areas) Act, 1956 (80 of 1956) reproduced below:-

“58 Repeal and Savings : The Manipur State Hill Peoples (Administration) Regulation, 1947, in so far as it relates to the constitution and functions of Village Authorities and the administration of justice, both civil and criminal by courts of Village Authorities, is hereby repealed;

Provided that the said repeal shall not effect-

- (a) the previous operation of the said Regulation, or
- (b) any right, obligation or liability acquired, accrued or incurred under the said Regulation, or
- (c) any penalty, forfeiture or punishment in respect of any offence committed under the said Regulation, or
- (d) any investigation legal proceeding or remedy in respect of any right, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, contained or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that subject to the above provisions, anything done or any action taken (including any appointment or delegation made or any notification, instruction or direction issued or any rule, regulation or form made or framed) under the said Regulation shall in so far as such thing or action is not inconsistent with the provisions of this Act, continue in force, and be deemed to have been done or taken under the corresponding provisions of this Act, unless and until it is superseded by anything done or any action taken under the provisions of this Act”.

2. Definition :- In this Regulation except where the contrary appears from the context-

- (a) “**Chief Court**” shall mean the Chief Court of the Manipur State as constituted under the Manipur State Courts Act 1947 for the trial of cases or suits to which Hill men are a party.
- (b) “**Heinous Offence**” shall mean and include any of the following:- Murder, Culpable Homicide, Causing Grievous Hurt, Rape, Kidnapping or Abducting in order to subject to slavery, Disposing or Buying of persons as slaves, Habitual dealing in slaves, Dacoity, Robbery, Rioting, House breaking, Mischief by Fire, or any explosive substance, any offence under Chapter VI or XII of the Indian Penal Code, any offence

punishable under the Arms Act and any attempt to commit or abetment of any of the above offences.

- (c) **“Pleader”** shall include a Mukhtar or any professional Agent.
- (d) **“Sub-Divisional Officer”** shall mean the Officer appointed to be in executive charge of a Sub-Division.
- (e) **“Circle Officer”** shall mean the Officer appointed to be in executive charge of a Circle.
- (f) **“Circle Bench”** shall mean the Circle Officer sitting with two or more members of the Elected Circle Council selected by him at his discretion for the trial of any given case.

3. Responsibility for administration in the Hills-

The responsibility for the administration of the Hill Peoples is vested in the Maharaja in Council and shall be exercised in accordance with the Constitution Act of the State and the provisions of this Regulation as amended from time to time.

4. Appointments to all executive posts in the Hill Administration shall be made in accordance with the Rules for the Manipur State Appointment Board excepting where specific provision shall be made for such appointment in this Regulation.

CHAPTER II **LOCAL AUTHORITIES**

5. For the purpose of administration all villages to which this Regulation applies shall be grouped into Circles and Sub-Divisions as provided in Schedule I to the Regulation.

6. In each village of 20 tax paying houses or over, there shall be constituted a Village Authority which shall be nominated in accordance with the custom of the village and shall consist of the Chief or Khullakpa of the village with his council of elders, if any. The village authority so nominated shall be formally recognised by the Sub-Divisional Officer who shall be the final authority in all matters concerning the appointment and constitution of a village authority saving that an appeal shall lie to the Minister in charge of Hill Administration from the decision of the Sub-Divisional Officer in such matters.

7. In each circle there shall be constituted a Circle Authority which shall comprise of Circle Officer and a Council of five Members elected by the Village Authorities falling within the Circle. The circle Authority so constituted shall be formally recognised by the Sub-Divisional Officer who shall be the final authority in all matters concerning the election and constitution of the Circle Authority saving that an appeal shall lie to the Minister in charge of Hill Administration from the decision of the Sub-Divisional Officer in such matters.

8. In each Sub-Division there shall be a Sub-Divisional Officer who shall exercise general executive control over the local authorities in the

Sub-Division under the orders of the Minister in charge of Hill Administration.

ELECTIONS

9. (i) Elections to Circle Authorities shall be held triennially in the first week of November. The Sub-Divisional Officer acting through the Circle Officer shall be responsible for carrying out the elections within each Circle. In all Electorate matters the decision of the Minister in charge of Hill Administration shall be final.

(ii) In the election of the Circle Authority no village of under 20 tax paying houses at the house counting immediately prior to the election, shall be eligible to vote. In villages with houses in excess of this number the following votes may be recorded:-

20 – 50	Tax paying houses	One vote
51 – 100	Tax paying houses	Two votes
101 – 200	Tax paying houses	Three

votes,

In villages with more than 200 tax paying houses, one additional vote may be recorded for every 100 houses in excess of 200.

CHAPTER III **EXECUTIVE POWERS AND RESPONSIBILITIES**

10. Subject to the provisions of this Regulation, the Minister of the State Council for the Hill Administration shall be responsible for the Administration of the Hill Peoples under this Regulation saving that in any matter concerning the exercise of executive functions in regard to Law and Order under this Regulation, the Levy, Assessment or Collection of any tax on houses, on land or on the produce of land, the settlement of any disputes regarding land or the produce of land and any questions regarding the ownership of land, the recommendation in writing of the Circle Authority concerned shall first be obtained and no decision of the Council which runs contrary to this recommendation shall have the force of Law unless it is supported by both the Hill Ministers on the Council.

11. The Minister in charge of Hill Administration may delegate such powers and functions to the Sub-Divisional Officer and to the Circle Officers as may seem suitable saving that such delegation shall not derogate from his general responsibility under Section 10 above.

12. Notwithstanding the provisions of Section 10 above, the Circle Authorities shall, subject to the specific provisions of this Regulation, exercise powers as under:-

(a) Subject to general supervision by the State Educational Department the Circle Authority shall be responsible for the administration of Lower and Upper Primary Education within the Circle. Middle English and Higher Education shall be administered by the State Education Department.

(b) Subject to general supervision by the State Public Works Department, the Circle Authority shall be responsible for the construction and maintenance of all bridle paths and bridges other than iron bridges, together with the construction and maintenance of all public buildings of Katcha or semi-Katcha type and the maintenance of Pucca Building within the circle . The construction and maintenance of iron and all major bridges and all Pucca Buildings shall be the responsibility of the State Public Works Department.

(c) The State Medical Department shall be responsible for the provision of Medical facilities in the Hills and for the administration of Hill Dispensaries and Hospitals, saving that all measures for the betterment of the Public Health and for the control of disease shall be carried out in collaboration with the Circle Authority and that the Circle Authority shall have a special responsibility for the encouragement of personal hygiene and the provision of clear water supplies.

(d) Administration of all State Reserved Forests or Mahals shall be the responsibility of the State Forest Department who shall operate in collaboration with the Circle Authority in that area in which the Reserved Forest lies. No new area shall be demarcated as Forest Reserve without prior consultation with the Circle Authority concerned who shall be given an opportunity to record in writing any objection they may have to the formation of such reserve.

The Circle Authority shall have a special responsibility for the preservation of timber in the open reserves and no timber shall be cut from such reserves without a permit from the Circle Authority who shall levy such fees for the issue of such permits as may be laid down by the State Council from time to time.

It shall further be the special responsibility of the Circle Authority to check wasteful and unnecessary firing of the Hill sides and to reduce the areas under Jhum Cultivation to the minimum.

(e) Subject to the general supervision of the State Agricultural Department, the Circle Authority shall be responsible for the encouragement of better means of agriculture in the Circle, the introduction of improved seeds and the spread of wet rice and terraced cultivation with a consequent reduction of Jhuming. It shall be the particular responsibility of the Circle Authority to ensure that Jhum land once relinquished shall not in any circumstances revert to Jhum cultivation.

(f) Subject to such Rules and Regulations as may be issued by the State Council, the Circle Authority shall be responsible for the maintenance of land Records within the Circle and for the assessment and collection of such taxes on the land or other immovable property as may be levied from time to time. It shall be the responsibility of the Circle Officer to ensure that all such collections are accounted for in a correct manner and are credited to the State Account in accordance with the State Account Rules.

13. Where any specific responsibility is vested in the Circle Authority under the provisions of Section 12 above, the Circle Authority shall have full power to determine how such responsibility shall be carried out and shall issue such orders in this regard as it may consider necessary, saving

that in any case where such orders run contrary to Public policy or are likely to lead to a breach of the peace or a break-down in the administration, the State Council may require the Minister in charge of Hill Administration to intervene and revoke the order issued by the Circle Authority.

CHAPTER IV
LAW & JUSTICE AND THE MAINTENANCE OF
PUBLIC ORDER

14. The Circle Authorities shall be responsible for the maintenance of Law and Order within the Circle and shall exercise this authority wherever such authorities exist.

15. (a) The ordinary duties of the Police in respect of crime shall be discharged by the Village Authorities where such exist and by the Circle Authority where there is no Village Authority. They shall maintain peace and order within their jurisdictions.

(b) The Village Authorities shall not be deemed to be Police for the purposes of Section 25 and Section 26 of the Indian Evidence Act, 1872 or of Section 162 of the Code of Criminal Procedure 1898.

(c) The Village Authorities shall watch and report on any vagrant or any bad or suspicious character found within their jurisdiction and may apprehend any such person if they have reasonable grounds for suspecting that he has committed or is about to commit an offence and shall hand him over to the Circle Officer without delay.

16. On the commission of any heinous offence within their jurisdiction, the inhabitants of the Village shall at once, if possible, apprehend the offender and hand him over with a report on the crime to the Circle Officer. If the culprit is not apprehended the Village Authority shall proceed to the scene of the occurrence and having enquired into it shall forward a report to the Circle Officer.

17. It shall be the duty of the Village Authority to report to the Circle Officer as soon as is possible all Crimes, Violent Death and Serious Accidents occurring within its jurisdiction and all occurrences whether within or beyond that jurisdiction which come to their knowledge and are likely to affect the Public Peace; and to arrest and to deliver up offenders as soon as may be, to the court having jurisdiction to try them.

18. The Village Authority may pursue beyond their jurisdiction any offender or vagrant or any bad character or suspicious character whom they consider it necessary to apprehend under the provision of Sub –Section (c) of Section 15. They shall not however ordinarily arrest the offender or such person without informing the Village Authority within whose jurisdiction he is found, and inviting their assistance, but may do so if there is reasonable apprehension that he may otherwise escape.

19. When the Village Authority is unable to arrest an offender, they may apply to the Circle Officer or a Head Lambu for assistance.

20. (a) All inhabitants of the Areas, or any person, to which or to whom this regulation applies are bound to aid the Village Authority when required to do so, for the maintenance of order or apprehending offenders and are liable to a fine for failing to give such assistance.

(b) Such fine if imposed by a Village Authority shall not exceed Rs. 200/- if imposed by a Circle Authority shall not exceed Rs. 500/-

(c) An appeal shall lie from an order passed by a Village Authority under Sub-Section (b) to the Circle Authority provided the fine imposed is not less than Rs. 20/- and from such a fine passed by a Circle Authority to the Hill Bench at Imphal provided the fine imposed is not less than Rs. 100/-.

(d) If it should appear in any case arising under Sub-Section (a) above, that a whole community is to blame and that particular offenders cannot be discovered, the matter may at the discretion of the Sub-Divisional Officer be submitted to the Hill Bench at Imphal who shall consider the case and may impose a fine not exceeding Rs. 5,000.00 on the community. An appeal against such order may lie to the Chief Court whose decision shall be final.

(e) Any fine levied under Sub-Section (b) or (d) of this Section may be recovered by distraint of the property of the persons or person on whom it is imposed.

21. Without prejudice to any punishment to which he may be liable under any other law a member of a Village Authority shall, for any misconduct in exercise of his functions under this chapter, be punishable with a fine which may extend to Rs. 1,000/- or with imprisonment of either description for a term which may extend to six months, on conviction by the Circle Authority. An appeal shall lie against any order passed under this section to the Hill Bench at Imphal, whose decision shall be final.

22. The Chief Court may at any time call for the proceedings in any matter arising under Sections 20 and 21 where it appears that grave injustice has been done and may modify or set aside an order passed by a Village Authority under Section 20 (b) or an order original or appellate passed by a Circle Authority or the Hill Bench under either of these Sections.

CHAPTER IV B.**HILL COURTS AND CRIMINAL PROCEEDINGS**

23. Criminal Justice shall be administered by the Court of the Village Authority, the Court of the Circle Authority, the Hill Bench at Imphal and the Chief Court of the Manipur State as constituted for the trial of Hill cases under the Manipur State Courts Act 1947. In any area for which there is no Village Authority, Original Criminal Powers shall be exercised by the Circle Bench of that area provided always that the Chief or Elders of any village may try any case which it is customary for them to try and may pass such sentence as is customary.

24. The Court of a Village Authority shall try any case involving any of the undermentioned offence in which the person or persons accused is or are resident within their jurisdiction.

- (a) Theft including theft in a building.
- (b) Mischief not being mischief by fire or any explosive substance.
- (c) Cattle theft and illegal slaughter of cattle.
- (d) Simple Hurt.
- (e) Assault or using criminal forces.

25. The Circle Bench shall exercise the powers of a Magistrate of the first class as defined in the Criminal Procedure Code and shall comprise the Circle Officer and any two members of the Circle Council.

26. The Hill Bench at Imphal shall exercise the powers of a Sessions Court under the Criminal Procedure Code and shall comprise a bench of which a Judge of the Chief Court shall be chairman sitting with two Hill men as Judges.

27. A Village Authority may impose a fine not exceeding Rs. 200/- for any offence which they are competent to try and may also award payment in restitution or compensation to the extent of the injury sustained. Such fines and payments may be enforced by distraint of the property of the offender.

Where a Village Authority is of the opinion that the sentence they are competent to pass is insufficient in the circumstances of the case they shall without a further delay produce the offender before the Circle Authority who shall hear the evidence and pass sentence.

28. The Hill Bench may order compensation to be paid to any person in a Criminal Case out of the proceeds of fines imposed in the case.

29. The Village Authorities shall decide all cases in open Darbar in the presence of at least three witnesses who shall be independent, the complainant and the accused. They are empowered to order the attendance of all the foregoing and of the witnesses to be examined in the case and to impose a fine not exceeding Rs. 100/- on any person failing to attend when so ordered.

30. If any person on whom a fine has been imposed by a Village Authority fails to deposit the amount at once or within such further time as the Village Authority may allow, that Authority shall send him to the Circle Officer to be dealt with in such manner as he may deem fit unless the accused person gives notice to appeal against such decision and appeal is permissible under this Regulation.

31. Any person aggrieved by the decision of a Village Authority may appeal within fifteen days to the Circle Bench who on the receipt of the appeal shall try the case *de novo*, provided always that no appeal shall lie in any case where the sentence imposed is the payment of a fine of Rs. 20/- or less.

32. An appeal shall lie from an original or appellate order of the Circle Bench to the Hill Bench provided always that no appeal shall lie from an original or appellate order in which the sentence involved is a fine of Rs. 100/- or less or a term of imprisonment of one month or less.

33. An appeal shall lie to the Chief Court of the State from a sentence of the Hill Bench imposing imprisonment for any term exceeding one year, or a fine exceeding Rs. 500/- or from an order imposing a sentence of death or transportation of life. In all other cases no appeal shall lie from an order of the Hill Bench saving that in any case where a person other than a Hill man is a party, an appeal shall lie from a sentence of imprisonment or a fine exceeding Rs. 100/-.

34. All appeals under Section 32 and 33 above, must be presented within 30 days from the date of the order appealed against, excluding the time taken in obtaining a copy of the order, provided that an appeal from a sentence of death shall be preferred within seven days from the date of the sentence excluding the time taken in obtaining a copy of the order. The Hill Bench shall on passing a sentence of death, inform the person sentenced, of the above provision.

35. The Hill Bench or the Circle Bench may call for the proceedings of any subordinate Court and may reduce, enhance or cancel any sentence passed or may remand the case for retrial if in the opinion of the Hill Bench or the Circle Bench gross injustice has been done. The Chief Court may in any case where they consider gross injustice has been done, exercise the same power with regard to a sentence passed by the Hill Bench. The Minister in charge of Hill Administration may also require the Chief Court to call for any proceedings and pass such orders as may be deemed necessary in review.

36. When final orders involving the death sentence have been passed by the Chief Court, a petition of Mercy may lie to the Maharaja, who shall taken the advice of the Council as to the orders which shall be passed thereon. Final orders of any death sentence shall be subject to confirmation by His Excellency the Agent to the Crown Representative as laid down in section 12 of the Manipur State Courts Act. On rejection of such petition the sentence of death shall be executed at the Manipur State Jail in accordance with the rules and procedure in force in the State from time to time.

37. The Chief Court, the Hill Bench and the Circle Bench shall be guided in regard to procedure by the principles of the Code of Criminal Procedure, 1898 so far as they are applicable to the circumstances of the tribes and consistent with the principles of this Regulation. The chief exceptions are:-

(a) Verbal orders or notice shall only be requisite in any case except when a regular Lambu is employed or when the person concerned is not a resident of, or not present in the Tribal Area at the time, but orders of summons shall in every case be for a fixed day and the order shall be made known to the person concerned or to some adult member of his family, or failing this, shall be openly proclaimed at the place he was last known to be, in time to allow him if he sees fit to appear.

(b) The proceedings of the Village Authorities need not be recorded in writing, but the Hill Bench and the Circle Bench may require the Village Authorities to report their proceedings in any way which appears suitable.

(c) There shall be no preliminary enquiries by Lambus unless a Sub-Divisional Officer, a Circle Officer or the Hill Bench sees fit to direct one.

(d) Recognisance to appear shall not be taken unless it appears necessary to the Circle Officer or the Hill Bench.

(e) Proceedings before the Circle Bench or the Hill Bench may be in English or Manipuri.

38. No pleader shall be allowed to appear in any case before a Circle Bench or Village Authority and may only appear before the Hill Bench with the permission of that Bench.

CHAPTER IV. C.

CIVIL COURTS AND PROCEEDINGS

39. Civil Justice shall be administered by the Chief Court, the Hill Bench, the Circle bench and the Village Authorities.

40. The Village Authority may try suits the value of which does not exceed Rs. 500/- in which both the parties reside within their jurisdiction. The Village Authority may appoint one or more assessors to assist them in coming to a decision and when they do so shall record, but shall not be bound by, the opinion of such assessor or assessors.

41. (a) All suits tried by the Village Authority shall be decided in open Darbar in the presence of the parties and at least three independent witnesses.

(b) The Circle Officer may direct a Village Authority to report their proceedings in any case or class of case in any way which may appear to him to be suitable. Save as required by such direction no record of any proceeding need be maintained.

(c) After hearing the parties and their witnesses if any, the Village Authority shall pronounce a decision.

42. Any person aggrieved by the decision of a Village Authority may appeal to the Circle Bench provided that no appeal shall lie where the value of the suit does not exceed Rs. 35/-

43. (a) Unless any party having a right of appeal against a decision of a Village Authority give notice when such decision is announced of his intention to appeal, the Village Authority shall carry out the decision forthwith and for such purpose may proceed by distraint of any property belonging to any person liable to pay any sum under the decision, unless such person furnishes security to the satisfaction of the Village Authority.

(b) If notice of intention to appeal is given, the Village Authority shall send the parties and witnesses to the Appellate Authority at once, and one of the members of the Village Authority or one of the independent witnesses shall accompany them.

44. The Circle Bench shall try all suits the value of which does not exceed Rs. 1,000/- in which both the parties reside within the Circle which do not fall within the competence of a Village Authority.

45. Any person aggrieved by the decision of a Circle Bench may appeal to the Hill Bench provided that no appeal shall lie where the value of the suit does not exceed Rs.100/-

46. The Hill Bench shall try all suits which do not fall within the competence of the Village Authority or the Circle Bench.

47. Any person aggrieved by the decision of the Hill Bench may appeal to the Chief Court provided that no appeal shall lie where the value of the suit does not exceed Rs. 1,000/-.

48. All Civil Courts operating under this Regulation shall have power to order attendance of the parties and witnesses and to levy a fine of up to Rs. 100/- against persons failing to attend when ordered to do so.

49. All Civil Courts shall have powers to award cost as well as compensation which shall not exceed Rs. 100/- to the defendants in any case brought against them where the case is found to be vexatious or unfounded.

50. In any case where it appears that a grave injustice has been done the Chief Court, the Hill Bench or a Circle Bench may on application by the aggrieved party, call for the records from the immediately subordinate court and may direct that a case shall be re-tried. In every such case the attention of the lower court shall be drawn to the defects in the case and advice shall be give on the action which requires to be taken in the alternative court exercising powers under this Section may amend or cancel the decree.

51. Every petition or application under Section 50 above, shall be accompanied by a copy of the order against which the application is made and shall be filed within 30 days of the date of such order excluding the time taken in procuring a copy of the order.

52. All Courts shall be guided by the spirit but shall not be bound by the letter, of the Code of Civil Procedure 1908, and shall follow the State Limitation Act.

53. (a) If any decree is modified or amended as a result of an appeal or an order under Section 50 above, the decree as so modified or amended shall for the purpose of execution be deemed to be the decree of the Original Court.

(b) Decrees against persons resident beyond the jurisdiction of a court, if satisfaction cannot be obtained within that jurisdiction, shall be transferred for execution to a court having jurisdiction.

54. Houses, necessary clothing, cooking utensils or implements whereby the owner or his family subsist, shall not be attached, sold or transferred in execution of a decree, unless the house or other thing so exempted is the actual subject matter of the suit. Land may be sold or temporarily transferred where custom admits of individual rights in it being recognised.

55. No person shall be imprisoned for debt except when the Circle or Hill Bench is satisfied that he has made a fraudulent disposition or concealment of property. In such case the debtor may be detained for a period not exceeding six months.

56. No pleader shall be allowed to appear in any case before the Village Authorities or Circle Bench. The Chief Court and the Hill Bench may at their discretion allow a pleader to appear before them when hearing a case in which Hill men are involved.

CHAPTER IV. D.

EVIDENCE AND GENERAL PROVISIONS.

57. (a) In Criminal Cases before the Circle and Hill Bench, oaths shall be administered to all witnesses.

(b) In Civil suits before the Circle and Hill Benches oaths shall not be administered to the parties and witnesses unless either party so require or the court so determine.

(c) When an oath is administered it shall be in the form in which the court considers most binding on the person making it.

(d) In any case where the parties so elect, whether civil or criminal, decision shall be made by oath or ordeal and such decision shall be binding on the parties. Where any party refuses to take such oath or undergo such ordeal when challenged to do so, judgment may be passed against him without further proceedings.

58. The Circle and the Hill Benches shall be guided by the principles of the Indian Evidence Act 1872 in all Criminal Cases and Civil Suits but shall not be bound by the letter of that Act.

59. (a) All Civil Suits and Criminal Proceedings to which both Hill men and Manipuris of the Valley are a party shall be tried by the Hill Bench as a Court of Original Jurisdiction.

(b) In all cases where the parties reside in different Circles the case shall be tried by the Circle Bench under whose jurisdiction the cause of action arises.

CHAPTER IV. E.

CASES REGARDING LAND AND VILLAGE SETTLEMENT

60. Where any dispute arises regarding the ownership of land or the right of cultivation over land, the Village Authority shall where the land in dispute falls within their jurisdiction and where both parties to the dispute reside within their jurisdiction, take all steps necessary to effect a compromise between the parties. If compromise proves impossible or if the parties to the dispute reside within the jurisdiction of two or more Village Authorities, the dispute shall be placed before the Circle Bench who shall decide the case.

61. (a) An appeal shall lie against any decision of the Circle Bench under Section 60 above, to the Sub-Divisional Officer and a second appeal shall lie from the decision of the Sub-Divisional Officer to the Hill Bench, whose decision shall be final.

(b) The Hill Bench may call for the proceedings of any Subordinate Court and may amend any decision of that Court if in the opinion of the Hill Bench gross injustice has been done.

62. Where the matter in dispute is in regard to the Settlement of a Village or in any case where Village Boundaries are involved, the case shall invariably be placed before the Circle Bench by the Village Authorities concerned. The Circle Bench shall enquire into the case and shall submit a report with their recommendations to the Sub-Divisional Officer who shall pass orders thereon.

63. An appeal shall lie from an order passed by a Sub-Divisional Officer under Section 62 above, to the Hill Bench.

64. No new settlement, nor the formation of any Mchet shall be permitted without the authority in writing of the Sub-Divisional Officer. Any party aggrieved by the order of such authority may petition the Member in charge of Hill Administration for redress.

CHAPTER V

FINANCIAL PROVISIONS.

65. The Sub-Divisional Officer shall in February of each year direct the Circle Officers to frame a budget for the Circle comprising the Sub-Division, in which provision shall be made for funds for the Circle administration during the ensuing financial year in those matters which are the particular responsibility of the Circle Authority. Provision of funds for all other matters shall be made in the budget of the State Department concerned by the Minister in charge of the Hill Administration. The Budgets for the Circle when complete shall be forwarded by the Sub-Divisional Officer in the Minister to charge of the Hill Administration who shall pass them with his comments to the State Finance Department.

66. (a) On the Receipt side of the Circle Budget, shall be shown all anticipated receipts of the State Revenue including all Judicial fines levied by the Circle Bench, proceeds from the sale of Court fee stamps and all miscellaneous receipts.

(b) Where a fine is levied by a Village Authority the customer village fine may be retained by the Authority and the balance shall be credited to the State Revenue.

67. On the Expenditure side shall be shown all expenditure required for the administration of those subjects which are the particular responsibility of the Circle Authority and for the day to day administration of the Circle Head Quarters and staff provided that no provision shall be made for any item for which the approval of competent authority has not first been obtained.

68. The Sub-Divisional Officer shall be competent to sanction expenditure on any item for which provision is made in the Circle Budget, but he may in no case sanction expenditure in excess of the Budget provision or re-appropriation from any head without the express sanction of the Minister in charge of Hill Administration according to Rule.

69. In all financial and account matters the principles laid down in the State Account Rules shall so far as is possible be followed. Accounts shall be maintained in accordance with instructions to be issued by the State Finance Department and shall be subject to Audit by the State Audit Officer.

70. All Bills for payments to be made by a Circle Officer shall be drawn by the Circle Officer and shall be submitted to the Minister in charge of Hill Administration through the Sub-Divisional Officer who shall countersign the bill. All State Revenues collected by a Circle Officer shall be brought into the Circle Accounts and credit shall be made to the Treasury through the Sub-Divisional Officer who shall be held responsible for the full collection of such revenues within the Sub-Division.

71. The Budget for the Hill Administration shall be dealt with according to rule provided that in no financial year shall the total expenditure on Hill Administration under all heads fall below a figure equal to 17 ½ % of the average real revenues of the State for the immediately preceding three years.

72. A Circle Authority may, with the previous sanction of the Minister in charge of the Hill Administration, levy such local rate or cess within the circle as may seem suitable for the provision of funds for local improvement schemes subject to the proviso that the levy of such rate or cess shall not be made in such manner as to adversely affect the assessment or collection of the State Revenues. Where any such rate or cess is levied, regular accounts shall be maintained and an annual budget framed, for the fund which shall be subject to scrutiny by the Sub-Divisional Officer. Where in any such case the accumulated balances are in excess of Rs. 300/- an account shall be opened with the Post Office Savings Bank at Imphal and the excess balance invested therein.

CHAPTER VI.

GENERAL CLAUSES

73. It shall be the responsibility of the Circle Authority to arrange accommodation for Officers of the State travelling on duty where no State Bungalow exists and to provide for the carriage of the baggage of such officials and their servants and for the carriage of such State goods as the Minister in charge of Hill Administration may require. It shall further be the responsibility of the Circle Authority to arrange labour when required to do so by the Minister for the execution of State works in the Hills.

74. (a) To meet the responsibility laid on the Circle Authority by Section 73 above, a tax of Rs. 3/- shall be levied on each tax paying house and shall be credited to State Revenues. For the purpose of this Section no exemption from forced labour granted before the introduction of this Regulation shall be valid unless confirmed subsequent to the date of this regulation by the Minister in charge of Hill Administration.

(b) The tax collected under Sub-Section (a) above, shall be credited to State Revenues and provision shall be made annually in the Circle Budget:-
(i) For expenditure necessary on the carriage of State Goods and Officers' Baggage, (ii) For expenditure on labour charges involved in the construction of camps and public works other than work on bridle paths and bridges.

(c) Any person wishing to do so, may elect to render service free of all charge, to the State and in so doing, may gain exemption from payment of tax under Sub-Section (a) above, provided that such person shall agree to give a maximum of six days labour to the State when called on to do so. Provided that further that when a person elects to give labour an allowance of annas two, shall be payable to him by the State for every twelve miles he shall be required to travel to or from his village to the site where the work is required of him.

(d) Where a person wishes to elect to do labour in any one year, notice of his intention shall be given to the Circle Authority at the time of House counting and in the absence of such notice the tax shall be paid.

75. The construction and maintenance of Bridle paths and bridges which are not the responsibility of the State Public Works Department shall be arranged by agreement between the Circle Authority and the Villages which benefit from the Path or Bridge. Such agreement may provide either :- (a) That the work shall be executed voluntarily and free of charge by the villages or (b) That the work shall be arranged by the Circle Authority by

contract and that the cost shall be apportioned as may seem suitable between the villages and that the charge so made shall be recoverable as if it were State Revenue.

Where the cost of executing any such original work is more than the villages can reasonably be expected to pay, a representation shall be made by the Circle Authority to the State Council who may at their discretion sanction assistance by way of a grant-in-aid.

76. Except as is provided under Section 74 above and except as may be ordered by the Minister in charge of Hill Administration by way of penalty, no forced labour of any kind shall be exacted by any person whatever in the Hill Areas of the State.

77. Any person or persons or any community refusing to obey a lawful order issued by a competent authority shall be liable on conviction by the Minister in charge of Hill Administration to a fine which may extend to Rs. 3,000/- or to a term of forced labour which may extend to thirty days. Any person aggrieved by such an order may within fifteen days from the date of the order appeal to the State Council provided that no appeal shall lie where the fine extends to Rs. 200/- or less or the forced labour extend to seven days or less.

78. In any case where action has been-taken under Section 77 above and the person or the persons or the community persist in their refusal to obey, the State Council shall have power to order that the house or houses of the recalcitrant party be destroyed.

FIELD STUDIES IN HILL AREAS OF MANIPUR

Broad Divisions of Tribes and mode of cultivation.

**“Hills areas”
legally defined.**

Nine-tenths of the total area of the State of Manipur are covered by hills. To the hill-areas, the M.L.R. & L.R. Act 1960 does not apply. But the “hill-area” under the said Act has a special meaning. The hill-areas do not necessarily coincide with the total areas of the hill-districts, and a small part of a plain district actually constitutes hill-areas. There are 5 hill-districts and they contain 15 58 villages, out of which 1454 are hill areas, satisfying the provisions of section 2(J) of the M.L.R. & L.R. Act 1960. In addition to these 1454 villages, another 24 villages which are included in the Jiribam Sub-Division of Imphal East District have also been declared to be hill-areas in terms of the provisions of section 2(J) of the said Act. Thus the total number of villages which can be legally considered as hill-areas in Manipur is 1478 villages. * They constitute about 70% of the total number of villages in the State.

**Customs govern
the land systems in
hill-areas**

In these 70% of villages, the land system is not governed by the provisions of the M.L.R. & L.R. Act 1960, but by perennial and evolving customs. As we proceed on, we shall indicate the customs and shall also point out the modifications, if any, which have taken place since.

**Two broad
divisions of
Manipur tribes,
viz. Nagas &
Kukis.**

We have already mentioned the tribes which inhabit the hill-areas. Though customs relating to land-systems may differ to some extent from one tribe to another, yet they are more or less similar among certain allied groups of tribes, and at the same time distinct from some other groups. As long ago as 1873, R. Brown, the then Political Officer had noted that “the hill-men who inhabit the mountain tract of country under Manipur rule, although amongst themselves divided into innumerable clans and sections, each having slight difference in language, customs, or modes of dress, may be at this stage be considered generally under the two great divisions of Naga and Kuki. ***** Although no abrupt boundary line can be drawn between the tracts of the country occupied by the two races of Nagas and Kukis, it may be taken for granted that a line drawn about a day’s journey south of the Government road, or even at the present day less, running east from Kachar to the Manipur Valley (about 24.74’ north latitude) would represent the boundary which separates the two races, the Nagas lying to the

* Vide Govt. notification No. 181/2/61 – H Dt. 25.1.62. Since 1962, however, many villages have been broken up into two or more villages. Besides, revenue Villages do not often coincide with the census villages. Hence the figures given here are meant only to show the rough proportion of hill-areas & plain areas.

** R. Brown : Statistical Account of Manipur, page 15 of the Reprint of 1975.

north of this line, the Kukis to the south.”**

Tribes within each group. In the Naga group of tribes are included Tangkhul, Mao, Kabui, Kacha, Anal, Maring, Maram and some other minor tribes. In the Kuki group, the important tribes are Thadou, Paite, Hmar, Vaiphei, Zow, Mizos, Simte, Kom and Gangte. The custom of the Naga group are similar to those of other Naga tribes inhabiting the adjacent territory of Nagaland State. The customs of the Kuki group of Manipur resemble those of the tribes living in Mizoram territory adjacent to Manipur.

Distinctive features of each group. A Kuki Chief occupies a very high position among his villagers. He owns the land of the village. He can ask a villager to go out and can bring in new persons to cultivate his land. He accepts rent in crops and also other presents from the villagers. He even charges premium while settling fresh land.

Among the Naga tribes of Manipur, the position of the Chief is that of honour and respect. He is generally a wise and sober man. But his power over the villagers or the village-land is restricted. By custom, the Naga villages are like small republics ; * and all important decisions are taken by the village council as a whole. The Chief is not the owner of the village territory. He cannot, by himself, forbid any villager from cultivating his land, nor allow any new person to cultivate the village land.

Villages and tribes visited by Law Research Institute Officers. The Research Officers of the Law Research Institute carried out field studies in clusters of villages inhabited by the Naga and the Kuki tribes. Among the Naga tribes, the villages represented Tangkhul, Mao, Maram, Anal, Moyan and Kabui and among the Kuki tribes, Zow and Kom. The villages were selected in consultation with the local officers of the Government of Manipur.

The next table (table 1) shows the number of villages visited, their population, pre-dominant tribes that inhabit them, and the area under occupation. Most of the villages belong to the Naga group and only two the Kuki-group. But in the field-studies of the plains, there were 5 villages, namely, Saikot, Pearsonmun, Molnum, Saikul and Purum Likli which are inhabited by the Kukis. The Kuki Chief system in relation to land rights has been elaborately dealt with while analysing the field data of these plain villages. In a subsequent chapter on the Kukis, we shall only briefly touch upon the supplementary materials found during the field-study of the hill-villages and confirm, by additional information from the hills, the conclusions already arrived at in the plains.

The methods of cultivation among different groups. The nature of cultivation practised by any group of persons has a great influence on the system of land-rights they enjoy. The method of cultivation among the Naga-group is generally terraced and wet-rice cultivation while that among the Kuki tribes is generally jhuming. But this is true only in a general way. Because among the Naga-group, the Kabuis are predominantly jhumias and even the Tangkhul Nagas in the Central and Southern Ukhrul are found to be predominantly jhumias according to the Tribal Benchmark Survey 1981-82. Conversely, the Kukis who are known to be jhumias are found to have done wet-rice and terraced cultivation in all the five villages of the plains already mentioned, and also in some villages in Ukhrul

* “Each Tangkhul village forms a republic of its own as amongst the other Naga tribes, and they have no principal chiefs.” – R. Brown – Ibid.

Table - 1

Manipur Hill Areas.General Information of villages visited.

District .	Village	Tribe		Population		No. of plots studied	Approx. area under occupation (Acre)			Total area of cols. 8 & 9.
		Naga group.	Kuki group.	No. of house hold.	Populat-ion.		Home-stead.	W.R.C. / terraced.	Jhum	
1	2	3	4	5	6	7	8	9	10	11
Chura- chanpur Tenguopal	1) Tangpiyal	-	Zow	48	250	-	30	10 3.86%	249 96.1 3%	259.00
	2) Khudenthabi	-	Kom	36	250	-	NA	NA	65.30 100%	65.30
Senapati	3) Liyai	Pao-mei	-	450	3196	52	50	1050 100%	Nil	1050.00
	4) Pudunamei	Mao	-	300	2900	46	50	630 100%	Nil	630.00
	5) Tadubi	Mao	-	161	1038	15	27	161 100%	Nil	161.00
	6) Maram	Maram	-	60	300	56	10	108 100%	Nil	108.00
	7) Makhan	Mao	-	150	1245	25	45	500 100%	Nil	500.00

(continued).....

Table -1 (continued).

District .	Village	Tribe		Population			Approx. area under occupation (Acre)			Total area of colms. 8 & 9.
		Naga	Kuki	No. of household.	Popula- tion.	No. of plots studied.	Home stead.	W.R.C./ terraced.	Jhum.	
1	2	3	4	5	6	7	8	9	10	11
Tameglong	8) Tamenglong Khunjao	Kabui	-	175	1581	35	175	194 18.58 %	850 81.41 %	1044
	9) Khonjron	Kabui	-	125	907	283	132	210 21.29 %	776 78.70 %	986
	10) Dailong	Kabui	-	113	800	217	134	85 19.23 %	357 80.76 %	442
	11) Tharon	Liangmei	-	113	767	87	115	64 17.58 %	300 82.41 %	364
	12) Tama	Liangmei	-	70	390	137	95	147 40.49 %	216 59.50 %	363
	Ukhrul	13) Tolloi	Tangkhul	-	283	1785	33	50	308 39.08 %	480 60.91 %	788
14) Ngaimu		Tangkhul	-	158	1154	56	121	297 80.05 %	74 19.94 %	371
15) Hundung		Tangkhul	-	405	3500	42	207	215 59.06 %	141 40.93 %	
								1520	3194	4714

From the next table (table 2) based on the report of the Tirbal Benchmark Survey or 1981-82, it will be seen that in the Ukhrul Central and the Ukhrul North sub-divisions the Tankhuls overwhelmingly (68 to 80%) practise wet-rice or terraced cultivation, but in the Ukhrul south and two other sub-divisions even the Tangkhuls mostly (75to 90%) do jhuming. In Tamenglong district, various Naga tribes included under the broad class called Kabui, overwhelmingly practise jhum cultivation (85 to 99 %). Similarly, the Kuki tribes who inhabit predominantly in Chandel district and are known to be jhumias in general are found mostly (70 to 100%) to do jhum cultivation in that district, but at the same time, in Ukhrul South sub-division, 70% of Kukis are found to have done wet-rice/ terrace cultivation. In Chandel sub-division itself 56% of households of the Kom sub-tribe is found to do wet-rice/terraced cultivation.

Table - 2.

Statement showing percentage of households of Naga and Kuki tribes in Tamenglong, Chandel and Manipur East Districts.

Source : Tribal Benchmark Survey,
Director of Eco. & Statistics, Manipur.

District	Sub-division.	Tribe	P.C. of house- holds practising cultivation.	P.C. of house- holds practising jhum.	P.C. of house- hold not practising jhum.	Remarks
1	2	3	4	5	6	7
Tamenglong	Nungba	Rongmei Naga	99.81	89.87	9.94	
	Tam-West	Kuki	100	97.57	2.43	
		Rongmei	} Naga	99.03	99.03	—
		Zemei		98.89	98.89	—
		Lengmei		98.27	98.27	—
	Tamenglong	Kuki	} Kuki	99.59	99.59	—
		Hmar		99.08	99.08	—
		Rongmei	} Naga	85.30	85.30	—
		Longmei		98.86	98.40	0.46
	Kasui	99.56		99.56	—	
	Tam-North	Kuki	} Naga	99.21	98.95	0.26
		Rongmei		99.74	95.65	1.09
		Lengmei		93.10	88.53	4.57
		Zemei		12.50	12.50	—
	Ukhrul	Kuki	} Naga	96.50	94.75	1.75
		Tankhul		96.7	41.3	55.4
Kuki		95.2		70.7	24.5	

Table 2 (continued)

1	2	3	4	5	6
Chandel	Chandel	Maring	85.1	69.2	15.9
		Anal	98.10	64.6	33.5
		Moyon	98.2	59.9	38.3
		Tangkhul	96.7	83.3	8.4
		Kuki	96.30	82.2	14.1
		Kom	71.4	30.6	40.8
	Tengnoupal	Maring	95.2	68.3	26.9
		Anal	100.00	100.00	-
		Moyon	100.00	100.00	-
		Tangkhul	94.3	71.4	22.9
Kuki		95.8	65.0	30.8	
Thadou		43.8	43.8	-	
Chakpikarong	Anal Naga	99.0	66.2	32.8	
	Kuki	95.6	79.1	16.5	
	Thadou	100.0	75.9	24.1	
	Zou	100.0	100.0		

Of the 17 villages visited by our team, in the two Kuki villages (one inhabited by Zow and the other by Kom tribes) the entire cultivated area was found to be under jhum-cultivation. In the Naga (Anal & Moyal) villages of Chandel District, 80 to 88% of the total cultivated area was found to be under WRC/Terrace cultivation and the rest under jhum. In the 5 villages of Senapati district, inhabited by Paomei, Mao and Maram sub-tribes of the Nagas, no jhum cultivation in noticeable degree was found prevalent and all cultivation was either W.R.C. or terraced. In Ukhrul district, out of the three villages (all inhabited by Tangkhul Nagas), in two, WRC/terraced cultivation covered 60 to 80% of the total cultivated area, while in the third, the jhum cultivation was predominant, i.e. 60%. In Tamenglong district, out of the 5 villages, inhabited by the Kabuis, jhum cultivation covered 78 to 82% of the total cultivated area, except in one village Jama where the jhum cultivation was 60%. Tamenglong district is thus a predominantly jhum-ridden area.

Summing up then, it can be said that the Mao Nagas and allied sub-tribes in Senapati district, the Tangkhul Nagas in North Ukhrul sub-division and the Kukis in the plains and submontane areas do WRC/terraced cultivation; while the Kabui Nagas of Tamenglong District and the Kukis in Chandel and Churachandpur practise jhum cultivation. In the villages visited by the L.R.I. team, the total area under jhum and that under WRC/terraced cultivation were found to be in the proportion of 46 : 54, or very roughly, half and half. Similar figures for the State as a whole are not available.

Rights over land affected by the mode of cultivation.

As we have mentioned before, the nature of cultivation affects the rights over land. In jhum-cultivation, the tiller of the soil leaves his plot of land after cultivating it for two or three years at a time. After about 7 to 10 years, which period is known as jhum-cycle, the tiller returns to the same locality to cultivate again. The period of jhum-cycle is the period of rest for the land. During this period, shrubs and trees grow again, and the tiller now slashes them and burns them and utilises the ashes as fertilisers.

No rights if jhum plots have no fixity.

If during the period of rest, the identity of the old plot is lost, then the tiller has to choose a new plot and repeat the same process of slashing, burning, sowing, harvesting and then moving out. In such a circumstance, no permanent right over land can grow. If there is no fixity and continuity of possession, the question of inheriting it is useless since such inheritance will be only for a transitory period. The question of transfer also does not arise, as no sane man will purchase a piece of land if after 2/3 years, the rights over it would cease to be. The only right that can be acquired over a jhum plot is, therefore, the right of use and occupation for the period of continuous cultivation i.e. one or two years.

If jhum plot is fixed and identifiable, permanent land rights grow.

But suppose the identity of the jhum-plot can somehow be maintained and the same jhumia returns to the same plot after the period of rest, and during the rest period, no one else occupies it in any way. In such a circumstance, the occupation of the jhumia continues throughout the rest-period, even though no crop is grown thereon. He acquires some sort of a right over it which is not transitory. Such right can easily be passed on to others through inheritance or through transfer.

This type of jhum-plot is as good as permanently cultivated plot and the rights acquired over it may be similar to rights over permanently owned land.

Comparison with Arunachal Pradesh.

In Arunachal Pradesh we have seen that according to the Nishi custom the jhum-plot is changed at the end of each jhum-cycle, while according to the Adi custom, the cultivator holds fast to the same series of jhum-plots, though he cultivates a new plot in the series at the end of the period of continuous cultivation of a plot. The while series of plots belongs to the same person who shifts his cultivation from plot to plot during each jhum cycle. Here the rights over land are as good as in permanently cultivated land.

In permanently cultivated land in the plains, for example, each plot has got fixed boundaries and the cultivator occupies it from year to year indefinitely. His rights are more or less permanent and can therefore be passed on to heirs by succession or to others by alienation.

The villages that have been studied by the Law Research Institute team have both shifting-cultivated land and permanently cultivated land. Data collected in these villages would show whether shifting cultivation is practised in shifting plots or in fixed plots, and what land-rights are enjoyed by the cultivators.

Data collected by LRI team analysed in three following chapters.

For this purpose, it is proposed to present the data and their analysis in three separate chapters. The first one will deal with the Kabui Nagas who are overwhelmingly jhumias and at the same time have a special traditional system of land rights different from other Naga-groups like Tangkhuls and Maos.

In the next chapter, the Tangkhul Nagas and the Mao Nagas whose customs and traditions are similar would be treated.

Lastly a short chapter on Kukis will also be added, though Kuki customs have in a broad way been already covered in the foregoing relevant chapter dealing with plain lands of hill-districts.

Land System of Kabui Nagas.

The Kabuis. The Kabuis are one of the major Naga tribes of Manipur, they
Their come third (40,297)*
population,

- the first and the second being Thadou Kukis (59,955) and Tangkhul Nagas (57,851). The Kabuis form about 12% of the total tribal

Habitat. population of the State which is inhabited by 15 major and several minor tribes. They occupy the hills to the west and north-west of the Manipur Valley, north of the road to Cachar. Not very long ago they were living in the territories which lay further north, but they were pushed southward either by the Kukis or by the Manipuris in the early part of the nineteenth century.** At present, they occupy a large part of Tamenglong district, though they are found in many other districts including the Valley.

Mode of The Kabui Nagas generally practise jhum cultivation. As far
cultivation. back as 1910, T.C. Hodson had written, - "We have tribes such as the Kabuis who keep to their village sites with tenacity but are compelled to change the area of their cultivation year by year in set rotation."

From table 1, we see that in four Kabui villages namely, Khunjao, Khonjron, Dailong and Tharon, jhum cultivation covers 78% to 82% of the total cultivated area. Only in village Tama the jhum area is slightly less, namely, 60%.

In the land under jhum cultivation, the jhumia, speaking generally, does not acquire any right except the right of use and occupation. In the four villages mentioned above, the position, however, is not at all so. It resembles, to some extent, the position of the jhumias among the Adi-tribes of Arunachal Pradesh and it will be further discussed presently.

Chiefs. In every Kabui village there is a chief called Khulakpha. The office is hereditary and in olden days, the chief was supposed to be the absolute owner of all lands within the village. But now-a-days the office has lost much of its authority, and the members of the village council wield much greater influence. In the village Khonjron, inhabited by Rongmei sub-tribe of the Kabuis, it was stated by the village elders to our L.R.I. officers that the original chief who established the village had claimed to be the absolute owner of all lands. But now he has lost his authority, and cannot make allotment of village-lands nor collect anything as rent from the villagers. He still performs the religious functions of the chief, and for this honour he has to spend money from his pocket.

* 1971 Census figures.

** Vide T.C. Hodson – “The Naga Tribes of Manipur”. Hodson quotes Dr. Brown who had said “The Munnipories place their (Kabuis) origin at Kayboching, near the Aquee route north of the Govt. road from whence they spread to the south”.

He is still respected as the leader and is the ex-officio Chairman of the Village Authority established under the Manipur Hill Areas Village Authority Act, 1956.*

Village Council. In olden days, the Chief was assisted by a village council composed of the elders of the village clans. But now all powers and functions of the old-type village council of elders have been vested in the Village Authority established under the aforementioned Village Authority Act of 1956. ** But the ownership rights over lands other than homestead are not vested even in the Village Authority. These are vested in Rampaos who derive their rights not from the Chiefs but from perennial customs.

Rampaos. According to tradition, the founding clans of a village, at the time of its establishment, demarcated the village boundaries and then divided the entire area into three zones,- the homestead at the centre, the woodland surrounding the homestead, and then the jhumland

Homestead zone vested in the village community. zone surrounding the woodland zone. The homestead zone was vested in the Village Community and each household was given a plot for building purpose by the Chief in consultation with the village council members.

But the jhumland zone was partitioned among the clans whose heads, known as Rampaos, began to claim ownership of the respective blocks of land belonging to different clans.

Woodland zone. The forests were also divided into blocks from which even the Rampaos could not extract firewood & house-building materials for their own use nor allow others to do so on payment. This woodland zone serves as a green belt and a fireline between the homestead zone and the jhumland zone. Firewood and building materials are allowed to be collected from the jhumland zone.

Jhumland zone. Jhumland zone is the most important one. Jhumland everywhere in general belongs to the whole village community, and each individual acquires a right of mere use and occupation for the period of continuous cultivation. But here in the Kabui villages, there is a marked difference. The whole jhumland zone is divided into a number of blocks and each block belongs to a particular Rampao. It is from him that the individual cultivators who are called Laopaos take land for shifting cultivation. They have to pay rent in kind to their respective Rampaos, for the period of continuous cultivation, - but not for the period of rest which is often as long as nine years.

Permanent jhum plots. The jhum-plots in the Kabui villages are fixed and permanent. That is to say, each jhumia returns to the same plot over and over again at the end of each jhum-cycle. As the plots

are well-demarcated by natural boundaries or stones or trees, there is no difficulty in identifying each jhumia's plot even though shrubs and trees may overgrow during the period of rest.

* Vide section 3(4).

** Vide sections 14 and 16.

Permanent rights over jhum plots. The village council selects the particular block which would be taken up for each period of continuous cultivation, and there ends its function relating to jhum. As soon as the block is selected, each individual cultivator (Laopao) seeks out his own plot which he had cultivated previously. There is, generally, no dispute nor overlapping claim for the same plot of land. By cultivating the same plot at the end of each cycle, the jhumia acquires a kind of prescriptive rights over it. These rights are regarded by the villagers as permanent, heritable and even transferable, - with the customary restrictions. These rights are, of course, subject to the over-lordship of the Rampao to whom the selected block belongs. However since these rights are permanent, even the Rampao cannot evict the cultivators from their plots, so long as they continue to pay the customary rents. Incidentally, if we compare the Rampaos with the landlords of Assam then the Laopaos would be in the position of tenants with occupancy rights. The Laopaos not only have permanent, heritable and transferable rights but can even sublet their lands to under-tenants.

Rampao's rights over his block of land permanent and transferable. Rampaos' own interests in the blocks of lands in the jhumland zone are permanent, heritable and transferable with the customary restrictions. These rights pass on to descendants according to the customs of inheritance, or to transferees according to customary laws relating to alienation. A purchaser of Rampao's interests become a Rampao himself and can realise rents from the Laopaos.

Number of chiefs Rampaos, Laopaos etc. in the villages visited. In the next table (table 3) the number of chiefs, Rampaos, Laopaos and sub-tenants with the number of blocks in the five Kabui villages visited by the L.R.I. team has been indicated. It would be seen that there is a chief in each village and 6 to 30 Rampaos in it, and a large number of Laopaos under the Rampaos ranging from 70 to 185 in each village. The number of under-tenants is luckily not very large, and ranged from 6 to 14 in each village. The system of sub-tenancy is not yet wide-spread.

The under-tenants pay crop rents to the Laopaos, who in turn pay crop rents to the Rampaos. The Rampaos do not pay anything to the Chief, but the Chief himself is one of the Rampaos owing his own separate blocks in jhumland zone.

Keeping the above background in mind, we may proceed further to analyse the data collected.

Table - 3.

No. of Chiefs, Rampaos and Laopaos.

Manipur State, District Tamenglong . Tribe - Kabui .

Sl. No.	Name of village.	No. of Rampaos.	No. of Blocks in the village belonging to Rampaos.	No. of Laopaos.	Rent paid by Laopao to Rampao.	No. of under-tenants below Laopaos.	Rent paid by under-tenants to Laopaos.	Remarks.
1.	Tamenglong Khunjao 1 chief	26	70	175	One tin of paddy per year for the period of cultivation.		One third of the crops.	
2.	Khongjrong 1 chief	20	25	125	do	10	As agreed upon, chicken or piglet, of equivalent value.	
3.	Dailong 1 chief	30	60	113	do	14	Do	
4.	Tharon 1 chief	12	33	113	do	5	Do	
5.	Tama 1 chief	6	20	70	do	6	Do	
Total		94	208	596		35		

The next table (table 4) shows the number of plots studied in the villages inhabited by the Kabui Nagas. As already indicated, all the 759 plots are owned by 94 Rampaos. The Rampaos have leased out these lands to the Laopaos, whose number is 596 and who are generally the actual tillers of the soil. But some of the Laopaos do not cultivate all their plots, and they sub-lease some plots to under-tenants. The number of plots held by under-tenant is 35 and constitutes about 6% of the total number of plots held by the Laopaos.

**Reclaimed plots
few.**

Most of the Laopaos are not new tenants inducted into the village. Only 12 plots or 1.6% of the number of plots studied were found to have been reclaimed from jungles. The rest of the plots were either inherited or acquired by transfer. About the customary law of inheritance, we shall discuss in a separate chapter. Here we need only say that the jhum plots being fixed they have been passing down the generations without any hitch.

**Transferred
jhum plots.**

For the same reason, (i.e. the fixity of the jhum plots), there has also been regular transfer of these plots by sale and gift. Out of 759 plots studied, 55 (or about 7.2%) were acquired by purchase and 45(6%) by gifts.

Table - 4

Manipur State.
District Tamenglong, Tribe Kabui.
Details of plot study.

Sl. No.	Village.	Tribe.	No. of plots studied.	Manner of acquisition by Laopao.					No. of plots sub-let by Laopaos to undertenants.	Remark
				Inheritance.	Reclamation.	Purchase	Gift.	Mortgage.		
1	2	3	4	5	6	7	8	9	10	11
1.	Tamenglong Khunjao	Kabui (S.T. Rongmei)	35	25	3	5	2	–	–	
2.	Khonjron	"	283	226	–	46	–	1	10	
3.	Dailong	"	217	157	5	1	40	–	14	
4.	Tharon	(S.T. Liangmei)	87	75	2	3	2	–	5	
5.	Tama	"	137	128	2	–	1	–	6	
			759	611	12	55	45	1	35	
				80.5%	1.6%	7.2%	6%	.1%	4.6%	

Mode of transfer.

Sales take place mostly by delivery of possession only, but in some cases by un-registered document, too. Not only are the interests of Laopaos saleable, but even the ownership rights of

Instances of sale of Rampaos blocks.

Rampaos are sold. In village Khongjron, Rampao Kaigiong and his brothers sold their entire block of land having an area of about one sq. km. to one Ngangsu and his clan-members for Rs. 23,000/- in 1983. There was an unregistered sale-deed. The purchaser stepped into the shoes of the vendor Rampao but the interests of the Laopaos were not affected in any way. There were 40 plots in the block that was sold away. The Laopaos continued to cultivate them as before. They could not be evicted by the purchaser, though they remained liable to pay rents as before. The transfer created no problem for anybody. This is an instance of sale of ownership rights of Rampao.

Similar instances of sale of Rampao's rights were found in village Tharon. The Chief who was himself a Rampao sold two blocks to two separate purchasers, - (1) to Lungongbou in 1958 a total area of 200 acres for Rs. 160/- and (2) to Khanbuiyang in 1954 an area of about 200 acres for Rs. 80/- only. No document was executed but delivery of possession was made in presence of witnesses. Here also Laopaos remained unaffected by the sale of Rampao's interests.

Instances of sale of jhum plots of Laopaos.

In the same village, instances of sale of Laopao's interests to co-villagers were also found. Kheereneng Sing sold 4 plots of jhum land with a total area of 12 acres to one co-villager for Rs. 700/- in 1977.

One Namditiang sold 2 acres of jhumland to one Kachaluk for Rs. 600/- in 1978. No document was executed, but the oral transaction took place in presence of the village council, the members of which were entertained to a tea-party costing about Rs. 30/-.

In another village, Khunjao, one T.P. Kiruling sold to one Tasinang Jhumland area of about 30 acres at Rs. 4000/- in 1981, orally in presence of the members of the village council and by delivery of possession, and no document was executed.

In the same village, one Kiurisinang sold to Hotang and Tongamung about 40 acres of land for Rs. 6,000/- in 1961-62.

In yet another village, Dailong, a sale of jhum plot as far back as thirty years ago was come across. One Kiulemang sold one acre of jhumland to one Judi, for a pig. Sale took place orally and by delivery of possession in presence of witnesses.

That the practice of sale of jhumland has been prevalent for a long time past is evidenced, besides the instances just mentioned above, by another instance in a different village called Tharon. There one Kampoiboa was found to have sold to Lunghilong one acre of jhumland at Rs. 10/- about fifty years ago, by delivery of possession in presence of witnesses.

Instances of gift of jhum plots.

The other major form of transfer of jhum-plots is gift. Out of 101 transferred plots studied, as many as 45 were found to be gift plots. Analysing the status of donees, it was found that, except 4 plots, all the other plots were gifted to sons other than the youngest one. Four plots were given to daughters. The reason for excluding the youngest son from gift is that he is the heir according to the customary law. He inherits all the properties of the father to the exclusion of all the brothers and sisters. In order to soften the rigour of this law of ultimogeniture, the father often makes gifts of some of his properties to the other sons during his life time, so that, after his death, they need not feel completely deprived.

In village Khunjao, father Chauhau gave 6 acres (two plots) of jhum land to his daughter Kiu villien at the time of her marriage. No gift deed was executed but the transaction was completed by delivery of possession. Similarly one Ganglusang gifted to his daughter Tenilien half acre of bosti land in the same village at the time of her marriage.

In village Tharon, Kaijinang, the Chief, gifted about 6/8 acres of jhum land to his two daughters Chongbamliou and Ram Khonliou for their maintenance.

In village Tama, one Hurongbou got 2 acres of land from his father by gift. He is the second among three sons and is not entitled to any inheritance from his father. His father distributed his landed property among the three sons, but gave nothing to his two daughters. Incidentally, this piece of land happens to be ancestral. Among certain tribes, ancestral property is not alienable and has got to pass to the legal heir (here, the youngest son). But this rule has not inhibited the father here.

In village Dailong, one Guillung, a rich man, made a gift of 40 jhum plots, each measuring 3 acres, to his second son Khundi at the time of the latter's marriage. In normal course, these plots would have gone to the youngest son of the father on the death of the latter.

The gifts were found to be confined to sons and daughters only. No other relative or outsider was found to be favoured with any gift. This raises a presumption that a large part of these gifts was motivated by a desire to avoid the rigours of ultimogeniture.

One instance of mortgage of jhum plot.

Only one case of mortgage was come across during the investigation. The area involved was large, viz. 100 acres. It was a whole block of a Rampao of village Khongiron. Rampao Sri Akino mortgaged his ownership right of the whole block of jhum land to one Sri Keisungiang for an amount of Rs. 1000/- in 1967. No document was executed but witnesses were present. It was a kind of usufructuary mortgage. The mortgagee appropriated to himself the rents which the Rampao used to receive beforehand from the Laopaos. In 1983, the mortgagor Rampao wanted to redeem the mortgage by repaying the mortgage-money. But the mortgagee now refused to release the land claiming that the mortgagor had sold the land, - not mortgaged it. Dispute arose, and the matter went to the Village Court set up under the Village Authority Act 1956. The

Village Court took evidence and decided that it was a case of mortgage and ordered the mortgagee to return the land on repayment of the mortgage-money.

Jungle clearing. Rights over land are acquired by people in three general ways, (1) by inheritance, (2) by transfer and (3) by new settlement of land. We shall discuss rights acquired by inheritance in a separate chapter. We have discussed rights acquired by transfer among the Kabuis in the preceding pages. Now we may turn to rights acquired by new settlement of land.

Instances of reclaimed plots and rights over them. As we have shown before, every Kabui village has three district zones.
(1) homestead, (2) woodland and (3) jhumland.

Now the homestead zone belongs to the village community as a whole, while the woodland and the jhumland zones belong to the Rampaas.

In the jhumland zone. In the homestead zone, it is the village council including the Chief which decides as to which new area should be given to a person who wants to build a new home. According to the Kabui system, the youngest son inherits the paternal home, so that the elder sons, unless provided with lands by gifts from the father, have to go out of the ancestral home and build their own home elsewhere. Such persons are provided with homestead lands within the homestead zone. Sometimes a needy outsider of the same tribe is also given bosti land in the homestead zone.

Reclaimed plot in village Khunjao. In village Khunjao, one Goulot Rikhi was given 4 acres of bosti land by the village council. He has an orchard attached to it. He was not required to pay any salaami to the chief or the village council. Nor is he assessed to any land-revenue. He is, however, required to pay house-tax of Rs. 6/- per year.

Similarly one Chabing reclaimed one acre of land for homestead with the permission of the village council.

In Dailong village. In village Dailong, one Rongdiyang reclaimed one acre of land for bosti purpose in the homestead zone about 6 years ago with the permission of the village council.

One G. Khundi who is the second son of his late father, left his paternal home and reclaimed about one acre of land from the village common land called bosti zone about 18 years ago. He has permanent, heritable and transferable right over it, and it will pass on to his own youngest son.

In the same village, one Nimbi, who is the eldest among the four sons of his late father, left his paternal home and reclaimed about half acre of land for bosti purpose from the common land in the homestead zone. In the same village one Tajang reclaimed 2 acres in the homestead zone for bosti purpose with the permission of the village council. He is the youngest son of his father, but he left his paternal homestead which he allowed to be occupied by some other co-villagers. His elder brothers also left the paternal homestead. He told our officers that the co-villagers who had occupied his paternal homestead would

acquire permanent rights in the land reclaimed by him. His rights would be transferable, too, subject to certain restrictions.

In Tharon village. In village Tharon, one Rampinbou reclaimed one acre of land in the homestead zone with the permission of the Village Council. His father had his home in a different village, which Rampinbou left. Rampinbou approached the village council of Tharon village and got the permission to clear this area for his new homestead. He was not required to pay any salaami or rent to the Village Council or the chief. He pays house-tax as usual.

In village Tama. In village Tama, Sri Angambou Newmei, who is an Inspector of Schools, reclaimed a homestead plot in 1954 in the bosti zone of the village. He had three brothers, the youngest of whom left the paternal home and the village. But Newmei did not occupy the plot so vacated. He obtained this plot from the Village Council and built his own house. He stated that in this land he acquired a permanent, heritable and transferable right. But though only his youngest son is entitled to inherit it, he said, he would divide the land among all the three sons of his, with a larger share for the youngest.

In the woodland zone, no new reclamation of land for bosti or cultivation is allowed.

In the jhumland zone. In the jhumland zone all lands belong to one Rampao or other. Hence any new reclamation or settlement of land has got to be done only with the permission of the Rampao concerned. The Rampao does not realise any salaami but collects rent for the year or years of continuous cultivation. During the period of rest he does not demand any rent. The net result is that the rent payable to Rampao is confined to the starting year of a jhum cycle of a particular plot. This custom has become so deep-rooted that even if a jhum plot is converted to a terraced plot or W.R.C. plot, the rent is collected only for the year in which the jhum-cycle would have restarted, had the plot remained a jhumplot. This is profitable to the cultivator, for he pays no rent for 9 years (i.e. the period of rest) and does so only for one or two years in the course of 10 years. Though this custom is unprofitable to the Rampao, yet it has contributed to the prestige and the continuation of the system of Rampao.

As the jhum plots in Kabui villages are fixed plots, only rarely does a person require new jhum-plots from Rampao. On the other hand the present tendency seems to be to convert jhum-plots, where convenient, to terraced or W.R.C. plots. New land taken from Rampao is also mostly for terraced cultivation. The newly settled plots that our officers came across in this zone were all of this type.

Reclaimed plot in jhumland zone mostly for terraced cultivation. In village Khunjao, one acre of land was settled newly by Rampao with one Chabia for terraced cultivation. He reclaimed the land from jungles. He did not pay any salaami, but pays rent in crop in the year of the start of the jhum-cycle in that locality. He grows paddy. His rights over the land are permanent, heritable and transferable. His brothers will not get any share in it, -only his youngest son will inherit.

In village Dailong, Rampao Thoujin settled one acre of land with one Songku for terraced cultivation. The Rampao gets one tin of paddy at the expiry of every jhum-cycle of the locality. The cultivator gets permanent right and cannot be evicted by Rampao.

In village Tharon, one Dimunang was given half acre of land by the Rampao for terraced cultivation. He has reclaimed it from jungles but the plot is not yet fully ready for terraced cultivation. Nevertheless his right is considered to be permanent and his youngest son will inherit it. A similar plot not yet fully ready for terraced cultivation is possessed by one Rampinbon who got it from the Rampao on the same terms and conditions.

In village Tama, Angembon Newmei got settlement from Rampao of two plots each measuring about 2 acres. He reclaimed them in 1954. He pays one tin of paddy to the Rampao as rent, though the total yield from the plots is about 400 tins.

Tenancy.

We have already indicated that tenancy prevails among the Kabui Nagas of Manipur. It prevails in two tiers. Firstly, the Rampoas let out their lands to Laopaos, and secondly, the Laopaos in turn let out their lands to under-tenants. Of course the tenancy at the second level is not very wide-spread. But it does exist and is permitted by custom.

Rampao.

In the five Kabui villages visited by the L.R.I. team, there are 94 Rampoas, owning 208 blocks of land (vide table 3). There is no cultivated land in these villages which is not included in one block or other, so that everyone who cultivates any land in these villages has got to be the tenant of one Rampao or other. Such a tenant, as already indicated, is called a Laopao. There are at least 596 Laopaos in these villages. But a Laopao, once admitted to tenancy, cannot be evicted by the Rampao. The tenant acquires permanent, heritable and transferable right of use and occupation. There is no time-limit for acquisition of such permanency.

Rent payable to Rampao at the start of the jhum cycle.

The Rampoas have to be paid rents for use and occupation of their lands. The rents are paid in the form of crops. The rate is fixed by custom, and it is one tin of paddy for one plot. But it is not payable every year. It is payable only for the year of jhum cultivation. In this locality the jhum cycle is as long as 8 to 10 years, and the period of continuous cultivation in a plot is 2 years, so that the Laopao pays rent of one tin of paddy for one plot in the first year. He continues cultivation in the first plot for the second year also, and pays rent of one tin of paddy for the second year also. But, for the next 6 to 8 years, he does not cultivate the first plot and pays no rent for this plot. Of course, in the third year he moves on to the second plot and cultivates it till the end of the fourth year, and pays rent for these two years for the second plot only. Even though the first plot remains within his tenancy right and no other person can touch it, he does not pay anything as rent for the fallow period. "Produce and pay" seems to be the basic principle, and is certainly much more humane and reasonable than the rack-renting system prevalent among the 'advanced' sections of our society, where merely by virtue of the right of ownership landlords claim rent every year whether there be any production or not.

Even in terraced plot the rent is paid at the start of local jhum-cycle.

In the Kabui villages, this liberal principle has been carried a step further, beyond even the limit of 'produce and pay'. In case of terraced plot, though there is production every year, the rent is payable not every year, but for the first two

years of the jhum-cycle of the locality. For example, in the case of the first plot mentioned in the previous paragraph, even if it is converted to a terraced plot, the Laopao would pay rent of one tin per year for the plot for the first two years only, and not for the next 8 years though it is cultivated continuously year after year. Since the jhum-custom over-rides any other agricultural custom in the locality, the continuous year-to-year-cultivation of a terraced plot is ignored for the purpose of collection of rent.

It is for this very liberal custom that the institution of Rampao is still popular and there is not yet any move for abolition of the system among the common people. In the Kuki areas of Manipur, the law for acquisition of Chiefs' rights has already been passed; but it has not been extended to the Naga areas yet.

Laopaos.

In village Khunjao thirty Laopaos were found to have taken about 20 acres of land from Rampao Hujanang for jhum-cultivation, and they paid one tin of paddy each for each cultivation year. Another seven Laopaos had taken 90 acres on the whole from Rampao Baikaunang. Each tenant cultivated about 3 acres in this year of visit of our officers, and paid one tin of paddy each for that year.

Similarly, another batch of 9 tenants had taken 90 acres of land for jhum cultivation from Rampao Kuri Seniaung but cultivated 27 acres in 1983. Each tenant paid one tin of paddy for each year of cultivation.

In some of these cases, it was found that the village council was also paid one tin of paddy for witnessing the tenancy agreement.

In village Dailong, one Joungamang was found to have taken 30 plots of land from Rampao Humunang for the purpose of jhum-cultivation. He paid one tin of paddy per year of cultivation. He enjoys permanent, heritable and transferable right and cannot be evicted by the Rampao.

In village Tharon one Rampinbon took 8 jhum plots from Rampao and paid one tin of paddy for each plot.

In village Tama, one Hurongbon took 50 plots for jhum-cultivation under different Rampaos.

Under-tenants.

As we mentioned a little while ago, there is also another tier of tenants below the Laopaos. They are virtually under-tenants. They take land from the Laopaos whose rights over their jhum land include the right of sub-letting. In Table 5, the number of such tenants found during the visits to the villages have been shown. They are not many and it is good that they are not many. Otherwise the system of sub-infeudation which was the curse of Zamindari system might spread and sap the virility of the hill-people. Up-till now the evils usually associated with sub-infeudation, (e.g. rack-renting, frequent ejection etc.) have not made appearance in the hill villages. The rents realised from the undertenants of jhumplots have been nominal, - often a piglet, sometimes a chicken, sometimes a small share of the crop, and sometimes no rent is charged if the sub-tenant happens to be a relative. It is only in case of a terraced plot that a share of the crop is demanded, and the share varies from 1/3rd to 1/2, according to mutual agreement. Though the agreement is for one year only, the sub-tenant is usually not ejected.

Table 5.
Form No. 4, Manipur (Hill Areas).
Under tenants below Laopaos.

District.	Village	Tribe.	No. of tenants under Laopaos.	Approx. area involved	Class of land.	Period of tenancy.	No. of landlords.	Annual rent payable.	If the tenant evicted.
1	2	3	4	5	6	7	8	9	10
Tamenglong	1. Tamenglong Khunjao	Kabui S.T. Rongmei	-	-	-	-	-	-	-
	2. Khonjrong	Do	10	32 acres	Jhum	1 year	5	1 tin of paddy or one chicken.	Yes
	3. Dailong	Do	14	47	Jhum	1 year	4	1 tin of paddy or 1 chicken or piglet or cash	Yes
	4. Tharon	S.T. Liangmei	5	15	Jhum	1 year	1	Do	Yes
	5. Tama	Do	6	17	Jhum 12 WRC 5	1 year	4	1 tin of paddy for jhum. ½ share of crops in case of WRC	Yes
Total			35	111			14		

In village Khon-jron, one Kaisuing (a Laopao) sub-let 4 plots of jhumland to one sub-tenant named Dinsu by verbal agreement. The sub-tenant had to pay chicken and domestic animal.

One Gingigaung Kamang (a Laopao) rented out his jhumplot of about 4 acres of land in 1982 for one year, to one Sombrai on payment of one chicken.

One Kalajieyang (a Laopao) rented out a plot of his jhumland measuring about 3 acres to one Mairisiniang for one year at a time on payment of a chicken.

One Namditiang (Laopao) let out 3 plots of jhumland, each measuring about 3 acres, to one of his relatives, but he realised one tin of paddy for each plot for each year of cultivation. Obviously he does not make any profit out of it, as he in turn has to pay one tin of paddy to his Rampao.

Similarly one Namthui Diniang (Laopao) let out 4 acres to one Kaiching for one year but did not insist on payment of any rent.

In village Dialong, one Rangdiyang (a Laopao) rented 3 arces of jhumland to one Guidinang for one year. Rent payable was a piglet and some chillies.

One Sonkhu (a Laopao) inherited 40 plots of jhumland from his father, and sub-let 5 plots to his relatives on yearly basis but without fixing any rent, but he also sublet another plot to one Ashing Piang for one year on terms of payment of a chicken as rent.

One Nimbi (a Laopao) sublet 5 jhum-plots to Nangbung and 4 others on yearly basis. He realised Rs. 30/- for each plot each year.

In village Tharon Songipounang let out to Ponbonang one plot of about 3 arces of land for one year on payment of a chicken. He also sublet to Banjenang one plot of land of about 4 acres for one year for each-rent of Rs. 10/- only. He let out some other plots to his relatives free of any rent.

In village Tama, there were a few cases under-tenancy of jhumplots, free of any rent. In this village there were also a few cases of under-tenancy of terraced W.R.C. lands, where the rent was found to be 50% of the total crop-yield.

Terraced land. Though jhuming is the predominant form of cultivation in the 5 Kabui villages visited by the L.R.I. team, terraced cultivation was also found in them to some extent. It amounts to about of the total area under cultivation.

There is no separate zone for practising terraced cultivation. As we have already mentioned, there are 3 zones in every village, - homestead, woodland and jhumland. Jhumland zone is the zone for terraced cultivation also. In fact, it is generally the practice to convert suitable jhumplots into terraced plots, and occasionally to reclaim jungle-lands for the purpose. Terracing requires a lot of labour and also some investment of money, and so people are cautious in selecting land for terrace cultivation. Terrace-cultivation requires regular and adequate flow of water, and, so, generally lands near a stream or rivulet are chosen for the purpose.

Terrace-cultivation means permanent cultivation and so by custom it results in acquisition of permanent, heritable and transferable rights in the land so cultivated. A sub-tenant cultivator has to pay a regular and higher rate of rent to a Laopao, though Laopao in turn does not pay higher rate of rent to the Rampao.

There is said to be not much land left for new reclamation for the purpose of terraced cultivation. The present trend is to convert jhumland, wherever suitable to terraced plots. Clusters of terraced-plots are therefore found within a big jhum locality.

In village Khunjao, one Phuing Sang's father reclaimed one hectare of land and terraced it. Phuing Sang inherited the land on his father's death, as terraced lands are heritable and transferable.

In the same village, one Chobing reclaimed one acre of land from jungles and made it into a terraced plot.

In village Khongiron, one Guijigong Kamang reclaimed 2 acres of land about 4 years ago and made it into a terraced plot. But he is not getting sufficient water and so paddy has not been grown as yet.

In same village, one Kalajeyang inherited 3 acres of jhumland from his father and converted it into a terraced plot. But due to scarcity of water, crop has not yet been grown.

In the same village one Khieuring Singh purchased two acres of terraced land from a co-villager for Rs. 600/- .

In village Dailong, one Rongdiyang inherited one acre of jhum land from his father and then converted it into a terraced plot. He grows fruits on the plot, but no paddy.

In the same village, Rampao Thonjin let out one acre of terraced land to a Laopao who pays him one tin of paddy as rent in the first and second years of the local jhum cycle. Similarly, one Tajanang took a plot of terraced land from Rampao and paid him one tin of paddy in the first and second years of the local jhum cycle (generally 9 years). In the same village one Tajang inherited 2 acres of terraced land from his father, who was a Laopao under the Rampao. Tajang continues to pay the same rent of one tin per year for the first two years of the jhum cycle.

In village Tharon, one Sangipoyang inherited about one acre from his father, which he converted to a terraced plot. It was not ready for cultivation at the time of visit by our officers. In the same village one Dimung reclaimed about 3 acres of land as Laopao of the Rampao who happens to be the chief, too. At the time of visit, the plot was not ready for cultivation, but could be inherited and even transferred.

In village Tama, Hurongbon reclaimed two acres of jungly land from Rampou. He pays one tin of paddy per year as rent to the Rampou for the first two years of the jhum-cycle.

In the same village one Hotrangbon who is a Laopao and has a terraced plot of 3 acres rented it out to one Guisimang for one year. Half of the gross

produce of the land is paid as rent. He has to pay this every year of cultivation and not merely for the first two years of jhum cycle unlike the Laopao who pays to Rampao only for the first two years of the jhum cycle even though he cultivates every year. One Arongbon, a Laopao, rented out his terraced plot to one Tawwangbon on similar crop-share basis.

In another terraced plot of the village, the owner, one Adibou was found to have got it cultivated through hired agriculture labourer who was paid Rs. 300/- for one year.

Land system of Tangkhul and Mao Nagas.

Sub-divisions of the tribes studied and their habitat.

In Chapter I, we have already shown that the hill-tribes of Manipur are broadly divisible into two general groups, –

(1) Naga group and (2) Kuki group. The Naga-group has again been divided by us into two sub-groups –

(a) Kabui Nagas and (b) Tangkhul and Mao Nagas for convenience of our studies of land-systems, as the Kabui system shows some special features which are not seen among the other Naga cultivators.

“Authorities like McCulloch and Brown recognise two divisions among the Tangkhuls, approximately to their geographical distribution. The Luhupas are the Northern Division, while the Tangkhuls are the southern.” *

The Mao-group was classed by Colonel McCulloch with the Marams, and by Dr. Brown with a large number of villages including Maram. The Mao-group is composed of those villages which own the religious headships of either the Khulakpa of Mao village or of Maikel. While they are classed together, they have got certain differences which distinguish them as sub-tribes.**

There are two big villages by the same names, viz. Mao and Maram on the Dimapur-Imphal road which are inhabited respectively by these two sub-tribes. Close to Mao is Pudunamei, another big village belonging to the Mao tribe. Its kindred villages stretch as far as Jessami in the east and Uilong in the west. River Barak flows through the Mao-region. On the north of this region is the Angami country of Nagaland State.

Population. Total population of Tangkhul Nagas is 57851 (1971). Luhupas are included in this figure. Tangkhuls are the second largest hill-tribe of Manipur, - the first one being Thadou Kuki (59,955). The total population of Mai is 33,379, and that of Maram 4,539. Mao and Maram taken together form a large tribe. It is the fourth in order of population number, - the first three being Thadou, Tangkhul and Kabui.

It may be noted in this connection, that the Naga-group and the Kuki group are in the proportion of about 50:50 in the State. Of the Naga group, again, Kabui, Tangkhul, Mao and Maram taken together constitute about 82%. These four tribes also form about 40% of the total population of all the hill-tribes of Manipur State. The studies of their land system therefore, give a reasonably good picture of the land system of the Manipur Hills, - barring the Kukis who have been dealt with separately.

* T.C. Hodson – Naga Tribes of Manipur.

** Hodson – Ibid.

As we have already mentioned, Naga social and political organisations in the villages are known to be more democratic than those of many other tribes. Brown had mentioned that each Naga village was some sort of a republic, * and the institution of the Chief, though it exists, has very little power over the management of the ordinary village affairs. His power is confined mainly to religious functions. The institution is “invested with special taboos all of which are designed to prevent impairment of its efficiency”. **

The Chief’s office is hereditary and usually the eldest son succeeds to the office.

Distinction from Kuki chief.

The distinction between a Kuki Chief and a Naga Chief has been described by T.C. Hodson as follows :-

“We are sometimes able to distinguished a Kuki from a Naga clan by the development of the Chieftain, in the former instance into a secular leader who takes only a ceremonial part in the tribal rites, and in the latter case by the diminution of the secular authority of the genaabura, who remains the religious head of his village.” ***

As a general rule, each village possesses at least one officer to whom the Meithei title Khulakpa is given. His authority is religious in origin and nature. In many villages, an official called Lamboo is also found. He is given that dignity of an official because he known more or Manipuri language than his fellow-villagers. ****

Two or more chiefs in the same village.

Hodson found two village officers in nearly every Tangkhul village. One is called Khulakpa and the other Luplakpa. Each one heads a separate clan. In Mao and Maram, Hodson found two Khulakpas, heading two different clans. Among the Kabuis, Colonel Mc Culloch says, “every village has three hereditary officers, namely, Kook-lakpa, Looplakpa, and Lampoo”. Among the Marrings, there are two hereditary officers, Khulpu and Khulakpa, within some villages, a Meithei Lambu, who is the villager possessing the best knowledge of Manipuri. In Chiru villages, though small, it is usual to find four officials, Khulakpa, Luplakpa, Khulpu and Lambu, the first three being hereditary. *****

Position of the Chief at present time as found in some villages.

At the present time, the position of the Chiefs in Naga villages, both Tankhul and Mao, has further deteriorated.

Village Tolloi.

In Tangkhul village called Tolloi which was visited by our research staff, originally there were only two clans Shangjan and Lungleng. Other clans joined them later and now there are as many as twelve clans on the whole. The name of the present chief is Sri S. Reshing. In olden days he was the head of the village council known as ‘Hang Vapam’. Eldest member of each clan was a member

* R. Brown – Statistical Account of Manipur.

** Hodson – Naga Tribes of Manipur.

*** Hodson – Ibid.

**** Vide Hodson – Ibid.

***** Hodson – Ibid.

of the Hang Vapam. Each household in those days used to give one day's labour in a year to the chief. Now-a-days, he gets nothing, he has no rights over land and cannot realise any rent from villagers. On the other hand, to keep the prestige of his office, the chief has to give a sumptuous feast to the villagers every year.

Village Authority. After the Manipur Hill Areas Village Authority Act was passed in 1956 and a village authority set up in the village, the powers of the traditional village council (Hangvapam) and the chief went down considerably. The village chief was, of course, made the ex-officio chairman of the elected village authority, but the judicial and administrative powers of the Hangvapam and the chief were transferred to the elected village authority. The result has been almost a total collapse of the former position of the chief except in religious functions.

Village Ngaima. Village Ngaima, another village visited by the staff of the Law Research Institute, was originally established by a single clan called Ruivanao. Now there are four clans in the village. Sri R.S. Shimreiyan is the present chief. In olden days, he used to receive, as in village Tolloi, one day's free labour from each household, so that for 158 days in twelve months, he had enjoyed the benefit of free labour – there being 158 households in the village. That was quite something. He also used to preside over the meetings of the traditional village council formed by the heads of the clans. He and the council had judicial powers. Now-a-days all that is gone. Instead, a village authority established under the provisions of the Manipur Hills Areas Village Authorities Act 1956, exercises judicial and administrative powers. Free labour rendered to the chief has been stopped. The only thing left with the chief is the power to preside over the meetings of the village authority as its ex-officio chairman. His religious responsibilities, however, are untouched by the Village Authorities Act 1956.

The position of the chief in the third village, namely, Hundung, visited by our team is exactly the same and requires no repletion.

Land system. So far as land-system is concerned, all lands belong to the village community and not to any chief (as among the Kukis) or to any intermediary class (as among the Kabuis). But the individual households have acquired permanent rights over homestead land, terraced land, wet-rice land and even over forest land, - for which the individual households are not obliged to pay anything to the village council or village authority or to the chief. They are, however, required to pay house-tax to the State Government as in other hill areas.

Five distinct zones. Five distinct zones are noticeable in every Tangkhul village, namely,–
(1) homestead area, (2) woodland, (3) terraced area, (4) wet-rice-cultivation area and (5) common-land.

(1) **Homestead land.**

The homestead area is known as Khalung land. All Naga villages are located on a slope near the peak. Every household has its own house and a homestead plot of land. Each house has a small kitchen garden attached to it. The owner of the house has permanent, heritable and transferable right in the homestead plot. According to the Tangkhul custom of primogeniture, the eldest son inherits the father's house, and even during the life time of the father, very often, the other sons leave the paternal house and build their own in separate lands either gifted by the father or acquired by the sons themselves.

(2) Woodland.

This area is known as Thingkham. It is a forest belt, about 2 km. wide, located around the homestead area. Every household owns an individual parcel in this belt, well-demarcated by natural boundaries. The owner collects timber and firewood from this parcel for his own household use. The owner had heritable and transferable rights over the parcel of woodland. Sometimes an owner sells it, and collects his own firewood from jhum field.

(3) Terraced land.

Terraced land is called Ngaralui. Terraced land is very popular among the Tangkhuls as among the Maos and the Angamis and there are extensive areas of this type of land. In the three villages of Ukhrul visited by our officers, terraced cultivation covered 80%, 60 % and 40% of the total cultivated areas of these villages. Terraced fields are usually prepared along the two banks of a stream and they rise up from the river bed like a stair case upto the height of the peak where the village homesteads are established. Water-supply is a major problem for cultivation in the terraced fields but the customs in the Naga society have so developed that distribution of water in the terraced fields is effected without much dispute. T.C. Hodson wrote as far back as 1910 :-

“We have large villages with extensive terraced fields magnificently irrigated with water brought from considerable distances in channels so well aligned that every advantage is taken of any natural slope encountered, and awkward corners avoided or turned with admirable ingenuity.*****.

In every village where there are terraced fields, there is a body of customs with reference to the equitable distribution of the water over the fields.*****”

“Any villager who evades the rules lays himself open to much trouble. The highest fields get the water first and then, to prevent waste, have to let it pass on to the lower fields, and each holder of a terraced field must keep its retaining walls, made, as a rule, of piled stones, in proper repair, lest those below should suffer by his negligence and default.” *

Rights over terraced lands are permanent, heritable and transferable. Terraced land is sometimes even leased out. When so done, the owner receives a share of the gross produce to the extent of 50% in case of fertile land and 33 $\frac{1}{3}$ % in case of other lands.

(4) Wet-rice-land.

By the term “Wet-rice-land”, is connoted land which grows Sali paddy and is more or less flat valley land without being terraced. Such land is locally called Truilam land. Usually, abandoned river beds belong to this type. In the

higher reaches it is difficult to find such flat land well supplied with water on a practicable scale.

* Hodson – Naga Tribes of Manipur.

Terraced lands are also wet-rice-land in the true sense of the term 'wet-rice-land'. But in Tangkhul villages a distinction is often made between the man-made wet-rice-field and natural wet-rice-field. Outsiders, however, make very little distinction between the two, and we have followed the latter practice in our report.

Rights over wet-rice-land are permanent, heritable and transferable including the right to sub-let.

(5) Common or public land.

We have already indicated that all lands within the village boundaries belong to the village community as a whole. In the four classes of lands mentioned above, including even woodlands, individual land-rights are acquired by use and occupation. All residual lands besides these four classes are regarded as common lands. They are called Mosalam lands. They belong to the village as a whole, but are at the disposal of the village council, (now-a-days, Village Authority), which represents the whole village community. The council or the authority actually settles new land for permanent cultivation by a villager on receipt of a fee of Rs. 10 /- Sometimes it settles land even with an outsider (Tangkhul) on payment of a fee of Rs. 50/-.

Jhum cultivation. It is in these Mosalam lands that jhum cultivation is also practised by some villagers. As already mentioned, jhuming is not very popular among the Tangkhul Nagas, but it has got to be resorted to in some hills which do not lend themselves to convenient terracing, due, for example, to steepness of the terrain or scarcity of water or porousness of the soil. In such cases, Mosalam land is used for jhuming, but the cultivator acquires no rights over the land so cultivated. The plots are cultivated continuously for two years and then kept fallow for 10 to 15 years. The jhum cycle is thus reasonably long. As soon as a cultivator shifts to a new plot, his temporary right over the land ceases, and the land reverts to the village community. The cultivator can, however, select any plot for jhum cultivation, and no permission from any authority is needed.

This neat distinction of various types of lands in Naga villages was noticed even in 1910 by T.C. Hodson. "Each village possesses a well-defined area of territory not only of cultivated and terraced land but of jhum and waste land as well." *

Position in Mao-inhabited villages. In the Mao Naga villages, the position is more or less the same as in the Tangkhul villages. Minor differences were found here and there during our field-visits, which, however, do not affect the fundamental customary frame. In the new village **Chief's position.** Maram, the chief was found to be elected by the villagers, whereas even according to the Village Authority Act of 1956, the hereditary Chief is the ex-officio Chairman of the village authority. The reason for this apparent deviation is that New Maram is a new village

established by some villagers of old Maram village which is a very big and ancient village, and in this new village there was no hereditary chief. So actually the Chairman of the village authority was elected under section 3(4) of the Village Authority Act 1956, which provides that “where there is no such chief or Khulakpa in the village, the Chairman of the Village Authority of that village shall be elected by the members of the Village Authority from among themselves”. The Chairman appears to be termed as the elected chief, too. By and large, therefore, the

* Hodson – Naga Tribes of Manipur .

hereditary principle prevails in Mao villages, too. At the same time in Liyai village (one of the biggest and the oldest Mao villages) it was asserted by the villagers that even the hereditary chief may be removed if he violates the traditions and customs. In this particular village, the eldest son of the deceased chief was at first the chief, but when he later on adopted Christianity, he had to resign under pressure of popular opinion and his next brother became the chief.

Traditional village councils.

Again, the traditional village councils have not totally disappeared. It is true that elected village authorities have been set up in all villages, but they exercise only the powers provided for in the Act. There are several spheres of village life that are not, or cannot, be provided for in the Act, - such as for example, religious practices, certain agricultural customs, certain cultural matters and so on. These are still controlled by the village council composed of the elder members of the clans, but what is more, the traditional village councils even try cases which do not come under the scope of the Village Authorities Act. There are thus two parallel bodies in Mao villages functioning side by side whereas in Tangkhul villages visited by our staff the Village Authority had supplanted the traditional village councils completely.

Woodlands.

Again as regards village woodlands, in some villages like Tadubi it was claimed that each household had well-demarcated patch of forest land, but in some, like Liyai, it was hold that forest lands were common lands, and each household could gather firewood and house-building materials without any permission of the village council. Extension of cultivation by individual household was made out of the common forest land.

Jhum cultivation in the Mao area is rare and terrace cultivation is the general rule, whereas in Tangkhul areas some jhum cultivation is still found to be prevalent.

Villages visited.

Keeping these matters in view we may now proceed to analyse the field-data collected in the villages. In table 5, the names of the villages visited, the number of plots studied, and the manner in which these plots had been acquired by the present occupants have been shown. The villages were selected in consultation with local officials who affirmed that they were representative of the prevailing customs regarding land. Villages Tolloi, Ngaima, and Hundung are Tangkhul villages, while Liyai, Pudunamei, Tadubi, Maram and Makhan are inhabited by Mao Nagas including Maram and Pao-Mei, sub-tribes.

Rights acquired in three ways. Rights over land everywhere are acquired in three ways, – (1) by inheritance, (2) by transfer and (3) by reclamation of jungle-land. We shall consider inheritance rules of Tangkhuls and Maos in a separate chapter on inheritance. Here we shall consider rights acquired by transfer and reclamation.

It will be seen from table 6, that the bulk (53%) of the studied plots were acquired by inheritance. This is because these villages except New Maram are very old villages, there being very little cultivable waste land left for extension of new cultivation. As we have mentioned before, the present trend in Naga inhabited areas is to convert jhum lands into terraced plots. Hence old plots of land descend from generation to generation according to customary laws of inheritance, and hence the predominance of inherited plots over other forms of acquisition.

Transferred plots studied. Transferred plots form about 33% of the total plots studied. Though there is customary restriction against transfer of lands to other tribes and to outsiders, yet transfers do take place freely among the villagers and the price of land appears to be high. Though all forms of transfer i.e. sale, gift, mortgage, leasing etc., are prevalent, sale, lease and gift dominate the scene. They constitute 12.30%, 12.61% and 7.38% respectively of the total plots studied.

Table 6.

Manipur State – Hill Areas.
Tribe – Tangkhul & Mao Nagas.

Manner of acquisition of rights over land.

District.	Village.	Tribe	No. of plots studied.	Manner of acquisition of rights.						Remarks
				Inheritance.	Jungle clearing.	Purchase.	Gift.	Mortgage.	Sub-letting.	
1	2	3	4	5	6	7	8	9	10	11
1. Ukhrul	1. Tolloi	Tankhul	33	10	-	12	3	3	5	
	2. Ngaimu	Do	56	46	-	5	3	-	2	
	3. Hundung	Do	42	25	-	11	4	-	2	
2. Senapati	4. Liyai	Pao-mei	52	24	5	7	9	-	7	
	5. Pudunamei	Mao Naga	46	33	10	-	3	-	-	
	6. Tadubi	Mao	15	5	-	5	1	-	4	
	7. New Maram	Maram	56	14	30	-	1	-	11	
	8. Makhan	Mao	25	15	-	-	-	-	10	
			325	172	45	40	24	3	41	
				52.92%	13.84%	12.30%	7.38%	.92%	12.61%	
						32.61%				

Instances of sale in village Tolloi.

The largest number of sale was found in village Tolloi. It is understood to be one of the most advanced villages in Ukhrul area. It has got as many as 12 Tangkhul clans. It is surrounded on all sides by streams. It is claimed that it was established about 500 years ago, but there is no confirmatory evidence about the age of the village. Christianity came into the village in 1920, and now all the villagers are understood to be Christian. Because of the advanced state of society in the village, transactions of transfer are easily facilitated.

About 10 years ago, one Ngasaiphung sold one acre of homestead land for Rs. 3000/- to one Raikhan by mere delivery of possession.

Sale of jhumland.

About the same time, the same person sold to Sri Rashing four acres of jhumland for Rs. 1500/-. There was no written document in this case also.

As far back as 1937, owner Sri L. Phungsing sold about 15 acres of jhumland for only Rs. 27/- to one Sri L. Banabas. This shows that transfer of land was a practice followed long since, and that jhumland could also be sold. It also shows that land prices were very low in those days.

Sale of home-stead land.

More than 20 years ago, Sri V. Luithui purchased one acre of homestead land for Rs. 300/- only. The seller was his own brother. The purchaser was the third son of the father and, therefore, could not ordinarily inherit. So he had to acquire land on his own, and he did so from one of his brothers who had enough and to spare.

In 1984, Sri Yangam purchased from Sri Ngalanzer only an area of about 5000 sq. ft. of homestead land for as much as 2500/-. Apparently, the price is very high. But Tolloi is a village where homestead locality is limited and a large part of it is occupied by Army. Hence the value of homestead land is escalating sharply with the passing of time.

In 1983, two sales of homestead land in Tolloi took place similarly at high prices.

Sri R. Leistisam purchased an area of 10, 000 sq. ft. from Sri Morisphung in 1983 for a sum of Rs. 6,000/-. Again Sri V. Hopping purchased from Sri R. Linlai a similar area of 10,000 sq.ft. in 1983 for Rs. 7,000/-.

All the transactions were complete by mere delivery of possession.

Instances of sale in village Ngaimu.

Sale of WRC and terraced land.

In village Ngaimu, the value of land was found to be equally high. Mr. Daniel purchased from Mrs. Siures one acre of wet-rice-land for Rs. 3000/- about 7/8 years ago. Mr. Lamai purchased from Mr. Shinreiyen half acre of wet-rice land, for a sum of Rs. 2800/- in 1962. Mr. Shimreiyen in turn purchased from Mr. Sholatun an area of half acre of wet-rice-land for Rs. 3900/- in 1978.

Mr. Ngazek purchased from his uncle Mr. Ngaitheng one acre of terraced land for Rs. 3000/- about 3/4 years ago.

No document of sale. All these transactions, as in village Tolloi, took place by oral agreement and were completed by delivery of possession. Villagers consisting of educated and reliable persons confirmed that the prices of W.R.C., terraced and homestead lands were high. The reason for the high price was said to be the scarcity of wet-rice flat land in the hills and the heavy investment that is needed in terrace-making.

In village Hundung also, the same trend of high prices was seen. Mr. Thhingaleng purchased from Mr. Wangnaoyo one acre of W.R.C. land for Rs. 5000/- in 1962. The same person purchased from Mr. Ramngafa one acre of W.R.C. land for Rs. 3000/- in 1970.

The above transactions were completed by delivery of possession and there were no written documents. But in this village a few transactions were found which were effected by unregistered document.

Unregistered sale-deed. Sri Vangam sold 2 acres of land to Shri Khorei in 1970 for Rs. 2200/- by a unregistered sale-deed accompanied by delivery of possession and the same person sold another plot of one acre of terraced land to Sri Ningchui for Rs. 2400/- in 1960 by an unregistered document accompanied by delivery of possession.

Instances of sale in Mao-inhabited villages. Of the Mao-inhabited villages visited by our staff, at Tadubi, the prices of land were found to be very high. Of course Tadubi is now a sub-divisional headquarter town and most of the lands have been converted to town and most of the lands have been converted to commercial purposes, though residential houses are attached to them. Mr. O. Asoli purchased 2800 sq. ft. from Mr. K. Lokho at Rs. 3000/- in 1970. Similarly, N. Asiho purchased from K. Dili 5000sq. ft. in 1960 for Rs. 10,000/-. K. Sokha purchased 2400 sq. ft. from A. Lokho in 1978 for Rs. 8,500/-.

In Liyai village also transfer transactions were found prevalent. It is a very interior village but very old, big and prosperous. The village finds mention in both Brown's 'Statistical Account' and Hodson's 'Naga Tribes'. Its present population is about 3200, and is said to be the biggest village in the district of Senapati.

Sale in village Liyai. In this village, Sri Salounu purchased from Sri Maikho about 3 acres of terraced land for Rs. 30,000/- some 9 years back. One Pani purchased from one Hava one acre of terraced land for Rs. 5000/- in 1963. One Sale purchased from one Khochi one acre of terraced land at Rs. 1500/- 3 years back. One Waikho purchased from one Salaumo about 1 ½ acres of terraced land for Rs. 5,500/- 3 years back.

No written sale-deed. In all these transactions there was no written document. Sale was executed by delivery of possession only.

It would thus be seen that both in Tangkhul villages as well as in Mao villages, sale of land, whether jhumed, terraced or homestead, is common, and the price is high. Mode of sale is delivery of possession, and, rarely, written

document. Even if the sale-deed is written, it is not usually registered. Transactions are always in cash, and price in the form of animal is not accepted. Sale is, however, generally confined to tribals and to resident villagers. If an outsider tribal wants to be purchased, he is to take the permission of the village council and become resident of the village.

Gift.

Gift seems to be quite in vogue among both Tangkhuls and Maos. Almost in every village visited by our staff some plots acquired by gift were found. On the whole the gift plots formed 7% of the total plots studied.

Gifts are made almost always to the nearest kins. As the system of patrilineal primogeniture prevails, the female members and the younger sons are not entitled to inherit. So the father, out of affection, provides for them by making gift of lands during his own life-time.

Instances of gift. Thus, in village Tolloi, father late Khaning Khai made gifts of half acre of homestead land each to his married daughter Srimati Runamla and his younger son Sri L. Khawu. In the same village Sri Vangam, the second son of his father, received as gift from his father 5000 sq. ft. of very valuable homestead land after his marriage. His eldest brother inherited the major share of the landed property, but his four other brothers also received gifts of two valuable terraced plots.

In village Ngaimu, Sri R.L. Ngazek became owner of 1 acre of homestead land as a result of a gift from his father. He is the second son of his father. His elder brother inherited the main homestead land with an area of 2 acres. The second son received also 2 acres of jhumland and 3 acres of W.R.C. land as gift from his father.

In village Hundung, Sri Vasai, the youngest son of his father, and his two other brothers, received as gift from his father 1/4 acre of homeland each, while his eldest brother inherited all other properties of the father.

Sri Y.L. Vangam had eight sons, and he lived with his eldest son. He made a gift of 1/2 acre of homestead land to each of his other sons.

The above villages are inhabited by Tangkhuls. But in Mao villages also the same custom prevails. In Liyai, father Sri Thokho made a gift of 2 acres of terraced land to his son Sasini, and one acre each to his three daughters, Nishi, Juna and Vichi. Similar gifts of 1 1/2 acres of terraced land were made by father Salura to each of his two daughters on their marriage.

Similarly in village Pudunamei Puni, Kholi and Kaponi (original owners of land) made gifts of all their lands to the children giving major shares to the eldest sons and living with them.

No written document. All the gifts were made orally and by delivery of possession. There was no written document, - not to speak of registration.

Mortgage.

Mortgage does not seem to be very common in these areas, though three cases of mortgage were come across in village Tolloi, which, as we have already stated, is an advanced village.

Wilson mortgaged 10,000 sq. ft. of paddy field to Z. Vangam to secure a loan of Rs. 6,000/- in 1982. The loan was repayable within one year. The rate of interest was very high namely 50 % per year. The term of loan was extended upto 1984 on condition that if the mortgagor failed to repay the amount within the stipulated period, the mortgage would be deemed to be an outright sale.

Another case of mortgage related to a homestead plot. Nga Saiphung mortgaged to Phungsing an area of 2500 sq. ft. of homestead land for Rs. 1000/- in 1981 for one year. The rate of interest here also was 50%.

In another case, Mr. Rai Kham, the mortgagee, got the ownership of the land as the mortgagor failed to repay the loan.

Tenancy. (Leasing).

Leasing is quite common in these areas. From table 6, it is seen that about 13% of studied plots are cultivated or otherwise used for tenants. Besides, tenanted plots were found in all the villages visited, except one.

Rent is paid in crop. The general practice is to realise crop-share from the tenants, and rarely cash rent. The tenants are ejectable at will of the landlord. And the period is from year to year.

Tenancy is prevalent in terraced and W.R.C. plots. Where jhum plots are of permanent nature, tenancy is not ruled out.

Instances of tenancy. In village Tolloi, owner Sri Kuria was found to have leased out 1½ acres of terraced field to Srimati Sarah on condition of payment of crop-rent at the rate of half-share. No seed or other materials were supplied by the landlord.

Similarly, in two other plots in the same village, the landlords were found to have realised half share of the crop as rent. The period of the tenancy was renewed from year to year and covered 4 years till 1983. No seed was supplied by the landlord.

But another landlord, Khavangseng who leased out 1½ acres of terraced land to Vaingam realised only 1/3 rd share of the crop as rent. Landlord supplied nothing.

An instance of tenancy in jhum plot. A case of tenancy in jhum-plot was also found. Phungsing let out about 2 acres of jhum land to Yangla for each-rent of Re. 1/- only for one year at a time.

The landlords in these tenancy cases were found to be service-holders and they had not time enough to do arduous cultivation in terraced land.

Tenancy in terraced land. In village Ngaimu, landowner Sapei let out to Arim one acre of terraced land for one year on condition of payment of one tin of paddy as rent. No seed was supplied by the landlord.

The same landlord also let out one acre of terraced land to Shangam on condition of rendering labour in the landlord's another field for one day only. In village Hundung, two jhum plots of one acre each were let out by Ungnaoyo to Thengei and to Ngapaikhau on condition of payment of one tin of paddy as rent. The period of tenancy was one year.

The above villages are Tangkhul inhabited village. In Mao-inhabited villages, tenancy occurs in terraced plots only. In fact there are very few jhum-plots in the villages visited by out team. Crop-rent is the general rule, but cash-rent prevails near market areas. Share of crop varies, - in some areas 20 to 50 tins of paddy, in other areas 1/3 rd share of the produce and in still other areas ½ share. The period of tenancy also varies from 1 to 5 years, but the tenants have no security against ejection and may be ejected at any time.

In village Liyai, Mr. D. Ehatsi rented out 2 acres of terraced land to a tenant for the last 3 years. The rent was 50 tins of paddy. He said he could eject the tenant at any time. D. Salounu rented out 1 acre each to two tenants for one year. Realised half-share of the crop as rent. Daso let out one acre to a tenant in 1983 on half-share basis. Akha rented out 5 acres of his terraced land (being his entire holding) to two tenants since 1979 at the rate of half share of the crop. Tholi gave one acre on rent to one tenant 3 years back on half-share basis.

In village Tadubi, another Mao-inhabited village, S. Akha sub-let to H. Boni ½ acre of terraced land since 1980 on 1/3 rd crop share basis. K. Kosa sub-let to S. Kholia 1 acre of terraced land since 1975 on 1/3 rd crop-sharing basis, S. Dikha sub-let to S. Pukeni ½ acre since 1982 at a rent of 1/3 rd of the produce. N. Asoli sublet to D. Pukeni ½ acre of land at a cash-rent of Rs. 70 /- per year. This land is nearer the marketing centre, - hence cash-rent has been in vogue.

In village Makhan, K. Kashiso has rented out 5 acres of terraced land to 5 tenants. He takes only 20 tins of paddy from them because of their poorer conditions. Another landlord Makaisopa has 5 tenants in 3 acres of his terraced lands. He realises rents at the rate of 50% of the produce. The tenants can be evicted at any time by the landlords.

It will thus be seen that tenancy exists in the Tangkhul and Mao villages, though not on a very extensive scale (vide Table 7). One acre on average for each tenant seems to be the usual pattern. Crop-rent is the usual rule. There is no protection to the tenant against ejection. The period of tenancy varies, - but generally it is renewed from year to year.

Thus the three F's (fair rent, fixity of tenure and freedom from ejection) are not secured to the tenants.

Table 7.

Tenancy Schedule for Hill Areas (Manipur).

District.	Village.	Tribe.	No. of tenants.	Approx. area involved.	Class of land.	Period of tenancy.	Annual rent payable.	If tenant can be replaced at any time.	Remarks.
1	2	3	4	5	6	7	8	9	10
1. Ukhrul	1. Tolloi	Tangkhul	5	6 ½ acres	Terraced & jhum.	1 year	½ share of crop. *	Yes	* Re. 1/- for one jhum plot.
	2. Ngaimu	Tangkhul	2	2 acres	Terraced	1 year	1 tin of paddy & one day's labour.	Yes	
2. Senapati	3. Hundung	Tangkhul	2	2 acres	Jhum	1 year	1 tin of paddy.	Yes	* In one plot 50 tins of paddy. * In one plot near market area Rs. 70/- per year.
	4. Liyai	Pao-mei	7	11 acres	Terrace	Varies from 1-5 years.	½ share *	Yes	
	5. Tadubi	Mao	4	4 acres	Terrace	3 years	1/3 crop*	Yes	
	6. New Maram	Maram	11	11 ½ acres	Terrace	Do	Do	Yes	
	7. Makhan	Mao	10	8 acres	Terrace	Do	Va-ries from 20 tins of paddy to ½ share of crop.	Yes	

Features of land-lordism.

On the other hand, the landlords are not habitual exploiters. Most of the landlords are themselves cultivators, who rent out their surplus land which they cannot manage due either to the lack of adequate number of family members or the necessity to reside far away from their land for various reasons.

They are not intermediaries on the model of Zemindars of the plain areas. In fact, the system of tenancy itself seems to have grown only in recent times, so that neither the evils of the system are so prominent nor are there any grievance against the lands, nor any demand for their control or removal, - as in the plains.

Reclaimed plots.

Acquisition of rights over land by jungle-clearing is one of the three general modes of acquiring rights over land. This method exists also in Naga-inhabited areas as in other parts of Manipur. But the villages in these areas are so old that there are hardly any new cultivable lands left. In Kabui areas, at least the jhum lands are being converted to terrace lands. But here, specially in Mao areas jhum has disappeared long since, and almost all cultivable lands are now terraced or valley lands. Only in villages that have been established recently or where extension of the old village is essential are found new plots reclaimed from jungles, and new rights acquired over them.

Rights over reclaimed lands.

The point is, - what new rights are acquired in such land. In Mao and Tangkhul villages, the chief is not the owner of the village land; - the whole village-community claims to possess ownership of all lands. Those who have homestead lands, terraced lands or W.R.C. lands are treated as having permanent, heritable and transferrable rights in them subject to certain restrictions, and those having jhum lands also acquire some temporary rights. The remaining lands are at the disposal of the village community. The village council controls these lands and they are called common lands. Needy persons are allowed by the village council to reclaim parts of such common lands, and by jungle-clearing they become owners of such lands, - having permanent rights if terraced or cultivated with wet rice, and temporary if jhumed. No premium or land-revenue is required to be paid to anybody.

Village New Maram.

The largest number of newly reclaimed plots were found in New Maram village. This village, as we have already mentioned, has been established recently. The old Maram village is a very big and ancient one, and some households migrated out of the village and started a new village called New Maram in 1968. Many villagers are still clearing the jungles and making terraces. Thirty such newly reclaimed plots were found in the village. They paid no salaami nor land-revenue to anybody- neither to the Chief nor to the village council.

Village Pudunamei.

In village Pudunamei out of 46 plots studied, 10 such newly reclaimed plots were found. Pudunamei is an old village, but extension of cultivation was found to be absolutely necessary. The villagers told out team that in jungle-clearing and in making terraces, no permission even of the village council is necessary. There is no dispute when one villager selects and clears a plot of land. On the other hand other villagers assist him in cutting the terraces on the condition that if he becomes well-to-do

and makes new terraces elsewhere, the old terrace prepared with the help of the villagers should be given to a poorer villager.

In this village, an apple-garden grown on a plot of common land was found. All the villagers work in the garden and it belongs to the village community as a whole. But the income from the garden is earmarked for a school which is situated adjacent to the apple-garden.

Village Liyai. In village Liyai, another old village, out of 52 plots studied 5 plots were found to have been newly reclaimed. Here also no permission from anybody, - either the Chief or the village council – was taken. After terracing the lands, the reclaimer enjoyed permanent and heritable rights in them.

Kuki Land System

Kuki Hill We have already described the land system of the Kukis on the basis of data collected in 5 villages in the plains.
villages visited. Three Kuki villages in the hills were also visited, but as the jhum-cultivation at that time was carried out at places far from the homestead areas and difficult of access, plot-to-plot study was not possible then. The villagers, however, were met and interviewed, and their replies to questions as per interview schedules recorded.

The next table (table 8) shows the names of the villages, number of households, population, names of the predominant tribes inhabiting them and so on. It would be seen therefrom that the villages are predominantly inhabited by the Kuki tribes, but the Chief in one village, namely, Thangbaung belongs to Anal tribe which is considered by some to be a sub-tribe of the Kukis and by some a sub-tribe of the Nagas. *

* For example, Brown in his "Statistical Account of Manipur" mentions the Anals as Kukis. "In personal appearance, they are much like the Khongjais (Thadous), with whom, though they are at deadly feud, they appear to have an affinity. The Anals, in more immediate connection with Manipur, have been corrupted so far as to have given up many of their former customs. They have now no longer amongst them hereditary chiefs, but the villages in the interior retain their old habits and hereditary heads. Their houses are made like that of the Khongjais, and in their social usages there is but little difference." But the villagers themselves told our team of officers that the Anals considered themselves to be Nagas.

Table 8.

Particulars of the Kuki villages visited (Manipur)

Sl. No.	Name of district.	Name of village.	No. of households.	Population.	Predominant tribes inhabiting.	Tribe to which the chief belongs.	Predominant form of cultivation.	Remarks
1	2	3	4	5	6	7	8	9
1.	Chandel	1. Sibiong Khudenthabi	42	181	Kom	Kom	Jhum	
		2. Thangbung	73	360	Kuki	Anal	Do	
2.	Churachanpur	3. Tangpiyal	42	262	Zow	Zow	Do	

In any case, as the inhabitants in all the villages predominantly belong to the Kuki tribes, the customs relating to land system seem similar, except where the Chief's power is concerned.

Hodson in his "Naga Tribes of Manipur" mentions the habitat of the Kukis as follows :-

Habitat of the Kukis.

"A line drawn across the map following the Kubo Valley road via Aimole and joined to the Cachar road which traverses the western hills from Bishanpur in Manipur to Jiri ghat on the western boundary of the State separates the Naga area from the Kuki area without exchelling more than a few small Kabui villages which lie to the south of Nonglea. North of that line we find Naga villages and to the south of it Kuki settlements, although for various reasons, economic and political, Kuki settlements exist not only in the British district of the Naga Hills in the vicinity of Henema but also far away on the north-east of the Manipur State in the neighbourhood of Melome and Lapvome where the frontier has been delimited and ascertained only within the last few years. Indeed the Kuki is to be found almost everywhere in the State except in the territory occupied by the Mao confederacy. 'We are like the birds of the air', said a Kuki to me once 'We make our nests here this year, and who knows where we shall build next year'."

Hodson further remarks that the Kuki's affinities are with the Lushai tribes of the hills south of Manipur rather than with the Naga tribes, of the north.

Earlier to Hodson, Brown had similarly written * that "unlike the Naga tribes, the Kukis were constantly changing the sites of their villages to suit the exigencies of their cultivation. Because of this, their houses had not that permanent look that a Naga village had. Their villages were usually small."

Jhum cultivation predominant.

According to Brown their cultivation was entirely jhum. But as we have mentioned before, this is not wholly true now. Terrace-cultivation and wet-rice cultivation have been adopted by the Kukis wherever possible .

Chief.

In each village there is a headman or **Khulakpa** whose office is hereditary. Brown mentions that "the Khulakpa is entirely supported by the villagers; they cultivate his fields, and give him a certain proportion of the produce, both animal and vegetable, of the village. On the birth of children he also receives presents, and is entitled to part of the sports of chase captured by the villagers."

* Brown : Statistical Account of Manipur.

In 1887, C.A. Soppit * wrote about the Kuki Raja,-

“The Government was despotic, and in the hands of the Raja were the lives of the people. His decision was final in all matters and was never questioned. At the present day (putting aside heinous crime, which is dealt with by government) he has practically the whole say in anything affecting the welfare of the village or villages under his rule. On each House is levied a tax of one basket of rice per annum for the use of the royal household. In addition, from any litter of pigs one is given to the Raja and in the same way one leg of anything shot is presented. Land disputes are very rare, owing to the large area available for cultivation in the vicinity of most of the settlements, and the scant population generally; one village having no reason to encroach on the grounds of another.”

According to Lewin, - “In Kuki custom, everything in a village belonged to the chief who could demand anything he required. At the same time, presents given to the Chief were common property and might be taken by anyone.” **

The above quotations give an idea of the situation during the British period, specially at the end of the nineteenth century. The situation, however, has undergone remarkable change during the twentieth century and some idea of it may be obtained from the materials collected by our officers.

Village Sibong Khudenthabi. Sibong Khudenthabi village, visited by our officers, is inhabited by the Kom sub-tribe of the Kuki tribe.

Brown wrote about the origin of the Kom tribe as follows :-

“The Kom tribe originally, it is said, belonged to the hills lying south of the Manipur Valley. During the reign of Gambhir Sing, they suffered so much from the oppression of the Khongjai (Thadous) and Lushai tribes that they left their country in a body and sought refuge in other parts of the hills belonging to Manipur. They are now scattered about the hills near the Manipur Valley and like the Khongjais, have no fixed villages.”

Population of the village. The village was established in 1957 by a Kom (Kuki) Chief. At present it has 42 households of whom 27 are Kukis, 9 Meitheis and 6 Nepalis. So far as the land-system is concerned, the Nepalis and other non-Kukis have to follow the Kuki customs.

Cultivation. Out of the 42 households, 6 have no cultivation, 6 have terraced fields, and the remaining 30 are wholly dependent on jhum cultivation. Approximate jhumed area per year is about 65 acres.

The village chief in Sibong village. His present-day powers nil. The office of the Chief is hereditary and the eldest son succeeds to it. In olden times all lands were regarded as belonging to him; and he used to distribute land to his followers for jhum cultivation.

* C.A. Soppit – “A short Account of the Kuki-Lushai Tribes.”

** Lewin – “Wild races of south-east India”.

But now-a-days the Chief is not considered to be the owner of the village land. He, in consultation with the villagers, only select the locality where jhum cultivation is to be done in a particular year. Individual plots are selected amicably according to the size of the family and the capacity of the cultivator to reclaim the land.

Village Authority. All matters regarding land are now-a-days decided by the village authority set up under the Manipur Hills Village Authorities Act, 1956. The Chief is automatically the chairman of the village authority and in that capacity, he still wields some influence. But his customary powers and privileges are now lost to a vanishing point.

Character of jhum cultivation. Jhum cultivation is done individually by each family in its allotted plot. It is carried on only for one year and then the plot is abandoned, which shows the declining fertility of land. The jhum-cycle is only 5-year long, which indicates scarcity of suitable jhum area in the village.

No right of transfer. Obviously there is no right of transfer over the jhum-plots. But sometimes exchange of land is found to have occurred.

No rent is paid now. In olden days, all cultivators, whether jhumia or otherwise, used to pay the Chief rents @ ten tins of paddy irrespective of the area cultivated. Now the permanent residents of the village have discontinued payment of any rent. But people from outside the village who are allowed to do jhum-cultivation in the lands under the jurisdiction of the Chief still pay 10 tins of paddy to the chief. But Nepali cultivators who reside permanently in the village are treated on the same footing as the Kuki villagers and are not required to pay anything as rent now.

Inheritance custom among the Koms of the village was found to be liberal, - all sons getting equal shares, though the youngest son takes the paternal house. Daughters do not inherit.

Village Thangpivol. Village Thangpivol is inhabited predominantly by the men of Zow sub-tribe of the Kuki tribe. The number of households is 42, the same as in Sibong Khudenthabi but the population is bigger, namely, 262. This is an old village established very long ago.

“Powa” Forest belt. As in Kabui Naga villages, the village has got what the villagers call, a “powa” reserve of forest belt surrounding the homestead area and separating it from the jhum-fields, - jhuming being the predominant form of cultivation, though there are a few terraced plots, too. The forest belt serves the purpose of a safety measure against the jhum fires.

In the forest reserve, nobody has got any private right, nor any private demarcation either. Every family can collect firewood and household materials for domestic use but nothing for any commercial purpose.

The position of the chief. The Chief, in olden times, was considered to be the owner of all lands, and nobody could occupy any land without his permission. On occupation, every cultivating family had to pay him 4 tins of paddy as rent every year.

Now-a-days, though the office of the chief is still hereditary, people do not consider him to be the owner of all lands. He is now simply the ex-officio Chairman of the elected village authority which looks after the management of all lands. The people do not pay the chief any rent or offer any present. But

outsiders who come to do jhum cultivation in lands within the Chief's jurisdiction still pay the customary rent of 6 tins of paddy per year.

Selection of jhum plots. Selection of jhum-locality every year is done even now by the chief, but only in consultation with the members of the village authority. But even in this matter, the power has been greatly reduced. The chief and the members, after having selected their own jhum plots first, have no choice with regard to the selection of jhum-plots for the other villagers. The jhum-locality is divided into as many plots as there are jhumia-cultivators, and then these are distributed sometimes by drawing lots and sometimes on the 'first-come first-serve' principle. The villagers are not required to pay any fee, salaami or rent either to the chief or to the village-authority. Outsiders, however, have to pay six tins of paddy.

Jhum-cycle. The jhum-cycle is 7-year-long in this village, but cultivation in the same plot is carried on only for one year, and then the plot is abandoned. Once abandoned, he loses all rights over it and cannot demand it in the next cycle.

No right of transfer. Homestead lands. Jhum plots are not transferable. Homestead lands are selected by the households themselves but permission of the chief and the village authority has to be obtained. No payment of fee or tax is required to be made to the chief or the village authority; but the usual house-tax is to be paid to the State Government. In olden days, the homestead lands were not transferable without the permission of the chief, but now-a-days, the permission of the chief or the village authority is found to be often by-passed.

Terraced cultivation. Terraced and wet-rice cultivation is found to have been practised to some extent. Terraced plots are considered to be the private property of the cultivator and are heritable and transferable. Even sub-letting is permissible in such plots. Where sub-letting is done, the rent is high, going even upto 30 tins of paddy and sometimes to half-share of the crop.

Village Thangbung Minou. Village Thangbung Minou is inhabited predominantly by the Kukis, but the Chief belongs to the Anal sub-tribe, which according to Brown is a sub-tribe of the Kukis while the villagers claim the Anals to belong to the Naga tribe. The total number of households in the village is 73, out of which 62 are Kukis, 4 Moyals and 7 Anals.

Forest belt. Like the village Tangpiyal, this village also has a forest belt surrounding the homestead area and separating it from the jhum fields. This forest belt is common land and every village family has a share in it.

The jhum fields are demarcated for each clan, and each family's jhumplots are also well-known to all. These plots are heritable according to the inheritance-customs of the sub-tribe to which the owner belongs. The jhum cycle is 5 to 6 years long, and the period of cultivation in a jhumplot is only one

year. No rent or fee is payable to the chief for cultivation of jhum land. Government house-tax is collected by the chief on behalf of the Government.

No land in the village is transferable. The individual acquires no right in it by jhum-cultivation. After one year's cultivation, the individual abandons it, and the land reverts to the village community. When a new cycle begins, the individual cannot, as a matter of right, claim the old jhum-plot which he had previously cultivated.

Chief. The office of the chief is not hereditary, but once a person is made a chief, he continues as such for his life time. The villagers claim that the chief can be removed by the villagers, if the chief fails to perform his duties properly or becomes oppressive, and that they can elect a new chief by open voting. Such a case actually happened in the village and a court case is pending now. As the case is sub-judice, no comment on the dispute is made here.

Customs of the village analogous to Naga customs. From the above matters, it appears that though the village is overwhelmingly inhabited by the Kukis, the customs of the Anals are being followed. The Anal villagers including the chief claim that all villagers must follow the custom of the tribe to which the chief belongs. Since in this village the chief belongs to the Anal tribe, the Anal customs have to be followed. But the Anal customs, as would appear from the above, are more analogous to the Naga customs than to the customs of the Thadou or other Kuki tribes.

CUSTOMS RELATING TO INHERITANCE OF LAND.

As we have shown before, rights over land are acquired in three ways, namely, (1) by inheritance, (2) by transfer and (3) by grant from Government. The last two methods of acquisition of right over land have been discussed in detail in the previous chapters. The first one, namely, the acquisition of rights over land by inheritance will be discussed in the present chapter. As will be seen from the table 9, 58% of the total number of plots studied were acquired by inheritance. In the plains area the proportion was less, but in the hill-areas it was as high as 72%, the reason being that in hill-areas acquisition of right by transfer is very much less, and acquisition by grant from Government was not necessary where jhum cultivation prevailed.

Customs of inheritance in Manipur Valley differ from those prevailing in the hill areas. In the hill areas again these differ from tribe to tribe to some extent, but in a broad way, three distinct tribe groups can be noted, namely, (1) Kabui, (2) Tangkhul and Mao Naga group, and (3) Kuki group.

The plains area is entirely inhabited by Meithies. There are some Kuki tribes on the fringes of the Valley, but their customs are more analogous to those of the Kukis living in the hills than those of the Meitheis living in the plains.

Inheritance Customs among Meitheis.

Coming to Meitheis, the position is simple. The Meitheis claim that they were Hindus and the Hindu Laws of succession to properties apply to them. Although their claim to be Hindus from the days of the Mahabharata may not be accepted by all, there is no doubt that they have been Hindus since the reign of the famous Manipuri King Garib Newaj in the 18th century. In the Raja's Court all matters of succession

Table 9.

Statement of inherited plots studied in Manipur.

		Total plots <u>studied.</u>	Inherited <u>plots.</u>	<u>Percentage</u>
1.	Plain area -	410	87	21.21 %
2.	Hill area -	1084	783	72.23 %
	Total	1494	870	58.23 %

were decided on the basis of the Dayabhaga system of Hindu succession rules. There might be variations here and there due to influence of the neighbouring tribes. But by and large it is understood that the Dayabhaga system was in force. Although T.C. Hodson quotes Mr. Colquhoun, I.C.S., to the effect that "in theory only, rules of Dayabhaga were followed", we found in the villages visited by us that the Dayabhaga system was prevalent without much variation from the basic principle.

In village Andro, where we met all the leading people, they said that all sons and daughters had equal right of inheritance including the married daughters. They were entitled to claim share in their father's agricultural land, too. There was some variation about the homestead land over which the married daughters did not lay any claim. Another variation in some places was that the youngest son would get a slightly bigger share and he had the responsibility to look after his aged parents and also any widow, unmarried daughter or divorcee. It is for this reason perhaps that Hodson remarked that the general practice seemed to be to regard the youngest son as the heir generally if at the time of the father's death he was still living in the ancestral home and that when he had

separated and was living apart from his father, the property would be equally divided among the sons.

During the course of our plot study we found that in village Andro, in Dag. No. 2008, Ratan Sing got 2 acres of land by inheritance from his father Komung Jao. Ratan had 2 other brothers who also got more or less equal areas of land by inheritance in a separate filed. Ratan's sisters did not claim any share though they were entitled to inherit according to the statement of Ratan Sing himself. Ratan's father Komung had inherited these lands from Ratan's grand-father.

In Dag No. 2019, an area of about 2 acres was inherited by 2 sons and one daughter of late Chandra Sing in equal shares. Daughter Dharmajyoti Devi was married away but lost her husband. She claimed her share and got it cultivated by her own brother who delivered her crops of her share of land.

Kirti Sing son of Debanand Sing inherited about 3 acres of land from his father. He had a sister who was entitled to an equal share, but she relinquished her claim over it in favour of her only brother.

In the homestead land (about one acre) of late Purna Sing, two daughters and one son were in occupation first. Later on one of the daughters got married and left her share. Thereafter the remaining daughter and the son were in full occupation of the entire homestead.

In a cultivated plot of 3½ acres, the two sons of late Sura Sing inherited in equal shares the entire land of the father, there being no other issues.

In village Lamsang, Yamnam Ito inherited about 2 acres of land from his grand-father, his father having been dead before his grand-father.

Aneri Devi, daughter of late Thangjen Jholen, inherited his bosti land, though she had many brothers. The brothers have left the bosti and gone elsewhere, relinquishing their shares in her favour.

Taorem Meri inherited two acres of cultivable land from his elder brother, who died without any issue.

Kaprabam Ningon, wife of late Dhona Sing inherited her husband's hosti-land in Lamdeng. She had many sons but they have taken their shares in lands situated elsewhere.

In village Mayong Imphal, late Chaoba left one son Thangkcham Yaima and one daughter elder to him. Though the sister was entitled to an equal share, she relinquished her share in favour of Thangkcham who is enjoying the land of dag no. 3158.

Khongbautakem Birmangal, Ibatamki and Ibapishak, – all sons of late Megha inherited 3.82 acres of land of plot no. 3179 in equal shares from their deceased father and cultivated accordingly.

Similarly the three sons of late Tolchan inherited his land of dag No. 3165 in equal shares.

There were some Muslim cultivators owning lands in this village. They said that though, on death, their lands descend according to Mahommedan (Sunni) Law, yet there were often deviations from the strict provisions of their

property law, such as for example, the youngest son is often given a bigger share than he would be entitled to under the Mahomedan Law because he had to look after the parents in their old age.

In village Yambem, M.T. Devi inherited the entire area of the dag No. 72 from her father who had no other issue. Though she was married away, the property did not descend to the brother of the deceased, but to the daughter. Her husband Ibotombi Singh is cultivating the land.

Similarly K.H. Kaina Devi inherited the land of plot no. 4253 of village Toppingtha from her father, and her husband is getting it cultivated by engaging agricultural labourer.

So also, S. Tomal Devi of the same village inherited the plot no. 4152 from her father and her husband Thomba Sing has engaged a tenant to get it cultivated.

**Hindu
Dayabhaga
system applies
to Meitheis.**

**High Court
Case.**

It is thus clear that the Hindu Dayabhaga system of succession is followed with as much rigour as is practised among the Hindus of the other parts of the Eastern Region. This has received confirmation also in the courts in many a civil dispute. In **Heisnam Nilakanta Sing & others vs. Heisnam Ningol Thokchom Ongbi** (A.I.R. 1970 Manipur 50), Balaram Sing, the father, had acquired a plot of land in the name of his eldest son Tarpan Sing. Taroan Sing had a brother named Rupa Sing. During the father's life-time and even thereafter, they and their families had lived jointly. After the father's death, Tarpan Sing's name was mutated in the revenue –records, as the land had been acquired in his name. But the two daughters (the only heirs) of deceased Rupa Sing claimed that as it was the ancestral property acquired by Balaram Sing, the two sons, Tarpan Sing and Rupa Sing, were, on father's death, entitled to equal shares, and as such the two daughters of Rupa Sing (deceased) together were entitled to half the share of the plot of land. They filed a partition suit. Ultimately on appeal the matter went up to the Judicial Commissioner (Justice R.S. Bindra), who confirmed the decision of the District Judge to the effect that Balaram Sing had purchased the property being the Karta of the joint Hindu family, that it was a joint Hindu family property and that therefore the two daughters of Rupa Sing were entitled to half share of the property.

In another case, **Priyo Kumar Sing & others vs. Wangkheimayum Ongbi Rani Devi** (A.I.R. 1977 Gauhati 65) Iboyaima Sing and his wife Rani Devi adopted Priyo Kumar Sing, the son of his elder brother, Irobi Sing as their son. Iboyaima Sing died in 1961 without any other issue. The High Court held that the devolution of the property would be governed by the Hindu Succession Act 1956, Priyo Kumar the adopted son and Rani Devi the widow of the deceased would inherit in equal shares and Keinyatombi Devi, the step-mother of the deceased, being among the class II heirs, would not have any share.

**High Court
case.**

In another case, namely, **Moirangthem Palla Sing vs. Aribam Gulamjat Sarma** (A.I.R. 1975 Gauhati 26), relating to the succession to the self-acquired property of a divorced woman belonging to the Meithei community of Manipur, the question was whether the property in dispute was a Stridhana as understood in the Dayabhaga Law and

secondly whether the brother or the father was the preferential heir to succeed to the property of Tomal Devi who had been divorced prior to her death in 1952. The High Court held that (1) there was no dispute that the parties were governed by the Dayabhaga school of Hindu Law, and (2) that the brother was the preferential heir to the Stridhana of Tomal Devi and (3) that the father had no right of transferring the property (A.I.R. 1975, Gauhati 26).

Inheritance among the Kabuis.

Ultimogeniture. While patrilineal primogeniture is the general rule among all the hill-tribes, the Kabuis of Manipur appear to be an exception. The general custom among the Kabuis is ultimogeniture, that is to say, the youngest son inherits the father's property. But deviation from this rule is not uncommon. Then again, the inheritance system is patrilineal; - women do not inherit immovable property. T.C.Hodson, writing in 1911, held an opinion which is slightly different from what was found during our field-studies in the villages.

Hodson wrote, -

Hodson's views.

“Among the Kabuis, we find a custom which reminds one faintly of the Tangkhul practice of turning the parents out of the house when the son marries, but here the parents only vacate a room for them. We have also the same recognition of a man's right to make a distribution of his property while living, but if no such disposition has been made, when he dies, the property is divided among the sons, the share of the youngest being larger than those of the other sons.”

Results of field by officers of L.R.I.

During our enquiries, not even a faint trace of the custom of turning out the parents after the marriage of the sons was found; nor was it found that, as a general rule, the father vacated a room to the married son. Usually, the elder sons set up their own establishments outside, while the youngest one lives with the parents and looks after them till their death. The youngest son is entitled to the entire property after the father's death, but it often happens, too, that the other brothers are given some shares. The practice of distribution of the property during the father's life- time is, however, found to be still prevalent.

In village Dailong.

In village Dailong of District Tamenglong, Songku, the youngest son of late Kinhuang inherited the homestead land of his father . He had two other brothers and one sister. The father did not give any landed property to the two elder brothers of Songkhu nor to his sister. The father, however, gave some necklaces to Songkhu's sister and his two brothers.

In the same village, Jajang the youngest son of late Guisang inherited 2 acres of homestead land and another 2 acres of terraced land from his father on the latter's death. He had two other elder brothers who did not get any share. Later on his brothers died, and he left his paternal homestead and set up his home in a reclaimed plot of land, where he took his brothers' sons, too.

In the same village, Rangdiyang, the youngest son of late Namehang inherited one acre of jhum-land from his father. As we have already shown jhum

plots of the Kabuis are permanent, and, therefore, pass from parents to sons by succession. In this particular case, the youngest son, after inheriting the land, converted the jhum plot into a terraced one.

In the same village Nimbi holds about 30 jhum plots. He stated to the officers of the Law Research Institute that after his death, his youngest son would inherit them all.

In village Khonjron. In village Khonjron, Kaimeng inherited one acre of terraced land from his father, he being the youngest son. This plot had come down to his father from his fore-fathers. His father had two other brothers but they did not get any share of this land.

In the same village, Guyigong is the owner of 2 acres of homestead land. He has two sons and three daughters. He stated that his youngest son would inherit his land after his death, and even if he (the youngest son) became insane or diseased he would remain the sole owner of the property.

In the same village, Kalajieng inherited the homestead land from his father. He was the only son of his father but his father being the youngest son of his grandfather had inherited this homestead land.

In the same village, Kadijui inherited one acre of homestead land from his father Pheurangku, he being the youngest son. He had an elder brother but he did not get any share. His father Pheurangku in turn had inherited this from his own father (i.e. Kadijui's grand-father).

In the same village, Khieureng Sing inherited ½ acre of homestead land from his father, he being the youngest among four sons. His father also being the youngest son of his grand-father had inherited this plot.

Gougonghing inherited his father's homestead land, he being the only son. He has a sister Majei Kamliu who did not get any share and was married away. His father being the youngest son of his grand-father had inherited it from him.

Namditiang inherited his father's homestead land (1 acre) he being the younger of the two sons of his father. His elder brother Atajiuang who is still alive did not get any share. Namditiang said that, after his own death, his youngest son named Kaiching would inherit this property.

Similarly, Namthui Dinang Gangmai, inherited one acre of homestead land from his father, being the younger of the two sons of his father. His elder brother did not get any share of his father's homestead land, but reclaimed one homestead plot from the village common zone reserved for homestead purposes.

In village Tharon. In village Tharon, late Khimguiya who was the owner of half acre of homestead land and two jhum-plots of 3 acres each left one son and one daughter. The son, Diuchalabo, inherited all these lands and his sister got no share in them.

In the same village, Sangdpouang inherited half acre of land from his father. He had two sisters. They were not entitled to inherit any share of the land. But the father gifted away some jhum plots to Sangipouang's sisters during his life-time.

The above instances adequately establish that the general rule of succession among the Kabuis of Tamenglong is ultimogeniture. But deviation from this rule is also not uncommon. For example, in village Tamenglong Khongjron, though late Hotunga inherited half acre of homestead land from his father, he being the youngest son, after his death, his eldest son Phungsang inherited the plot. He had three brothers, but as they left the paternal home keeping the parents under care of the eldest brother, the latter inherited the paternal homestead land. Besides, he also inherited 2½ acres of terraced land and 21 acres of jhumland from his father. His father had originally reclaimed the terraced plot from the jungle-stage, but the father had inherited the jhum-plots from his father (Phungsang's grandfather), he being the youngest son.

Chabing is the eldest son of his father Negong. He has three brothers. After his father's death, he and his brothers are jointly cultivating ten jhum plots which came down to their father from the forefathers. Neither the youngest nor the eldest son is claiming to succeed to them. Nor have they partitioned the plots into equal shares. They are just cultivating them jointly.

In the same village, father Chanahan donated two jhum plots of 3 acres each to his daughter Kiurilien at the time of her marriage. Similarly, father Gangluawang gave half acre of homestead land to his daughter Tenilieu at the time of her marriage. In neither case did the prospective heirs object to the gift.

In village Tama, Hurongbou is the second among three sons of his father Tagoungbou. He has two sisters too. He got 2 acres of his paternal homestead, as his father distributed his land among the sons equally. The daughters, however, were not given any landed property.

Namkhembou of the same village inherited two acres of homestead land from his father, though he was the eldest son. His youngest brother left the paternal home keeping the parents under the care of the eldest brother.

Namkhembou's father, Lunglakbou, was also the eldest son of his grandfather. His father's two brothers had shifted to a different village, and his father had to look after his grandfather. Hence this plot of land had descended on him.

Angambou Newmei, a Government servant retired from the Education Department, reclaimed a homestead plot from the village common. He stated before the officers of the Law Research Institute that though according to the custom of his tribe, this land should be inherited by the youngest of his three sons, yet, he would divide it among the three sons during his life time, giving a bigger share to the youngest.

It is thus seen that though ultimogeniture is the general rule of inheritance among the Kabuis of Tamenglong district, there are instances of deviation from the rule. The basic principle seems to be that the youngest son, having the responsibilities to look after the parents in their old age, inherits his landed property. But if the youngest son deserts the home, then whoever takes care of the parents is entitled to inherit. The above instances also establish that the father is free to distribute his landed property in any manner he likes during his life time.

Inheritance customs among the Tangkhuls.

Qualified primogeniture

Among the Tangkhuls, the system of inheritance is just the opposite of that of the Kabuis. It is patrilineal primogeniture. That is to say, the women are excluded from succession to land, and even among the males, it is the eldest son who inherits the father's landed property. But the rule is not so strictly followed. Often the property is divided among the sons, the eldest one being given a larger share and the paternal home. Very often father himself distributes the property among the sons and, sometimes, among the daughters, too.

Hodson's views.

T.C. Hodson (1911) mentions that "among the Tangkhuls, in cases where the father dies before the marriage of a son, the general rule in many villages is that the eldest son gets double share of the immovable property while the other sons get a single share each. *** *** Women do not succeed to immovable property. In default of sons, the immovable property goes to the brothers of the deceased."

Results of field studies by L.R.I. officers.

These remarks are substantially in agreement with our findings in the field, but our officers did not come across any case which supported the alleged custom, mentioned by Brown & McCulloch, to the effect that after the marriage of each son, the father had to shift to a new house. McCulloch wrote,- "When the eldest son has brought home his wife, it is the signal for his father and mother and the other members of the family, to quit for a new home, where they live until the marriage of the second son when they again have to move" * Brown wrote,- "On the eldest son of a family marrying, the parents are obliged to leave their house with the remainder of their family. *** *** On the marriage of another son, the same process is repeated."***

In village Tolloi.

As mentioned before, nothing like this was found in any of the villages visited by our officers. Village Tolloi is one of the best known villages of Manipur. In this village, Nga Saiphung being the eldest son, inherited the father's homestead as well as jhumlands, and sold away all these lands, which proves that inheritance was not burdened with any restriction.

Phyngsing, the eldest son of Khaningkhai, inherited 1½ acres of his father's homestead land. Khaningkhai had inherited it from his father (i.e. Phungsing's grandfather) he being the eldest son. Phungsing also inherited 12 jhum plots from his father, each plot measuring about 4/5 acres.

V. Luithui is the third son of Kahaosan and as such did not inherit any property from his father. He acquired some land by purchase from Ngayan. He has one sister Shimveila who also got no share of father's immovable property. Her father, however, had given her a buffalo as gift. This man said to our officers that though primogeniture is the general rule, yet the father might gift away both movable and immovable property to the other sons,- and even to his daughters with the acquiescence of the sons.

Z. Naokahao, the eldest son of Matungsei, inherited his father's homestead land of half acre. He had a sister, Khasimla, who was married away and no landed property was given to her. He also inherited the ancestral jhum land of his father.

K.C. Kharangering, the eldest son of K.C. Puizar, inherited 1 ½ acres of homestead land from his father. He has five brothers who live jointly with him. He stated before our officers that he would divide the land among his brothers keeping a larger share for himself. He has no sister. He asserted that he could sell the land, but in case he wanted to do so, he would take the consent of all his brothers.

Z. Vangam is the second son of his father. His father gave him a portion of his homestead land after his marriage but the major portion was inherited by his eldest brother. His father had two terraced plots too, each with an area of one acre, which he divided among all his five sons giving a major share to the eldest.

In the same village V. Solomon inherited from his father homestead area of 2500 sq. feet which is said to be very valuable. He is the eldest son of his father. He has three sisters, all married away. They did not get any share of this particular land. Solomon stated that his father also inherited it from his grand-father, being the eldest son of his grand-father. Solomon's uncles left

* Quoted in T.C. Hodson's "Naga Tribes of Manipur."

** Brown: "Statistical Account of Manipur".

the village and built up their own homesteads in a different village. Solomon also similarly inherited two plots of terraced land from his father which he later on sold to other people.

In village
Ngaima.

Village Ngaima is another important village in Ukhrul District inhabited by Tangkhul Nagas. In this village, Suirei being the eldest son of his father inherited a very valuable plot of homestead land measuring 2000 sq. feet. He stated that his father inherited the same land from his grand-father, being the eldest son of his grand-father and that similarly his own eldest son would inherit the plot after his death. He has 3 sons and 3 daughters but only the eldest will inherit the property according to him.

In the same village Shim Reiyen inherited from his father a plot of homestead land, being the eldest son of his father. He had two sisters, but they did not get any share.

Similarly, he also inherited one plot of W.R.C. land measuring 1 acre from his father and 15 plots of jhum land.

Shim Reingam is the owner of two homestead plots. He inherited them from his father. He has two brothers and four sisters. He is the eldest son of his father. His brothers and sisters did not have any share in these two plots. Similarly, he has got a plot of W.R.C. land with an area of 2 acres and two plots of terraced land, one acre each, inherited from his father. He inherited also one plot of jhum land from his father.

Sapei is the eldest among four sons of his father. He has three sisters also. But the homestead plot of land (1 ½ acres) has been inherited by him only. He also inherited from his father four plots of terraced land and five plots of jhum land. His brothers and sisters have no share in them.

In village
Hundung.

Village Hundung is another Tangkhul Naga village having a big population (3500). This village is adjacent to Ukhrul town and is very important. Its lands are also very valuable.

In this village Z.A.S. Vasai is the youngest son of his father. He is in possession of $\frac{1}{4}$ acre of homestead land which he received from his father as a gift during father's life-time. He has three other brothers. The eldest brother inherited the major share of the father's property. His other two brothers received landed property from his father as gifts during his life-time, $\frac{1}{4}$ acre each.

Y.L. Vangam is the owner of many plots. He has 8 sons. He is living with the eldest son. He has made a gift of the major part of his landed property to the eldest son and divided the rest among his other sons. He himself has kept only $1\frac{1}{2}$ acres of W.R.C. land for cultivation.

A.S. Ungnaoyo Zimik being the eldest son of his father inherited one plot of homestead land with 2 acres in area, two plots of terraced land with area of 3 acres each, and 2 plots of W.R.C. field with area of $2\frac{1}{2}$ acres each. He asserted that his father had inherited these lands from his grand-father, being the eldest son of his grand-father.

It is thus clear that patrilineal primogeniture is the general custom of inheritance of landed property among the Tangkhul Nagas. But the rule is not too rigid, and variations do take place here and there.

Inheritance customs of the Mao tribes.

Qualified primogeniture Among the Maos, as among the Tangkhuls, the prevalent custom is patrilineal primogeniture, but the rule is even less rigidly followed than among the Tangkhuls.

Hodson's views. As long ago as 1911, T.C. Hodson mentioned that there was a wide range of variety in customs of inheritance of property. Hodson had found at village Jessami that the youngest son got the house while the other brothers took equal shares. At Liyai he found that the sons shared the landed property equally and the girls got a share of the domestic contents. In the event of there being no male issue, the girls would get share even of the landed property, but the house would be reserved for the eldest surviving paternal uncle of the deceased. In village Mao, the eldest son got a special share, but the house was reserved for the youngest son. Here also girls succeeded in default of male issue. At Maram share of the eldest son was much the larger, but the others also got a share each. If there were no sons, the daughters would get a small share of immoveable property but would get a small share of immoveable property, which would go to the nearest male relative. *

Results of field-studies by L.R.I. Visits by our officers to villages Padunamei, Liyai, Tadubi and New Maram confirm these findings more or less.

In village Padunamei. At Padunamei it was stated by the leading villagers that the sons would inherit landed property almost in equal shares. The eldest son is given the option to choose the land he would

like to inherit, and the youngest son gets the paternal house. Widow does not get any share in the property but only got maintenance. Daughters do not get any share of the immoveable property. If there was no issue, the land will go to the clan.

At New Maram centre it was said that all the sons would get share, but the eldest would remain in the paternal house and others would go out. If there is no issue of the deceased then the land would go to the nearest male relative.

In Tadubi. At Tadubi, it was said that the custom was patrilineal primogeniture, but there were deviations. Homestead land goes to the youngest son. Other lands are equally distributed among the sons. Daughters do not get any share. Sons, when married during the life-time of the father, go out of the paternal house and build their own houses.

At Liyai, the leading villagers said that the eldest son remained in the paternal house and the other sons made separate establishments after marriage.

*Hodson - Op Cit.

Immoveable property was divided among the sons giving a lion's share to the eldest son. But here even the widow and the daughters got small shares out of the property of the deceased. It was asserted that even married daughters got shares of the paternal property. In the absence of any issue the custom is that the nearest male relative inherits the property of the deceased. But such cases occur rarely since during the life-time of the owner he usually distributes the land among the children.

The position among the Mao tribe is, therefore, that though the rule of patrilineal primogeniture is the basic custom, the present trend is to divide the lands among all the issues more or less in equal shares. Giving of shares to women is particularly notable among this group. If this trend continues, it is likely that sooner or later the inheritance custom will not remain confined to patrilineage or primogeniture, and succession will be opened to all the issues of the deceased.

Inheritance customs of the Kukis.

Primogeniture. The Kuki tribe has a large number of sub-tribes among whom the customs vary slightly from tribe to tribe. In 1887, C.A. Soppitt, Assistant Commissioner, Burma, writing about the general customs among the Kukis said that only male children could inherit property. In the event of several the eldest son would get all and was at liberty to distribute or not any share to his younger brothers. Should a man have daughters only and no sons, the property would pass to the nearest male relative of the deceased, the daughters receiving nothing. * From this description it is clear that the system among the Kukis in general is patrilineal primogeniture.

W.Shaw's views. In the book called "Notes on the Thadou Kukis" by William Shaw written in 1928, it has been observed by him that

“inheritance goes by the male line only and no female has any right to claim”. He explained the custom of inheritance among the Thadous by giving an example. Kaikhu was the deceased owner. He had three sons and two daughters, namely, Goulam, Paokai, Pasat (sons), Henlhing and Veikim (daughters). According to custom, Goulam would inherit the property to the exclusion of all others. If Goulam dies leaving a son (named Lamjasat) then this latter would inherit the property of Kaikhu in preference to Paokai, the uncle. But if Lamjasat dies without any issue, then Paokai, the grand-uncle of Lamjasat would inherit. So, in this matter the property would devolve by only male line, and when one line is extinct, then the property would go to the next male line.

This custom of inheritance among the Thadou Kukis was still found to be prevalent by our officers when they visited the village Molnom, District Churachandpur inhabited predominantly by the Thadou Kukis. Apart from the plot study where lands were found to have passed on to the eldest son of the

* C.A. Soppitt – “A short account of the Kuki Lushai Tribes on the north-east Frontier.”

deceased father, the leading villagers and the Chief of the village also confirmed that the system prevailing among the Thadou Kukis is patrilineal primogeniture. In the event of there being no male heir of the deceased, the landed property passed on to the nearest male relative. It was further confirmed that during the life-time of the father he could distribute the lands among the sons in any way he liked.

Results of field-studies by L.R.I.

Village Pearsonmun in District Churachandpur is also a Kuki village inhabited by sub-tribes Paite. In this village also our officers found by field studies the same system of patrilineal primogeniture.

In village Saikot, District Churachandpur inhabited by the Hmar sub-tribe of the Kukis the system of inheritance was found to be the same.

In villages Saikul and Purumlikli, in District Senapati, which are inhabited by the sub-tribes Kom and Purum respectively, the position, however, was found to be slightly different. The village Chief and the leading villagers in both the villages confirmed that sons inherited in equal shares, but the daughters did not inherit any landed property. The eldest son used to stay with the father in the paternal house and the others go out and make separate establishments. But this again was said to be optional and not obligatory.

In village Sibong Khudenthabi of Chandel district which was inhabited by Kom sub-tribe of the Kukis, it was found by our officers that the custom of inheritance among the Kom tribe was the same as was found in Saikul. Here all the sons got equal shares, but the youngest son got the paternal house. The daughters did not inherit anything in this village also.

Village Tangpiol in the district of Churachandpur is inhabited by the Zow sub-tribe of the Kukis. During field studies it was found that the eldest son inherited all landed property of the father. The villagers confirmed that patrilineal primogeniture was the system of inheritance prevailing in that village.

From the above facts, it can be concluded that, in general, among the Kuki tribes, the eldest son inherits all to the exclusion of other brothers and sisters. But there are local variations here and there among certain sub-tribes.

CONCLUSION

Land system during the ex-Ruler's regime, uninfluenced by land administration in British India.

Manipur is an ancient country, and till the Independence of India, it was a native princely State. The long spell of princely rule cut it off from the various changes brought about by the British administration in that part of the country which was then known as British India. In Bengal the British Government had introduced permanent settlement, and in Assam the raiyatwari system. None of these systems touched the fringe of the Manipur land system.

The Ruler of Manipur developed his own system of land administration as described in detail in the foregoing relevant Chapters of this report, but did not impose this system on the hill-people who occupied 90% of the territory under his rule. The hill-people were left undisturbed to follow their own customary land-system.

Claiming absolute ownership of all lands within his territory, the Raja made extensive grants of valley lands to Brahmins, priests, learned persons, sepoys and officials, free forever from payment of land-revenue. These grantees were intermediaries and got their lands cultivated by tenants who paid them rents in kind.

At the same time, however, a large number of cultivators held valley-lands directly from the Raja after reclaiming jungly waste lands and by paying land-revenue in kind.

The Raja maintained some sort of a rough and ready record-of-rights on the basis of which he used to collect land revenue in crops.

Position after Independence A.L.R. extended to Manipur.

After Independence, on the structure left by the Raja's administration was superimposed the Assam Land and Revenue Regulation 1886. Under this Regulation, the system

of annual patta, periodic patta and revenue-free (Khorposh) patta was introduced. Lands were surveyed, maps were made, Chithas written up and Jamabandis prepared. The old structure of the Raja's time was somehow forced into the new pattern. This state of affairs continued till 1960, when the Manipur Land Revenue and Land Reforms Act 1960 was passed.

The Manipur Land Revenue and Land Reforms Act, 1960.

Though this legislation, according to the preamble, was "an Act to consolidate and amend the law relating to land-revenue in the State of Manipur and to provide for certain measures of land-reform" no consolidation of the old laws is traceable, and the land-reform provisions are also marred by certain gaps.

Gaps in the new law. No abolition of intermediaries.

The most notable among these gaps is the omission to incorporate a chapter on abolition of intermediaries. The intermediaries continued from the days of the princely State through the post-Independence period till the date of passing the new Act of 1960. But the Act, instead of straightway abolishing the intermediaries, seems to have given them a fresh lease of life by indirectly recognising them as 'land-owners' under section 99. Whoever were 'pattadars' or 'settlement-holders' on the commencement of the Act automatically became landowners.

No definition of pattadars and settlement-holders.

The words "pattadars" and "settlement-holders" have not been defined in the Act. So the intermediaries who had held revenue-free (Khorposh) pattas or periodic pattas under the Assam Land & Revenue Regulation 1886 during the period of 1950-1960, became landowners. And under section 100 of the Act of 1960, the land-owners were entitled to get their lands cultivated through tenants. Though under section 106, new tenancies could not be created by the landowners, the continuation of old tenancies under the intermediaries was not barred. The result was that the most important component of land-reforms did not pick up the start. * Of course there is a provision in the Act, namely Section 127, which provides for transfer of ownership of lands from landowners to tenants by issue of Government notification after 1975. But no such notification has been issued yet, so that old-time tenants have continued to stay as tenants and have not been brought into direct contact with the State Government as have been done in most other States of India. Tenancies, therefore, prevail on a larger scale in this State than in the neighbouring ones. Out of 366 plots studied, as many as 73 (20%) were under tenancies. According to the World Agricultural Census of 1970-71, the total rented area in Manipur formed 8.8% of the total cultivated area, whereas in Assam and Tripura, the proportions were 5% and 4.2% respectively.

Some good features of Manipur tenancy: (a) Records of rights prepared.

Rate of rent reasonable.

But one good thing about the Manipur tenancies is that these have been brought on to the record of rights and the tenants given Khatians. Another good feature of the tenancy system of Manipur is that the rate of rent is not too high. Even from before the passing of the Act of

1960, the rate of rent in general was 12 pots per pari or about 2½ maunds per bigha. The Act provides for one fourth of the produce as the maximum rate of rent in case of crop rent, and considering the yield of Manipur Valley land, the rate of 2 ½ maunds per bigha seems to be more or less within the statutory limit.

* Three chief components of land-reforms are:-

- (1) Abolition of intermediaries, (2) fixation of ceiling on land-holdings and (3) tenancy reforms.

“Adhi” or “Barga” system not popular.

Another good feature is that “Adhi” or “Barga” system is not very popular in Manipur Valley, although the Act of 1960 does not prohibit it. Share-cropping is not much prevalent, - “fixed-produce” rent (i.e. certain fixed quantity of crop per hectare) is the general rule. According to the World Agricultural census figures of 1970-71, 99% of the rented area was on terms of “fixed produce”, the balance 1% being on crop-sharing basis.

Money rent is also not very popular in Manipur Valley. “Fixed produce” rent is a speciality of the Manipur tenancy system.

Ejection prevalent.

Fixity of tenure not prevalent.

Of the three F’s (fair rent, freedom from ejection and fixity of tenure) which are the essential ingredients of a good tenancy system, one, i.e., ‘fair rent’ has been more or less secured in Manipur Valley tenancy system. Of the other two, though the Act of 1960 has by section 119 provided against arbitrary ejection of tenants, ejections do take place rather easily, as the period for tenancy is often very short, or more often kept vague by the landlords. The Act does not provide for acquisition of occupancy right (i.e. non-ejectable right) by virtue of possession for a specific duration of time, - as has been laid down in Assam Temporarily Settled Areas Tenancy Act 1971. In Assam, by virtue of possession for a continuous period of three years, a tenant acquires occupancy right which is permanent and heritable. Nowhere in the Manipur L.R. & L.R. Act, 1960 is it mentioned that the tenant’s rights are permanent. In villages Andro and Lamsang instances were found where tenants cultivating the land for 12 years were ejected. Generally the tenants are in a weaker position and do not go to the court objecting against ejection. Hence the two F’s, namely, fixity of tenure and freedom from ejection are not very satisfactorily secured to the tenants.

Prohibiting future tenancy is a good feature but certain exemptions not wise.

It is a good thing that, as a measure of land-reform, the leasing of land by a landowner after 1975 has been prohibited by section 106 of the Act. But exemption from this prohibition allowed to certain institutions do not seem very wise, as there is a scope for misuse of such exemptions. Exemption in favour of a cooperative society is particularly objectionable, because a cooperative society is meant for abolishing middlemen, and it should not be allowed to convert itself to an intermediary. Similarly, a public chaitable institution, a religious institution or a

local authority may, if given opportunity, serve as a cover for continuing intermediary rights.

Ceiling on land-holding. Acquisition of surplus land very small.

Imposition of ceiling on landholdings is another essential part of land-reforms. The M.L.R. & L.R. Act, 1960 has made detailed provisions for imposition of ceiling, but the actual area of surplus land available for acquisition was very small, namely, only 338.8 hectares. While it is true that the delay in bringing the chapter on ceiling into force gave wide-spread opportunity for evasions, it also appears to be a fact that there had not been too many large holdings having lands above the ceiling limit. The average size of a holding in Manipur Valley was only 1.15 hectares in 1970-71, while the ceiling limit was 10 hectares. According to the figures of the World Agricultural Census 1970-71 the total number of holdings having an area of 10 hectares each or above was only 22 and the total area covered by these holdings was 378.66 hectares. These holdings formed only .026% of the total number of holdings in Manipur valley and the total area covered by them was .4% of the total area of all holdings.

Thus the delayed enforcement of ceiling law and the small sizes of holdings have contributed to the smallness of the area of surplus land available for acquisition under the ceiling law.

Allottees a new class of holders land-rights.

Allottees are a peculiar class of holders of land –rights created by the Manipur Land-revenue and Land –reforms (Allotment of Land) Rules of 1962. It is difficult to say whether the Act actually intended to create a large class of new right- holders . Because a good land – system seeks to reduce to the minimum the different categories of right – holders . The more such classes, the more complicated the land- system. For example, in Assam, before Independence, there were owners of fully-revenue free estates, half – revenue-paying estates, permanent revenue-paying estates, estates with concessional rates of revenue for a specified period, periodic estates, annual estates, some owners having rights over mines, minerals, forests and fisheries, others having no such rights, - still others having no right of transfer, so on and so forth. Existence of such varying rights created a jungle of tenures. After Independence, land- reforms were pushed through, and now , although the law still mentions these estates, in actual field most of them have disappeared, - leaving the field pre-eminently to the periodic and the annual estates.

In Manipur, in Chapter I, the section 99 recognized only one class of landowners, which brought within its scope, all the old tenures of the ex-Ruler's regime. It is true that the granting of new land belonging to Government to others for agricultural or industrial purposes has been dealt with in a separate section, namely section 14, which authorizes framing of new rules . That does not mean that the rules should create a new class of persons holding lesser rights than the 'landowners' under section 99. The new allottees, after they have brought the whole area under cultivation within three years, may be given the status of 'landowners' and certificates issued to that effect. If they did not fulfil this condition, then the allotments could be cancelled, and their lands allotted to a new set of persons. In Assam, annual leases can be converted to periodic leases on fulfilling certain conditions. This can easily be

done in Manipur also, and that would reduce a lot of complications. As it is, in the sample taken by the Law Research Institute, as much as 16% of the total studied plots were held by allottees with lesser rights than the landowners. The allottees cannot transfer their lands within 10 years from the date of allotment, except with the previous consent of the Deputy Commissioner. The allottees cannot sub-let their land; while a large number of landowners are mere intermediaries. These restrictions, if confined to a limited period of 3 or 4 years, might be justified, but their continuation indefinitely in contrast to the position of the favoured-class of landowners seems to lack such justification.

Annual pattadars.

Annual pattadars form another class of persons who are now in a quandary. Their position is best described in the words of a Govt. document, * but bear repletion due to the importance of the problem.

“Annual patta :- This was a creature of the Assam Regulations. *** ***
 *** While the lease was supposed to be annual theoretically, in fact it was to continue indefinitely until determined by either of the parties. *** ***
 After the commencement of the M.L.R. & L.R. Act 1960, such leases became legally untenable, as this Act does not provide for such a kind of lease and the Assam

Regulations were completely repealed. ***** Subsequently, the annual leaseholders were given an option to obtain a jamabandi patta by paying certain amount of premium by 31. 1. 70. A large number of annual leaseholders thus became normal landholders. However, a considerable number of leaseholders could not convert their pattas, either on account of ignorance, or due to lack of diligence on the part of revenue-officials. The present status of such persons is that their land is to be treated as Government land, and they can only be recorded as “occupiers” in the dag Chitha.”

Annual pattadars seem protected under sec. 99.

This appears to be an unhappy situation. The annual pattadars wonder why their lands are now recorded as ‘Sarkari’. Nor do they understand why they have to pay premium for lands which have been cultivated for a very long time. These lands are not like ordinary Government Khas lands settled under section 14 of the M.L.R. & L.R. Act, 1960. These were lawfully settled with them long before the Act of 1960 was born and they have been paying land – revenue for them. It does not appear to be the intention of the M.L.R. & L.R. Act 1960 to throw them into wilderness. On the other hand, it seems that the provisions of section 99 were enacted to protect them. Though the words “pattadars” and “settlementholders” have not been defined in the Act, (which omission seems a serious gap in the Act), it can be presumed that these words were meant to convey the same meaning as they did under the Assam Land and Revenue Regulation 1886, which just preceded the enactment of M.L.R. & L.R. Act, 1960. If this presumption is correct, then the conclusion that the annual lease-holders, being settlement-holders at the commencement of the Act of 1960, already acquired the status of ‘landowners’ becomes inescapable. In that case realisation of premium from them seems not very proper, if not illegal.

The process of cancellation of annual leases and making the occupied lands 'Sarkari' and then demanding premium from the occupants has created

* Handbook of Survey and Settlement Training 1981-82.

some dissatisfaction among the Kuki hill-tribes who inhabit some villages on the fringe of Manipur valley visited by the team of our officers. After Independence, while the Assam Land & Revenue Regulation 1886 was in force, some of these villages were surveyed and mapped and annual pattas issued. When the M.L.R. & L.R. Act 1960 was extended to these villages, the general Government policy of cancellation of annual pattas also operated there, and suddenly the people who had been cultivating their lands for generations found themselves to be in so-called unauthorised possession; and in the 'land-records', Sarkar (Government) was recorded as the owners of their ancestral property. This appeared to them unjustified if not illegal.

Other problems created by the extension of the Act to the Kuki villages.

The tenants of the Chiefs given patta by the State Govt.

The extension of the M.L.R. & L.R. Act 1960 to the villages inhabited by the Kuki tribes has created many complicated problems besides that of the annual pattadars as mentioned in the preceding paragraph. We have already mentioned that the M.L.R. & L.R. Act 1960 was extended to 104 villages which are included in the hill-districts but are located at the fringe of Manipur Valley. Topographically these villages are similar to other villages of Manipur Valley, but the customs relating to the land-system of these villages are different. According to the perennial customs of the Kukis who inhabit most of these fringe-villages, all lands in a village belong absolutely to the Kuki Chief of that village. It is he who divides the land of the village among his followers for agricultural or residential purposes. Sometimes the Chief realises heavy premiums for settling lands in his village. At least in two villages, our officers came across such settlements where premiums ranging from Rs. 600/- to Rs. 1000/- per family were realised by the chiefs. The villagers were his tenants, and they used to pay regular rents in kind, besides other presents on certain festive occasions. Without abolishing the ownership rights of the Chief, how could these tenants be brought directly into contact with State Government? Yet, this was done, - wrongly in our view - at the time of issue of annual pattas under the Assam Land & Revenue Regulation 1886. If any patta were needed to be issued as a symbol of the Government's sovereign right, it should have been issued to the Chief, not to the tenants, and in fact, many chiefs actually possessed Sanads granted by the King or by the British officers. This only proved the recognition on the part of the State Government of the customary rights of the chiefs over the village land. If an analogy is needed, the chief may be regarded as some sort of a Zamindar, as the Raja of Bijni or Gauripur was under the State Government of Assam. The actual cultivators in the Zamindars' estates were their tenants and they were later on brought into direct contact with the State Government by acquisition of the Zamindars' rights over land. Subsequently these tenants were granted annual and periodic pattas.

Overlooking this aspect of the matter, the State Government after Independence issued annual pattas to the tenants of the chiefs under the Assam Land & Revenue Regulation 1886. But the position was not rectified even after

the enforcement of the M.L.R. & L.R. Act 1960 in these fringe-villages of the Kuki Chiefs. It was rather further complicated by treating as Sarkari all unoccupied lands as well as the occupied lands covered by annual pattas which were now cancelled under the new Government policy. Once these lands were treated as Sarkari, all occupation, - even if three generations old, - became 'unauthorised' possession; and demands were made by Government on the occupants for payment of premium for regularisation of the so-called unauthorised occupation. The existence of the Chiefs' rights was ignored. Even the chief had to pay premium for procuring some kind of patta for his own self-cultivated land.

Chief's rights over land ignored.

But now could the Chief's rights over land be ignored ? These rights have not yet been acquired by Government. A legislation for acquisition of Chief's rights called the Manipur Hill Areas (Acquisition of Chiefs' Rights) Act, 1967 has been enacted but it has not been implemented yet. In Mizoram, a similar legislation called the Assam Lushai Hills District (Acquisition of Chiefs' Rights) Act 1964 had been passed long ago and was forthwith implemented. The Mizo chiefs who had enjoyed the same kind of rights over the village land as the Kuki Chiefs do now in Manipur have disappeared and the Mizoram State Government has now issued pattas to the erstwhile tenants of the Mizo Chiefs. This should have been and may still be the model for Manipur fringe-villages to which the M.L.R. & L.R. Act 1960 has been extended.

Double-taxation.

Another grievance made out by the cultivators of these fringe villages is that they have been made to pay double-taxes, that is to say, land-revenue plus house-tax for the same piece of land. As these villages are administratively located within the hill-districts, they are liable to pay house-tax, and the villagers are paying it. But as the M.L.R. & L.R. Act 1960 has been applied to these villages, they are liable also to pay land-revenue and they are paying it. But they point their accusing fingers in the direction of the adjacent villages which are administratively located within the plain districts of Bishenpur, Thoubal and Imphal, where there is no double-taxation. The inhabitants of those villages who mix with them day in day out do not pay house-tax and are happy. The Kuki tribals, ignorant of the complications of law, feel discriminated and unhappy. House-tax everywhere is meant to be a substitute for land-revenue. As land-revenue cannot be assessed on shifting cultivation due to the change of possession every year, a house-tax is imposed on the cultivators of these areas. But here, in these fringe-villages, the cultivation is fixed and boundaries of land permanent; - so here assessment of land-revenue after acquisition of Chiefs' rights would be justified but then collection of house-tax should be discontinued. It can be so done even now.

Transfer of land to non-tribals controlled.

A good feature of the M.L.R. & L.R. Act 1960 is that it has prohibited (vide S.158) transfer of land by a tribal owner to a non-tribal person, except with the permission of the Deputy Commissioner who, before giving any such permission, has got to secure the consent of the District Council concerned. In the 11 villages of Manipur Valley and its fringes visited by our officers, out of a total number of 105 transactions of transfer, 55 (52 %) from tribal to tribal, and only 7 (6.67%) from tribal to non-tribal. This is a good sign and it seems that

people are aware of the existence of the prohibition of transfer from a tribal to a non-tribal.

This legal prohibition, however, is not in force in the hill-districts, as the M.L.R. & L.R. Act 1960 has not been enforced in them. But there the customary rule is such that lands belonging to a tribal cannot be transferred to a non-tribal, - sometimes not even to a tribal of a different village or a tribe. This rigid custom has served as a bullwark against acquisition of landownership by non-tribals in semi-urban areas like those of Ukhrul, Mao, Churachandpur, Tengenoupal etc. It may, however, be necessary, to enact prohibitive legislation, if customary restrictions become loose in course of time, somewhat on the line of the Meghalaya Transfer of Land (Regulation) Act, 1971.

The question of extension of the M.L.R. & L.R. Act 1960 to the hill-districts is hanging fire for sometime. The Government is keen on surveying and mapping hill-areas which have permanent cultivation and homesteads. The district officers feel that the extension of the M.L.R. & L.R. Act 1960 to these areas is a pre-requisite to such survey and mapping, since there is a detailed procedure laid down for survey and mapping in the said Act. The hill-people, on the other hand, are apprehensive that the extension of the Act would induct land-revenue into the hill-areas and would create other complications. In our opinion, for the mere purpose of surveying and mapping, the extension of the M.L.R. & L.R. Act 1960 is not un-avoidable. A set of adhoc rules and executive instructions containing the broad and rough outlines of the process of survey and mapping may be adopted by the Legislature or Government and these may be extended to selected villages that are fit for such survey etc. with the express consent of the village authorities concerned.

The land systems prevailing in the hill-districts are different from those prevailing in Manipur Valley. The M.L.R. & L.R. Act 1960 is better suited to the villages of Manipur Valley than those of the hill-districts. Even its well-meant provisions may create unforeseen complications, as have been seen in the few villages where it has been already extended. Different systems of inheritance and different methods of cultivation are followed among different tribes and these have a direct bearing on the prevalent land-systems. Rights over land everywhere are acquired either by clearing jungles or by inheritance or by transfer. Differences in these three methods create differences in the land-systems, too.

Now, among the Kukis, a person can acquire right by jungle-clearing only with the express consent of the Chief who is accepted as the absolute owner of all lands within the village. The cultivators have to pay rent to the Chief. Acquisition of right by inheritance is through patrilineal primogeniture system with variation here and there. Transfer of land among the persons of the same tribe and village is free, but transfer to others is prohibited by custom. The method of cultivation in the hill-villages is jhuming, though in the plain villages, the Kukis do wet-rice cultivation, too.

Tangkhul land system. Among the Tangkhul Nagas, the Chief is not the owner of the village lands and he is only a titular head commanding respect. Any cultivator can acquire rights over land by jungle-clearing with the consent of the village council. He is not required to pay any rent to anybody. Succession to land is by patrilineal primogeniture system, but it is not so rigidly followed. Often the younger sons

are given shares, though smaller than the share of the eldest. Transfer to persons of other tribes or villages is generally not allowed. The method of cultivation is jhum, terraced, or wet-rice according to the suitability of the land.

Mao land-system.

The Maos are at another end of the scale. They do only W.R.C. and terraced-cultivation, and practically there is no jhuming. Their chiefs are nominal heads of the village, so that people acquire land-right by jungle-clearing with the consent, tacit or express, of the village council. They generally follow the patrilineal primogeniture system of succession, but in this also they are found to be very liberal, and more often than not all sons inherit the property of the father, the elder getting a larger share. Even daughters are given shares now and then. Transfer to persons of other tribes or villages is not generally allowed. Their terraced plots are well-demarcated and can easily be surveyed and mapped. They do not pay any rent to anybody nor any land-revenue to Government.

Kabui land-system.

The Kabui land system differs from those of the others in many respects. Here, though the chief is only a nominal head, he has below him a class of intermediaries called Rampaos who own all the lands of a village, - each one claiming ownership of a well-demarcated block. Cultivators can clear jungles with their permission only and become their tenants (Laopaos). These tenants pay regular rents to the Rampaos, and if they default, they are liable to ejection.

System of inheritance is also different, namely patrilineal ultimogeniture. Deviations from the general rule, however, occur here and there.

Transfer is free amongst themselves, but otherwise restricted.

The method of cultivation is also different. The Kabuis mostly practise jhuming, but the jhum-plots are fixed and permanent; that is to say, these plots are well-demarcated, and the jhumia returns to his old plot at the beginning of each jhum-cycle. Only the cultivation shifts, but the plots remain under the acknowledged ownership of respective cultivators. Jhum-plots are even transferable. As the plots are fixed and have permanent boundaries, they are capable of being surveyed and mapped.

Difficulty in putting these systems in a uniform pattern.

It will thus be seen that it is rather difficult to push these different systems into a uniform pattern so as to be easily dealt with by a single system of land law, much less by the M.L.R. & L.R. Act 1960. In our opinion, therefore, there should be no hurry to extend this Act, as it stands now, to the hill-districts of Manipur. Different aspects of the hill-land systems, where necessary, may be tackled by special legislations. For example, in our opinion, the Rampao intermediary system may offer some scope for reasonable reform without violently upsetting the existing customs and the popular opinion. Then again, where terraced cultivation and wet-rice-cultivation are practised in fixed plots with permanent boundary marks, these plots may, with the consent of the village authorities, be mapped and surveyed and land-records prepared recognising permanent, heritable and restricted transferable rights, so that the owners may be able to secure loans from Government, banks, and cooperative societies. Suitable regulations for controlling jhum-cultivation, and for

regulating transfer to non-tribals , and for preserving village-forests may also be prepared in the interest of the hill people themselves.

The above suggestions and criticisms have been made with the best of intentions. Let there be no mistaken impression that only defects have been shown, and good things overlooked. In a concluding chapter where suggestions have to be made, omissions and commissions of the existing system have got to be mentioned, otherwise, the suggestions lack the needed justifications. The mention of good features has been interspersed throughout the different chapters of the report. It is not necessary to repeat them here.

Land records. But one good thing that we found but did not mention before is the state of land-records. Whichever places we visited in the valley, we found the land-records to be in a satisfactory condition. We were particularly impressed by the earnest efforts made by the Revenue Minister personally to update the land-records throughout the valley. He held monthly meetings of the Deputy Commissioners to review the progress of updating the land-records, acquisition of ceiling surplus land, and collection of lands-revenue. We also found that the villagers were conscious of their rights over land.