

A
STUDY OF
THE LAND SYSTEM OF
MIZORAM



Directed by J. N. Das

LAW RESEARCH INSTITUTE
EASTERN REGION, GAUHATI HIGH COURT,
GUWAHATI

Sponsored by the North Eastern Council, Shillong.



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EASTERN REGION
GAUHATI HIGH COURT, GUWAHATI



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PREFACE

STUDY OF MIZORAM LAND SYSTEM

This volume is the sixth in a series of study reports prepared by the Law Research Institute, Gauhati High Court after an on-the-spot study of the land systems in the North Eastern Region. The other reports that were completed before this one relate to Assam, Arunachal, Meghalaya, Tripura and Manipur. The study was sponsored by the North Eastern Council, Shillong (Vide its letter No. NEPF/14/81-82/16 dated 5.5.81). The object of the study was "to obtain a clear picture of ownership, tenures, alienation, use, survey, settlement and land-records of the States and Union Territories of the North Eastern Region."

2. The on-the-spot study of the land system of Mizoram was carried out by a team of five Research Officers headed by the Director of the Study.

The team visited the Union Territory from 15th Nov. 1984 to the 8th December 1984. They made a plot-to-plot study of the actual rights and obligations of the owners relating to the lands under their occupation. On the whole, 1151 plots were studied in nine villages and three towns. Rural plots numbered 851 and urban 300. The plots studies brought out clearly the manner in which the occupant acquired the rights over a plot, the magnitude and quality of those rights, the manner of succession by inheritance and transfer, restrictions on enjoyment of various rights, jhuming practices and rights, if any, over jhum lands and so on. The result of the plot studies were further checked up by group-discussions with the villagers and interviewed with the key persons.

3. Mizoram is the only hill-state in the North Eastern Region to enact regular legislations on land and revenue matters. It is to the credit of Mizoram that it was one of the first few states of India which introduced land-reforms soon after Independence. As far back as 1954, The Assam Lushai Hills District (Acquisition of Chiefs' Rights) Act, 1954 was passed. For centuries till 1954, the Chiefs were, by custom, the absolute owners of all lands in Mizoram. Their rights were acquired by the State on payment of compensation. After acquisition of their rights the District Councils had the responsibility of management of these lands. Instead of depending on the custom which would have made the District Councils the absolute owners of lands, these councils proceeded, in an enlightened manner, to regulate their own powers and give certain rights over lands to the cultivators. A number of legislations on land-matters sprang up in each of the Autonomous Districts. Their total number went up to twenty. Needless to say, there were avoidable duplications and some lack of clarity.

4. In the present study, all these legislations have been examined from all angles and their implementation in the field studied by on-the-spot investigations. The results of field studies have been stated in the report in detail, so that an actual picture, of the real situation may be obtained. It is remarkable that nowhere were there found any objection against imposition of land-revenue as is found in some other hill-areas (e. g. Khasi Hills and Arunachal) of North Eastern Region. People seems to have gladly accepted the land system introduced by various legislations. But multiplicity of laws have been a bit confusing and causing delay in emergence of a clear-cut land system.

5. Absence of land-records has been a handicap against making the land system perfect. Difficulties about survey and mapping and preparation of land records are genuine. Terrain is not easy, survey is very costly, and trained personnel not available. But despite these difficulties, rough and ready sketches of settled plots have been made and registers prepared.

6. The scheme of our report is as follows. In Chapter I, the background history of Mizoram has been given. In Chapter II evolution of land tenures from the ancient time to the establishment of the District Councils has been traced. In Chapter III, various land legislations and the rules made thereunder have been discussed in detail. Chapter IV and V have recorded the results of field-studies in villages and Chapter VI those in town-lands. A special Chapter, namely Chapter VII, has been devoted to jhumlands which still form about 45% of the total cultivated area of Mizoram. Each Autonomous District Council has passed its own jhum-regulation, which unlike many other hill-areas, has introduced the system of distribution of jhum-plots by drawing lots. Chapter VIII has been devoted to system of inheritance, transfer and allotments, because all rights over lands are acquired usually by these three methods.

Finally, in Chapter IX, we have given our concluding remarks on various aspects of the land-system as a whole. We have, all through the report, suggested enactment of a single legislation replacing the large number of land legislations in each Autonomous District. As Aizawl and Lunglei administrative districts no longer have any Autonomous District Council and Autonomous District, we have suggested that at least in this zone which covers about 80% of the total area of the entire Union Territory, a single model legislation may first be initiated.

7. This study would not have been possible without the whole-hearted cooperation from officers at all levels administration of the Union Territory. Best possible transport and accommodation in distant areas of difficult terrain were provided; reports, notifications, rules, regulations and other comments were made freely available, queries were answered and discussions held cordially.

We take this opportunity to offer our sincerest thanks to the Govt. of Mizoram and all the officials who extended their assistance so generously. We also offer our gratitude to non-official leaders and countless villagers who gave all-out help in collecting the Data needed for our study.

(J. N. Das)

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Gauhati,
22nd December, 1986.

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We are deeply grateful to the Hon'ble the Chief Justice Shri A. Raghuvir, Chairman of the Law Research Institute for guiding our activities.

We gratefully acknowledge the help extended by the North Eastern Council, Shillong, providing fund for printing the book.

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We would like to acknowledge with thanks the sincere help and co-operation received from Shri B.P. Saikia, Registrar (Admn.), Gauhati High Court and Secretary of the Law Research Institute in managing the organisation and in publishing and getting the book printed.

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CHAPTER I

Historical Background.

Migration from Chin Hills :

Early history of Mizoram is shrouded in mist. Only this much is known that in the seventeenth and the eighteenth centuries, wave after wave of different tribes migrated to various parts of the Lushai Hills. The Mizos, the Pawis, and the Lakhers came from the East i. e. the Burmese territory. The Chakmas, on the other hand, came from the West, i. e. the Chittagong Hill Tracts. While the Mizos, the Pawis, and the Lakhers permanently settled down in different parts of the Lushai Hills, the Migration from Chittagong Hill Tracts. Chakmas used to come and go, and rarely built up permanent settlements. They were migratory tenants of the Mizo Chiefs, who owned lands on the western part of the Lushai Hills. Just before the Partition of India, they had only about 40 villages established in a strip of territory sprawling on the western fringe of the Lushai Hills then under the British regime.

Areas occupied by the principal tribes :

Of the three main tribes, viz, the Mizos the Pawis and the Lakhers, the last two settled down in the eastern and the southern parts of the Lushai Hills, bordering Burma. The Mizos established themselves firmly in the northern and the central parts. Among the Mizos, again one particular clan, Sailo, emerged, after prolonged fightings with the other clan, as the supreme power by the end of the eighteenth century.

Raid by the Lushai tribes in the plains :

After Assam was annexed by the British in 1826 they spread their rule to Cachar, Manipur and Chittagong Hill Tracts. The Mizos and other tribes living in the Lushai Hills often raided the plains of Sylhet, Cachar and Manipur and also the hills of Tripura and the Chittagong Hill Tracts. All these areas surrounded the Lushai Hills on three sides, north, west and south—and were under the protection of the British Government. The British sent punitive expeditions now and then to keep down the frequency of their raids.

1871—Serious raid in Cachar tea garden :

In 1871, however, there was a serious raid in Cachar in which Mr. Winchester, the Manager of Alexandrapur T. E. was killed and his 6-year old daughter Mary, along with 36 others was taken prisoner. The British Government sent a strong expedition which combed the hills and brought all the Chiefs of the Lushai Hills under subjugation by February 1872. The 6 year old daughter of Mr. Winchester was recovered as also the other captives. The Chiefs gave undertaking not to indulge in any more raids in the plains.

Annexation of the Lushai Hills to British Assam :

This time, however, the British force did not leave the hills. the southern part of the Lushai Hills was occupied and administered by the Superintendent of the Chittagong Hill Tracts under the Government of Bengal and the northern part by TDeputy Commissioner of Cachar district under the Government of Assam. In 1898 the two parts were combined to form one single district and transferred to Assam. * Major Shakspear, who subsequently become famous for his various books on lands and people of the Lushai Hills, was made the first Superintendent of the new District in 1898. **

Most enactments barred from the Lushai Hills & special rules made for certain matters, but not for land :

The Scheduled Districts Act 1874 and the Assam Frontier Tract Regulation II of 1880 were made applicable to the Lushai Hills from 1898. *** Under the authority given by these enactments, the Acts and rules in force in the rest of Assam were made inapplicable in the Lushai Hills. For administration of justice, special Rules were promulgated for the District, but for administration of land, no special Rules were made. Only a few sections of the Assam Land & Revenue Regulation 1886 were made applicable, namely, sections 1, 2, 69 and 94-144. This was also done as late as 1929 only. These sections deal with recovery of arrear by sale and attachment of movables, powers of officers, procedure etc. and not to any matter of basic rights over land.

“Backward Tract” 1919. “Excluded Area” 1935 :

Under the Government of India Act 1915-19, the Lushai Hills were made a “backward tract” and under the Government of India Act 1935, they were declared “Excluded Areas”.

After Independence an Autonomous District of Assam :

When the Constitution of India came into force, the Lushai Hills were made an Autonomous District under the Sixth Schedule to the Constitution, and a District Council was formed on 25. 4. 1952 for the area covered by Aizawl and Lungleh Sub-Divisions, while a Regional Council was started on 23. 4. 1953 for the remaining region inhabited by the Pawis, the Lakhers and the Chakmas. In 1954, the Lushai Hills District was re-named Mizo District by an Act of Parliament called the Lushai Hills District (Change of name) Act, 1954.

* Notification No. 592 E.B. Dt. 1. 4. 1898.

** Proclamation No. 977 P of Govt. of Assam in 1898.

*** Vide Notifications No. 921 P Dt. 1. 4. 1898 and No. 592 E.B.Dt. 1. 4. 1898.

1972. Union Territory of Mizoram :

In 1972, Mizo District was separated from Assam and made a Union Territory according to the provisions of the North East Areas Reorganisation Act 1971. The Mizo District Council stood to dissolved and the Mizo Autonomous District ceased to exist. The Pawi-Lakher Autonomous Region, on the other hand, was divided into three Autonomous Districts, - Pawi, Lakher and Chakma, and three Autonomous District Councils, one for each, were formed. The old Pawi-Lakher Regional Council ceased to exist.

Three Administrative Districts of which two have no Autonomous Districts now, the third has three Autonomous Dists. :

Administratively, the Mizo Union Territory has now three districts, namely (1) Aizawl (2) Lungleih and (3) Chhimituipui. Aizawl and Lungleih have no Autonomous District within their boundaries, but Chhimituipui comprises all the three Autonomous District, - Pawi, Lakher and Chakma. Each of these three Autonomous Districts has its own separate Head Quarters, Pawi Autonomous District at Lawngtlai, Lakher at Saiha, and Chakma at Chawngte. The Administrative District Chhimituipui as a whole has a separate Head Quarter at Saiha.

Laws passed by the earlier Dist. & Regional Councils saved by Administrator's orders :

The Mizo Autonomous District Council and the Pawi-Lakher Regional Council had passed certain laws relating to land and revenue, e. g. the House sites Act, 1953, the Land & Revenue Act 1956, the Agricultural Land Act 1963 and so on passed by the Mizo District Council. We shall soon discuss about them in detail. Here it is enough to mention that, though the Mizo District Council ceased to exist, the land laws, along with other laws passed by the Council, were saved by the Dissolution of the Mizo District Council (Miscellaneous Provisions) Order, 1972, promulgated by the Administrator (vide notification No. LGD 8/72/42 Dt. 29. 4. 72). The powers of the District Council under these Rules and Acts were vested in the Administrator,

The Administrator delegated most of these powers to the Deputy Commissioner or the Sub-Divisional Officers, who, in lieu of the District Council, are administering the land laws.

As regards the laws enacted by the old Pawi-Lakher Regional Council which ceased to exist, these were also saved by a similar Order * promulgated by the Administrator, and they were in force in Pawi Autonomous District, the Lakher Autonomous District and the Chakma Autonomous District. The Chakma Autonomous District Council has since enacted a new Act called the Chakma Autonomous District Agricultural Land Act 1982, which has repealed the old Agricultural Land Act of 1959 passed by the erstwhile Pawi - Lakher Autonomous Regional Council. Similarly the Lakher District Council and the Pawi District Council have also enacted some laws, repealing their old counterparts. Those that have not yet been repealed are being administered by the District Council.

We shall deal with them in a separate chapter.

* Order LJD/8/72/53 Dt. 29. 4. 72.

CHAPTER IX

CONCLUSION

Area and population :

Mizoram has a total geographical area of 21,08,700 hectares or 21087 sq. km. Of this, an area of 17,130 sq. km. with a population of 4,27,337 was under the Mizo Autonomous District Council now abolished. Pawi Autonomous District, Lakher Autonomous District, and Chakma Autonomous District occupy 1304 sq. km, 1949 sq. km. and 715 sq. km. respectively, and the total population of all these three come to only 66,420, so that in respect of geographical area Mizo Autonomous District was about four times bigger than the other three taken together and in respect of population more than six times. Needless to say, therefore, that in matters of land and management whatever was done in Mizo Autonomous District had a very great impact on the remaining three, though in ethnic matters the Chakmas claim many diverse customs and practices.

Cultivated area under jhum & permanent crops :

An area of 8,918 sq. km is under reserve forest and District Council forests, and an area of about 7026 sq. km. is unfit for any type of cultivation. This leaves only 6,048 sq. km available for some sort of cultivation. Of this, already an approximate area of 978 sq. km. is under different crops, 413 sq. km. being under jhum cultivation, and the rest under wet-rice-cultivation, orchards and terrace-cultivation.

Proportion of jhum and permanent cultivation :

Proportion of jhum to permanent cultivation thus comes to 44.56. This, on the face of it, is an encouraging sign.

But it appears that the area of 4134 sq. km. under jhum cultivation is the area cultivated for one year only. Each year this much of area is covered by jhum-cultivation. But the location of jhum-cultivation changes every year, and only after 7 years the jhumias return to the original jhum-block. So that actually an area equal to 7 times the annual area of 413 sq. km. is blocked by jhum-cultivation, and this comes to about 2,900 sq. km. This is possibly why the Govt. of Mizoram, in reply to a questionnaire issued by National Institute of Rural Development, stated that the total area under jhum cultivation was 3,38,160 hectares or 3382 sq. km.

How permanent rights over land Grow :

Now, land rights can emerge only where there is permanent occupation either agricultural or residential. Nomads do not have permanent occupation, and, therefore, no permanent rights.

English jurist Blackstone held that "the earth and all things therein were the general property of mankind. He who first began to use it acquired therein a kind of transient property that lasted so long as he was using it and no longer The instant he quitted the use or occupation of it, another might seize it without injusticeWhen mankind increased in number, it became necessary to entertain conceptions of more permanent dominion and to appropriate to individuals not the immediate use only, but the very substance of the thing to be used."

Jurist Savigny added that the occupation must be for a sufficiently long long period and uninterruptedly. Besides, the occupant must hold it exclusively against the whole world. Permanent rights over land, according to him, were founded on adverse possession ripened by prescription.

No permanent rights in jhumlands of Mizoram :

In the jhumlands of Mizoram, a jhum-cultivator occupies

his jhum-plot in a particular locality for only one year and then shifts to another plot in a different locality. After 7 years when he returns to the same locality, he does not necessarily get his original plot, because the jhum-plots are allotted by drawing lots. Thus there is no uninterrupted possession in the same plot for a sufficiently long period. Hence permanent land-rights do not prevail in the jhum lands of Mizoram. No person can have succession to a particular jhum-plot either by inheritance or by transfer.

But each villager has a share in jhum land :

Yet, in a special case, even a jhum cultivator has some right, though vague, in the jhum block as a whole. He has the right to be selected for cultivation in a plot of the jhum-block,—which particular plot he does not know. That depends upon the result of a lottery. His position is like that of an owner member of a joint family to the family property. Every member has a share in the common-property, in every particle of the soil, but until partition, one specific portion belongs to him. Similarly, in the jhum locality every villager has a right to cultivate, but cannot claim any specific portion to be his own. The entire jhum block belongs to the village community and each villager has the right to use and occupy an unknown portion of the jhum block and that also for only one year at a time. Right of transfer, and right of inheritance has no meaning in such land.

Permanent rights grow, if jhum plots are fixed :

If, however, each villager has the right to stick to a particular plot, as is the practice among the Adis of Arunachal Pradesh, throughout the period of the jhum cycle, then he acquires a sort of permanent occupancy right over that plot. The right becomes heritable, and transferable too, with, of course, the usual restrictions put by customary law. This sort of cultivation of the same plot at the beginning of each jhum cycle is not prevalent in Mizoram.

But perhaps this sort of fixed-plot cultivation may easily be introduced in Mizoram, too. Instead of allotting the jhum-plots by lottery, the jhum cultivator may be encouraged to select his own previous plot at the beginning of each jhum cycle. He may be assisted by Govt. to improve his plot by making available plenty of fertilizers. In that case he would acquire a sense of attachment to his plot of land and he would do everything to keep it in proper condition of fertility.

Fixed cultivation in jhum-plot may be introduced by allowing creation of orchards in suitable jhum-plots. The inclination to do fruit plantation has been noticed everywhere in Mizoram. This only needs to be encouraged by arranging suitable incentives.

It is a happy sign that the Pawi Jhum Regulation 1983, had made provision for encouraging cultivation of the same plot of jhum-land at the beginning of each jhum cycle.

Permanent cultivation WRC, TRC Orchard etc in Mizoram :

Mizoram has, as already stated, a large area under permanent occupation. Apart from house-sites, wet-rice-cultivation, terrace-rice-cultivation and fruit plantation are carried on in permanent plots. Such plots are usually well demarcated and possess easily identifiable boundaries. In such plots, the owners have permanent rights. Transfer of such plots among the villagers take place freely. Such plots are also inherited according to the customary laws of inheritance.

Various types of leases for permanent lands :

Long-term leases can certainly be issued for such lands. In all the Acts of Mizoram, there are provisions for issuing permanent land-settlement certificates. These are called by different names in different District Councils. The Mizo District Councils call them Land Settlement Certificates (L.S.C.) where they relate to town-lands, and simply 'patta' where they relate to agricultural lands. In Pawi and Lakher areas, they are called

Permanent Settlement Certificates (P. S. Cs)- In Chakma areas they are called 'pattas'.

Leases for indefinite period L.S.C., P. S. C. patta :

It is notable that these pattas, L.S.Cs and P.S.Cs are some sort of perpetual leases, since no specific period is mentioned about their duration. They continue indefinitely so long as no condition of the certificates is violated. Of course, the revenue assessment may be revised at any time as decided by the authorities. The holders of the certificates and the 'pattas' enjoy heritable and transferable rights of use and occupancy and of subletting subject to the usual restrictions against transfer to non-tribals, and also subject to reservation in favour of Govt. the rights over mines minerals, quarries and stores.

Pre-condition for issue of L. S. C etc not made clear :

The Acts and the Rules, however, do not mention as to under what circumstances L. S. C., P. S. C. or 'patta' is to be issued, except the Chakma Act on Agricultural Land. This latter Act lays down that 'patta' is to be issued only after 3 years from first settlement and that also only when the land has been used for the purpose for which it was originally settled. Land Settlement Certificate, Permanent Settlement Certificate and pattas are documents of perpetual settlement, and it is advisable that such certificates should be issued only after very rigid conditions have been fulfilled. In actual fact, in Mizo Autonomous District except in town-areas, Land Settlement Certificates were found to be not very common. In Pawi Laker areas, however, P.S.Cs were found in large numbers.

Comparison of Chakma provision with Assam :

A situation somewhat parallel to the Chakma Act provision is found in Assam. In the State of Assam, initially an annual lease is issued when new settlement of any land is given. The lease is renewed from year to year, but does not confer any transferable right including the right of sub-letting. Whenever

Govt. wants the land, it may take it over after issuing 3 months' notice ending with the year and is required to pay no compensation for the land itself. It may pay the value of trees or structure, if any, standing on the land.

Now, the annual lease can be converted to periodic lease after the land has been duly utilised and well-delineated and covered by regular crop or permanent structure. A small premium is required to be paid for such conversion. On conversion, the occupant obtains a periodic lease which is generally for 30 years, and which confers permanent, heritable and transferable right of use and occupation, but not the right over mines, minerals, quarries etc. At the expiry of the lease-period, the periodic lease is automatically renewed, unless any condition of the lease has been violated.

Short period periodic lease for initial cultivation and long period renewable lease for permanent cultivation suggested :

It is not suggested here that the parallel example of the Assam situation should be emulated in Mizoram. Assam's annual lease is not very happy arrangement. Compared to this type of lease, Chakma's triennial periodic lease is much more rational. Something like the Chakma lease, that is to say, a periodic lease not exceeding 3/4 years may perhaps be introduced in the other districts, too, and provision may be made for conversion of such lease into long term lease like Land Settlement Certificate or permanent Settlement Certificate or patta. It is not suggested that these certificates and pattas should be of perpetual duration. Perpetual leases may create many complications in future. So a lease for a sufficiently long period, say, 30 years, 45 years, 50 years, or at the most 99 years, should be enough. There should be conditions for renewal, which would confer the characteristic of permanency but not of perpetuity.

Periodic lease. Comparison & contrast with Assam :

The second type of leases for permanent crops introduced in Mizo Autonomous District is the periodic lease. It is not the same thing as the periodic lease of the State of Assam. The periodic lease of Assam is issued for a period of 30 years and confers permanent, heritable and transferable right of use and occupation. The periodic lease of Mizo Autonomous District is issued generally for 5 years or less and confers no permanent and transferable right of use and occupation. The holder of such a lease has only the right of use and occupation for the period of the lease. Hence it resembles more closely the annual lease rather than the periodic lease of Assam.

In Chakma area periodic lease is convertible after 3 years to permanent lease :

In the Chakma Agri. Land Act 1983, the periodic patta is to be issued initially for any new allotment of land. The periodic patta is of 3 year's duration. No Permanent Settlement Patta is to be issued unless the land has continued under periodic patta for at least 3 years and has been used properly for the purpose for which it was issued. In the legislations of the other Districts on the same subject, there is no provision to the effect that the periodic patta has to be issued initially for any new allotment or settlement, and there appears to be no bar to issue Permanent Settlement Certificate or Land Settlement Certificate at the initial stage itself. In actual practice, however, we found that Land Settlement Certificates were rare in the agricultural areas of Mizo District. This practice could be put into the form of law by including a provision similar to that found in the Chakma Act in all the other districts, too.

'Passes' in Mizo land system :

A further complication in the land system of Mizoram is the existence of a large number of 'passes' for holding

different classes of lands. The 'Passes' could not be regarded as documents of land-rights but as tokens of legitimate occupation of land. The passes had to be issued under certain conditions of circumstances. When the Chiefs' rights were acquired by the State in 1954, there was a vacuum, which was filled by the District Councils. But the District Councils were new, having been started only in 1952 and 1953. There was no written landlaw at the time. The customary law was of no help, as the cultivators used to hold lands at the will of the Chiefs who were absolute owners. But the legitimate holdings of the cultivators had to be regularised somehow. The situation was analogous, in some way, to that in Goalpara District of Assam, when Zamindari estates were acquired by the State, but it was not exactly the same. In Goalpara Zamindari area, there were some records of tenants and their lands, and these were maintained, however imperfectly, by the Zamindars to realise rents from the tenants. Though these were not perfect, they could be updated within a very short time. In Mizoram however, the records were not systematic, as the rents (fathang) were in form of crops only and the holdings were not fixed but were mostly in the form of shifting jhum-plots.

The District Council authorities had, therefore, no other alternative than to issue 'passes' to those who claimed to cultivate lands in W.R.C., T.R.C., or orchard plantation. For house-sites, shop-sites etc also passes were issued. There was at least a precedent for issue of passes, - the British Govt. having done so for trade sites in urban and semi-urban areas.

There was another circumstance which contributed to the continuation of the pass-system in Mizoram. The villages were re-grouped for reasons of security, and the villagers had to shift to new villages where they had to obtain new house-sites and new cultivable lands. In order to tide over the difficulty created by large scale allotments of such lands, passes had to be issued initially and many of these passes are still in use.

Policy of replacement of passes by pattas or periodic pattas :

Later on the District Councils adopted a policy of replacing the passes by periodic patta or permanent patta. Thus the Mizo District Agri Land Act 1963 provides that :—

“All lands already occupied under pass/permit granted by any authority before the commencement of this Act shall have to be registered and fresh Patta obtained from the Administrator within such time and in such manner and on payment of such fee as may be prescribed.

Failure to carry out this section and the rules thereunder may entail cancellation of the pass/permit by the Administrator ; provided due notice is served to the person/persons concerned” (Section 6)

Rule 13 of the Agri Land Rules of 1971, framed under the Act of 1963 provides for detailed procedure for conversion of pass or permit to patta or periodic patta.

In spite of this rigorous provision, however, a considerable number of passes/permits are still in existence.

Large number of passes still existing :

The next statement (Table P,) shows the number of L. S. Cs and passes in the Mizo Autonomous District, which includes both Aizawl and Lunglei Administrative Districts. It is seen, therefore, that for house sites, shop-sites, stalls and miscellaneous purposes, there were 1337 passes existing during the period 1981-1983 ; and for W. R. C., garden, fishery, dry terrace and farm, there were 4677 passes existing during the same period. As against the passes, there were only 365 L. S. Cs for W.R.C. and garden existing during a longer period (1977-83). The number of L. S. Cs for house-sites was, of course far greater, because of the two HQ towns Aizawl and Lunglei, where there is, quite expectedly, an overwhelming number of L. S. Cs for house-sites.

TABLE NO. 13

Table P,

Mizoram Land System

Area under L. S. Cs and passes (figures supplied by
Directorate of Land Revenue & Settlement)

(A) SETTLED AREA (Under Land Settlement Certificate) 1972-1985

House site	Nos	Area (in hectares).
(i) Aizawl Town	8310	583.345645.
(ii) Lunglei Town	2897	162.335707.
(iii) Kolasib	68	3.150868.
(iv) Champhai	385	19.125188.
Total	11,660	667.957209

(b) W. R. C. (Wet Rice Cultivation)

(i) Aizawl District (Since 1977-83)

	Nos	(Area in hectares)
	30	53,491473
(ii) Lunglei District =	106	169,150090
(since 1977-1983)	136	222,641563

(c) Garden

(i) Aizawl District (since 1977-1983)	221	260,206391
(ii) Lunglei District (since 1976) =	8	8,534034
Total	229	268,740425

(B) AREA UNDER PASS

Area under Hectares

(a) Departmental Land (compass survey)	Nos	
(i) Aizawl District (since 1972-1983)	437	2431,121705
(ii) Lunglei District (since 1974-1983)	145	489,287371
Total	582	2920,409076

(b) Aizawl District

(i) House site since 1981 upto 1983	= 1279 Nos
(ii) Shop site	= 12 Nos
(iii) Stall	= 14 Nos
(iv) Misc (Aizawl Dist.)	= 10 Nos
(v) „ (Lunglei Dist.)	= 22 Nos
	<hr/>
Total	= 1337 Nos

(c) Agriculture Land since 1981 upto 1983

(i) W. R. C.	= 1234 Nos
(ii) Garden	= 3150 Nos
(iii) Fishery	= 99 Nos
(iv) Dry Terrace	= 167 Nos
(v) Farm	= 27 Nos
	<hr/>
	4677 Nos

(c) Area Under Periodic Patta not available.

So it appears that if the matter is left for voluntary application by the pass-holders, the progress of conversion would be slow. Some sort of initiative from Govt. side will have to be taken from the Village Councils and the District Councils, the lists of pass-holders may be obtained, and no Govt's own initiative the survey staff with the help of the Village Councils may verify as to the passes which are fit for conversion to patta and which to periodic patta. Conversion-fee may be abolished.

Land-revenue :

Unlike many other hill-States, Mizoram has introduced land-revenue system as in the plains areas of Assam. For the purpose of assessment of land-revenue the Rules lay down that lands are to be classified into various grades on the basis of suitability for commercial purposes, on its having good communication and no such other considerations". A range of rates from Re. 1 to Rs. 6/- per bigha has been fixed for agricultural lands

of Mizo Autonomous District. Different rates for different grades may be applied within the range mentioned above (Vide Agricultural Land Rules of 1971).

For town-lands also classifications have been made on the same basis e. g. suitability for commercial centre and good communications. A range of revenue rates has also been laid down for different grades of land in the town lands of Aizawl, Lunglei and other stations. The Aizawl rates are rather low, ranging from Rs. 6/- to 18/- per bigha for Aizawl and Lunglei and Rs. 4/- to Rs. 12/- in other stations. But the rates are somewhat higher in Saiha and Tuipang town areas where the range extends from Rs. 80 to Rs. 300 per hectare.

This disparity of rates within the same Union Territory seems to have not much justification. There should be some uniformity throughout the whole Union Territory with certain variations according to local circumstances. Again, certain basic principles should be adhered to, such as, the productivity of the land, in addition to good communications and potentiality for development into commercial centre.

The Tripura Land Revenue and Reforms Act 1960 and the Manipur Act of the same name and the same year, contain the following provision on this subject,-

“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, 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”

In Assam, the Land Revenue Reassessment Act, 1936 makes similar provisions, Section 9(2) lays down,-

"In the framing of general proposals of reassessment for each assessment group, the Settlement Officer shall have regard to the changes which have occurred in the locality since the fixing of the existing assessment, more particularly in respect of (i) the economic conditions of those who live mainly by agriculture, (ii) the value of agricultural produce, (iii) the cost of production, and (iv) the letting and selling value of land."

Again Section 11 (1) enunciates that—

"the total revenue on any assessment group shall not exceed 10 per cent of the gross produce of the group as determined by the Settlement Officer."

In Assam as well as in Manipur and Tripura, these provisions relate to plain lands, and it is not suggested here that they should be adopted in Mizoram, too. But it is urged that the basic principle of productivity or income from land which is of universal application may be introduced after due consideration. If this principle is combined with the other principles mentioned in the various rules of Mizoram, then the revenue-rates will have a solid basis and the disparity of revenue-rates in different regions will be greatly reduced.

Rules for recovery of arrear revenue, as laid down in the different Regulations and Acts of Mizoram seem satisfactory. These Rules are simpler than those prevalent in many other States.

Land Records :

Except in four village there is no land record in the sense in which the word 'land-record' is used in the plains of Assam or Manipur, or Tripura. The basic land-records everywhere are the maps, the Chithas and the jamabandis. Under Section 40 of the Assam Land & Revenue Regulation, they are legally termed as records-of-rights. Preparation of records of rights is an elaborate and costly affair. It involves traversing a village, detailed cadastral survey of interior plots of lands

in the village, mapping them by means of accurate instruments, preparation of a Chitha (i.e. catalogue of plot of the village) and, from the Chitha, preparation a jamabandi (i.e. ledger of owners of lands.) This kind of survey, mapping, and preparation of records of rights has been completed only in 4 out of 888 villages of Mizoram involving only 262 hectares.

In the remaining 884 villages, there have been no cadastral surveys and therefore no records-of-rights in the sense mentioned above. But there are some records enlisting the names of persons who hold lands under periodic patta or pesses, and the land-revenue payable by them. Accurate figure of area is, of course, not available, and where such figures are mentioned, they are very rough estimates made after measuring the boundaries by simple tapes. A rough map of each isolated plot is also made, especially in towns and semi-urban station areas. But there is no connecting link between the plots. There are the rudimentary land-records available in Mizoram. They serve the purpose of realisation of land-revenue. The State Govt., however, seems keen to have detailed records-of-rights as the other States of India.

[As we have already remarked, multiplicity laws on allied subjects creates duplication and confusion. In Mizoram there have been too many laws on the same or similar subjects. It may be noted, however, that Mizoram is the only Hill State in the entire North Eastern Region which has made a genuine attempt].

Structure of Revenue Department :

Unlike many hill-states, Mizoram has a regular Revenue Department with a big staff. The various Acts mentioned before impose a lot of duties on it to be performed at various levels. The structure of the Revenue Department is somewhat as follows :

At the apex of the organisation there is, the Administrator (that is, the Govt.) who is advised on all matters by the Revenue Secretary. Below the Revenue Secretary there

are two branches,- (1) one headed by the Deputy Commissioner and (2) the other by the Director, Revenue and Settlement.

There is a Deputy Commissioner for each administrative district. The Deputy commissioner is assisted by Sub-divisional Officers and Block-Development Officers for works in the rural areas.

In the other branch, the Director of Revenue and Settlement is concerned more with technical works like survey, mapping preparation of registers of patta holders and so on. He is assisted in his head-office by Deputy Director, Assistant Director, Assistant Settlement Officer, Asstt. Survey Officer and surveyors. At the District level also, he has a staff of Assistant Settlement Officers, Surveyors, Field Supervisors and Field Assistants.

It may be noted in this connection that almost all matters relating to land are dealt with by District Councils established under the Sixth Schedule. But the old Autonomous District Council in Aizawl-Lunglei District has since been abolished and the powers of the District Council vested in the Administrator (I. e. Govt.) who functions through the Deputy Commissioner and his staff. All land-matters in Aizawl & Lunglei District are, therefore, dealt with now by the Deputy Commissioner and his subordinates mentioned above.

But the Autonomous District Councils are in existence in Pawi, Lakher and Chakma Districts and administration of land matters in these districts is the responsibility of the District Councils. The Chief Executive Member of the District Council, assisted by a member in charge of revenue matters carries out the decisions of the District Council. To help them, there is one Revenue Officer appointed by the District Council at the H. Q. of the District Council and a number of Assistant Revenue Officers below him for working in specified territorial areas. The Asstt. Revenue Officers, in turn, are helped by field supervisors and Field Assistants.

When any application for settlement of land is submitted to the District Council. It calls for report, through Revenue Officer, from Asstt. Revenue Officer within whose jurisdiction the land applied for lies. He takes the help of Field Assistant and also of surveyor where survey of the land is necessary. As we have already mentioned there is no cadastral map for the villages, and every time a piece of land is applied for, a map of that particular piece has got to be prepared anew by a rough survey with the help of measuring tape. Hence there is a lot of work for the field assistants and the surveyors.

The technical officers of the Revenue and Settlement Directorate assist both the Deputy Commissioners and the District Councils in matters of survey and mapping.

Though no regular cadastral maps and records of rights are yet in existence in Mizoram, yet, in advance of most hill-States, it has at least a set of rudimentary records of rights in the form of list of revenue-payers and patta holders. However, there is scope for improvement and better maintenance of these rudimentary records. The revenue organisation may be streamlined and the officers properly trained. Our humble suggestion is that in the Aizawl and Lunglei Districts in which land-administration is now vested in Govt. (Administrator), the technical staff working in rural areas may also now be placed under him. Thus, below him, there should be the Asstt. Settlement Officers who are now under the Director of Revenue and Settlement. They should have definite territorial jurisdictions, which may be coterminus with the Development Block boundaries. B. D. Os (Block Development Officers) should continue to do the development works but should be relieved of any function connected with revenue or land matters. The responsibility of collection of land-revenue and other taxes may be transferred to the Asstt. Settlement Officer. He should effect mutation in records. He should receive application for settlement and after enquiry, submit report to Deputy Commissioner for issuing patta. He should have surveyor, field supervisor and Field assistants below him to assist him in preparing registers and maintaining them upto date. It would be helpful, if a definite

number of villages are allotted to each Field Assistant just as the Mandals in the plains of Assam are engaged to look after a definite number of villages.

In the autonomous districts (Pawi, Lakher and Chakma) where District Councils are functioning, Deputy Commissioners will not have powers over land matters. There the present set up of Revenue Officers appointed by the District Council continue under the Chief Executive Member. The Asstt. Revenue Officers under the Revenue Officers may also continue. They already are assigned definite territorial jurisdictions. All that is needed there is that a definite number of villages should be assigned to the Field Assistants and that they should reside within their territorial jurisdictions.

The Directorate of Revenue and Settlement should, of course, assist them with technical advice and technical staff in matters involving survey, demarcation, mapping etc.

Multiplicity of laws may be avoided :

As we have already remarked, multiplicity of laws on allied subjects creates duplication and confusion. In Mizoram there have been too many laws on the same or similar subjects. It may be noted, however, that Mizoram is the only Hill State in the entire North-Eastern Region which has made a genuine attempt to enact written laws in order to define the rights of people over lands under their use or occupation to give protection in respect of them by issuing land certificates, and to assess and realise land-revenue on lands held by them. No other hill-States have gone so far in these directions, though permanent cultivation is done on a large scale in most of them. It is to the credit of the District Councils of the Union Territory of Mizoram that they have boldly made progress in all these matters. We only make a suggestion that the existing laws may be consolidated into one single legislation only. That single legislation may cover all aspects of the land system, e. g. how rights over land are acquired, how the lands under use and occupation may be brought on to the maps and records of

rights, what types of documents as symbol of recognition of these rights are to be issued, under what circumstances such documents may be annulled, how mutation in favour of successors to holders of rights can be effected, on what principles land-revenue may be assessed, how such revenue may be collected and how arrears may be recovered and so on. Provisions may be made for certain restrictions on transfer in the interest of the tribal people. Provisions may be included also for the structure of the Revenue Department, the powers of its officers and the procedure about the proceedings.

Land-Reforms :

Land reform consists of three major components, - (i) abolition of Zemindari System (ii) tenancy-reform & (iii) fixation of ceiling on land holdings.

It is to the great credit of Mizoram that it was one of the foremost States of India which introduced land-reforms very soon after the attainment of Independence. It abolished the Chiefship system as far back as 1954. Chiefship was a perennial Zamindari system sanctioned by customs. The leaders of Mizoram showed considerable courage by abolishing it as soon as they got power to manage land-matters under the Sixth Schedule to the Constitution.

Abolition of Chiefship brought the actual tenants directly into contact with the Government. The tenants become the owners. They got pattas and periodic pattas. But one defect seemed to creep in. The pattas conferred the right of sub-letting which might bring back the old Chief System in a new garb. Fortunately, till now, sub-letting is not very common. Whatever sub-letting of agricultural land we found in the field was not real sub-leasing, since no rent was collected from the person who cultivated the sub-leased land. The tiller simply reclaimed the land from the jungle stage and enjoyed its use and occupation till the owner wanted back the land. He was only to maintain it in the proper condition of fertility. The tiller was

some kind of a custodian of the land and he was not exploited by the owner. Generally the tiller was found to be a relative of the owner.

Since no regular exploitation tenancy system has grown, tenancy-reform-stage seems not to have arrived in Mizoram so far as agricultural land is concerned. But, in town lands, urban tenancy is prevalent even from the British days and is expanding fast. The urban rents are also very high. Some sort of control seems necessary here.

The third component of land reform is fixation of ceiling on land holdings. In the agricultural rules that have been formulated, by Govt. some ceiling on future acquisition has been laid down, namely 30 bighas per family. But some old owners have been possessing lands above this limit. Besides, there is no limit to acquisition of land by transfer or inheritance. Sooner or later some sort of limit will have to be introduced, as the population expands.

Having pointed out this much, it still remains a patent fact that Mizoram is in the frontline among all the hill States of North Eastern Region in regard to land reforms. In the other States, neither intermediaries have been abolished nor tenancy-reform introduced, nor ceiling on landholdings fixed.

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