

**HISTORY OF REVENUE ADMINISTRATION AND ROLE OF
DEPUTY COMMISSIONER AS COLLECTOR AND LAND
REFORMS IN MIZORAM**

CHAPTER - 1

LAND REVENUE ADMINISTRATION - AN OVERVIEW

1.1 In the ancient and medieval periods and for several decades after the establishment of British power in India, land revenue was the most important source of government revenues. The assessment and collection of land revenue was one of the most important functions of government. Throughout British India (outside the permanently settled provinces) an elaborate administrative structure was developed to deal with the assessment and collection of land revenue. Notwithstanding the differences in the designations of the functionaries and minor variations in their duties, the basic features of the structure were the same in every province. And that structure, except in the permanently settled areas, penetrated deep into the remotest areas.

1.2 At the lowest level there was the Village Accountant, variously designated, in charge of a single or a group of villages. At the district level the set up was headed by the District Officer designated as Collector, or Deputy Commissioner. In every province the hierarchy included at least two functionaries between the District Officer and the Village Accountant. These were the Sub-divisional Officer in charge of the Sub-division, and below him, the Tahsildar in charge of the Taluq. Below the taluqs level there were field officers designated as Inspectors or Kanungoes to supervise the work of group of Village Accountant.

1.3 In the permanently settled provinces there was no need to have such an elaborate administrative machinery as the land revenue payable had been fixed for all time, the Zamindars who were required to make the payment were relatively few in number and there was a stringent law requiring payment by a prescribed date. After independence, more or less, the same type of administrative set up was established in the permanently settled areas as well.

1.4 The primary purpose of the administrative structure developed by the British rulers was to exact as much as possible from rural India in the shape of land revenue. The accurate assessment and efficient collection of land revenue necessitated an elaborate system of land records, their maintenance and updating, collection of agricultural statistics and a detailed set of rules and regulations. Right up to the time of independence land revenue administration was one of the most important functions of the District Officer; the other being the maintenance of law and order. The District Officer's responsibilities in the matter of law and order were at all times as onerous as his responsibilities regarding land revenue. In the field of law and order also he was assisted by the Sub-Divisional Officer and the Tahsildar.

1.5 In course of time several new functions were assigned to the District Officer and his subordinated. These included important functions like relief operations during famines and natural calamities, conducting census and elections and the management of the public distribution system. With the coming of independence there was a phenomenal increase in the range and volume of governmental function. The country embarked on planned economic development and ambitious development programmes were drawn up. Though new staff were provided in due course for the new schemes, part of the additional burden fell on the land revenue administration.

1.6 In recent years there has been a shift in the focus of the land revenue administration. Land revenue has ceased to be an important source of government revenues. Some states have exempted certain types of lands and holdings below certain limits from the liability to pay land revenue and some have abolished

it altogether. Yet the supreme need to maintain accurate and updated land records continues as in the past. In a country like India where the ownership of land is widely dispersed and there are over 91.7 million ownership holdings and each holding has on an average 5-6 parcels of land, the importance of maintaining accurate and up-to-date land records can hardly be over-emphasised. An efficient land administration is indispensable for the peace and prosperity of rural India and the protection on of the rights of millions of poor people owningsmall areas of land. Neither economic liberalisation nor the introduction of Panchayati Raj will materially alter the situation.

CHAPTER - 2

THE CURRENT STATUS OF LAND REVENUE ADMINISTRATION

Functions

2.1 Significant developments that have taken place since independence have led to the Land Revenue Administration being saddled with a wide variety of functions. Soon after independence the implementation of the various land reform laws led to a substantial addition to the volume of work handled by the Revenue Departments. Though there are variations between States, the other items of work handled by the Revenue Departments include acquisition of land for public purposes, distribution of Government land and ceiling surplus land, distribution of house sites, protection of government lands from encroachment, compilation of agricultural statistics, issue of various permits, licences and certificates, operation of the public distribution system, conducting elections, census etc., Providing relief during natural calamities and disasters, assistance to all development departments and organs of local government and many other miscellaneous functions. Though there has been a substantial increase in the range and volume of the work handled by the department there has been no corresponding increase in the personnel and the provision of infrastructure. These matters have been sadly neglected.

2.2 Personnel

Village Level

2.3 The Village Accountant in-charge of one or more villages forms the base of the land revenue administration. He is called the Village Administrative Officer in Andhra Pradesh, Tamil Nadu and Pondicherry; Talati in Gujarat, Maharashtra, and Goa; Patwari in Punjab, Haryana, Himachal Pradesh and Madhya Pradesh, Village Officer in Kerala; Lekhpal in Uttar Pradesh, Karmachari in Bihar and Tahsildar in Tripura. There is no such post in Assam and West Bengal where the work at the village level is handled by the Circle inspector/ Revenue Inspector. The Village Accountant is a full time government servant in all States except Andhra Pradesh. In Andhra Pradesh he is a part time employee without any prospects of promotion. A feature common to Andhra Pradesh and Tamil Nadu is the existence of part time village servants. The jurisdiction of the Village Accountant ranges between one and eight villages in the plains and between one and fourteen villages in the hills and Tribal tracts. In area the variation is between 0.15 Sq.Km and 148.19 Sq.Km. A Village Accountant has to deal with 4 to 14038 cultivators and a population of 11 to 36064. The jurisdiction of a Village Accountant in many areas is large and unwidely. A committee set up by the Government of Himachal Pradesh recommended the yardstick of one Patwari per 3000 Khasra number. The same yardstick was suggested by a conference of Revenue Ministers held in 1985.

Circle/Firka

2.4 The first supervisory level above the Village is the circle/firka. The functionary in charge is called Revenue Inspector, Circle Inspector or Kanungo. He is required to supervise all the work done by the Village Accountant. On an average the Inspector/Kanungo supervises the work of 8 to 20 Village Accountants.

Taluq/Tahsil

2.5 The second supervisory level is the Taluq or Tahsil or Circle. The officer in charge of the Taluq is called the Mamlatdar in Gujarat, Maharashtra and Goa. He is called Anchal Adhikari in Bihar and Circle Officer in Tripura. He is known as the Tahsildar in all the other States. In Andhra Pradesh, however, taluqs have been abolished. In the place of the 309 taluqs that were abolished the State has created 1110 Mandals. The Mandals are co-terminus with Firkas.

2.6 In the case of Taluqs also there are wide variations between States in respect of the number of villages, area and population. The number of villages varies between 4 and 351 while the area varies between 1 and 2000 Sq.Kms. Population varies between 7,000 and 5,00,000. Many Taluqs are unwidely in respect of both area and population.

Revenue Sub-divisions

2.7 The officer in charge of the Revenue Sub-Division is known as the Sub-Divisional Officer, Revenue Divisional Officer or Sub-Collector. Most districts are divided into Sub-divisions, but in a few cases the district and sub-division are co-terminus. There are wide variations in the jurisdiction of the Sub-Divisional Officer as well. The number of villages varies between 99 and 2274 and area varies between 1 and 6717 Sq.kms. Population varies between 20,297 and 12,30,959. There is no uniformity in the number of taluqs in a sub-division as well. In most States on an average there are 2 to 5 taluqs in a sub-division. But in Uttar Pradesh and Punjab taluqs and sub-divisions are co-terminus. At the other extreme is Andhra Pradesh where mandals have replaced taluqs. On an average the Sub-Divisional Officer is required to supervise the work of about 14 mandals.

District

2.8 The district has been the most important unit of land revenue administration since a very long time. The head of the district administration is designated as Collector, District Magistrate or Deputy Commissioner. From the commencement of British rule the collection of land revenue was one of the most important duties of the head of the district administration. That was why he came to be called the "Collector". The total number of districts in the country is 502. The districts also vary greatly in their size and population. The area varies between 1 and 19,130 Sq.Kms. The number of villages varies between 14 and 4500. The variation in population is between 7000 and 52,25,000.

Divisions

2.9 In most States there are large administrative units called divisions comprising a few districts. The Divisional Commissioner's functions are largely supervisory in nature. He has also some quasi-judicial functions. In the past very senior officers used to be appointed as Divisional Commissioners and they functioned as a friend, philosopher and guide to the Collectors. This administrative unit does not, however, exist in some States.

State Level

2.10 At the State level all work relating to Land Revenue Administration is handled by the Revenue Department. In most States there is also a Board of Revenue with one or more members. The powers and functions of the Board of Revenue vary greatly between States. To oversee the implementation of land reforms, posts of Land Reforms Commissioners have been created in several States. Many States have also a post of Director of Land Records and Survey.

CHAPTER - 3

DISTRICT ADMINISTRATION

3.0 District is the unit of State Government. It is largely for administrative purposes that every State is divided into a number of districts. A district may be defined as “a sufficiently large territory with an overall unity, governed by common historical, geographical, social and economic conditions.” The district in India is the most important and basic unit of administration. Historically, its origin as a unit of administration goes back to the Mughal period, and even beyond, but it was Lord Cornwallis who formally established the district as unit of administration. The principal purpose of District Administration has been the collection of land revenue. India, being a country of vast size, could not be ruled either by the central power continuously directing all over the country or by the government permitting local discretion. The British rulers in India preferred the latter alternative in the shape of District Administration. It has been rightly observed that “a district has proved a good unit of administration. It has proved a practical unit. It has stood the test of time.” After Independence the importance of district as a unit of administration has increased manifold. Before 1947, the district was, more or less, a unit of revenue and law and order administration only. After 1947, it has become, in addition, a unit of development administration, a unit of socio-economic change in the country.

3.1 The district administration is an organic whole with well connected and co-ordinated parts. It is not just a number of bits and pieces assembled together. The following are the components of the district administration in India :-

Components of District Administration : 1. Law and order is the first component of district administration. This includes the District Magistrate, the Sub-divisional Magistrate and Magistrates of first, second and third class and finally the village panchayats which have been vested with important functions. Then there is the police, headed by the Superintendent of Police; the latter, however, is under the Deputy Commissioner. The Superintendent of police is assisted by Deputy Superintendents, Inspectors and Sub-Inspectors down to the constable and the village chowkidar.

The judiciary in the district derives its functions and powers from the State High Court. The District Session Judge is the highest judicial authority in the district and is superior to the District Magistrate, The former hears appeals against the district magistrate’s decisions.

3.2 Land revenue is the second component of the district administration. It relates to the assessment and realisation of land revenue, maintenance of land records and administration etc. The revenue organisation

consists of the Collector, the Sub-divisional officers, the tehsildars, the Kanungo and the village patwari. The Collector and Patwari are the two important links in the revenue administration of the District.

3.3 Local bodies are the third component of the district administration. These include municipalities, zila parishads, panchayat samitis and village panchayats. All these bodies are created by law and are assigned specified functions and duties. With the institution of panchayati raj steps have been taken to free these local bodies from the control of the district officer to a large extent.

3.4 Development agencies constitute the fourth component of the district administration. Here we have the departments of Irrigation and Agriculture which have assumed great importance because they look after the promotion of new and scientific methods of cultivation and try to increase the agricultural production, making new canals, providing tube-wells etc. There are the district education department, health department, co-operative department, transport department, public works department etc. These are specialised departments under the control and supervision of the respective State Departments but the Deputy Commissioner or the Collector has the power to co-ordinate the activities of these departments in the District and to exercise general supervision over them.

After looking into the components of the District Administration, let us now see to the organisation of the District Administration.

3.5 **Organisation of the District Administration :** The district is organised on three levels. These are (i) Village level; (ii) Sub-division or Tehsil level; (iii) District level.

(i) **Village level :** The smallest unit of administration in the district is the village. Among the village officers are the village headman or 'Pradhan', the chowkidar and the Patwari. In addition to these functionaries in some states like the Punjab and Haryana, there are other functionaries, called the 'zaildar' and nambardar. The Patwari is the most important revenue officer in the village and forms the very base of the revenue administration in the district. The village chowkidar is the representative and executive agent of the government and the rural people. The village panchayats which, under the scheme of Panchayati Raj, have been endowed with important development functions, are also responsible for the performance of judicial functions.

(ii) **Tehsil or Taluka Level :** Above the village level, there is the Tehsil or Taluka. A tehsil is a basic unit for purposes of general administration, treasury, land revenue and records, and the like. The head of the tehsil is known as the tehsildar; he is assisted by a number of subordinate officers like Naib-Tehsildars and revenue Inspectors. Each tehsil is divided into a number of Circles, each Circle being under a revenue inspector or Kanungo. He is responsible for the proper maintenance of land records of every records of every village under his charge.

In some states, there is an intermediate unit between the tehsil and the District known as the Sub-division headed by an Assistant Collector or Deputy Collector.

(iii) **District level :** At the top of the district organisation is the Deputy Commissioner or Collector; he is head of the district and occupies a key and central position in its administration. He is the representative of the State Government in the district and head of the revenue administration, and also the District Magistrate. All the department heads work under his general supervision and guidance.

POINTS TO REMEMBER

1. The Components of District Administration are :
 - (i) Law and order - this include the magistrates and the police officers.
 - (ii) Land revenue id the second component of the district administration. The revenue organisation consists of the Collector, the S.D.O., the Tehsildars, the Kanungo and the village Parwari.
 - (iii) Local Bodies are the third component of the district administration. They include municipalities, zilaparishads, panchayat samitis and village pachayats.
 - (iv) The fourth components of the district administration consists of the development agencies like the departments of irrigation and agriculture, the district education department, health department, co-operative department, transport department, public works department.

2. **Organisation of the District Administration.**

The district id organised on three levels. These are :

- (i) **Village Level :** Officers of the village are - the headman, the chowkider, the patwari, the zaildar and nambardar.
- (ii) **Tehsil or Taluka Level :** The head of the Tehsil known as the Tehsildar; he is assisted by a number of subordinate officer like naib-tehsildar and revenue inspectors. In some States there are sub-divisions between the Tehsil and the District.
- (iii) **District Level :** The Deputy Commissioner id the incharge of the district. All the department heads work under his general supervision and guidance.

3.6 **Powers and position of the Deputy Commissioner of a district.**

India is a vast country and it is impossible to carry on the administration of the country from a single centre. For the sake of administrative convenience and efficiency, the country has been divided into States and Districts.

From time immemorial, the District has been regarded as an important administrative division in our country. The chief purpose for creating the district was to collect land revenue and maintain law and order within the area. However, in course of time, its sphere of responsibility increased and it started looking after revenue administration, civil and criminal justice, education, public health and sanitation etc.

3.7 **Appointment of the District Officer :** In India, the District is the chief administrative unit. The District is under the charge of an officer variably known as District Collector or Deputy Commissioner. He is normally a member of the Indian Administrative Service. But sometimes, senior or distinguished members of the State Civil Service are also promoted to this rank. He remains in office till the age of retirement and can be transferred from one place to another. The District Officer or the Deputy Commissioner perform functions in three capacities.

- (i) **As a Collector :** The office of the District Officer was originally created for the purpose of collecting land revenue. As a Collector he is at the head of the revenue administration of the District. The line of command runs down from him through the S.D.O., Tehsildar, Kanungo to Patwari. As a Collector

he performs the following duties:

1. The Collector is in charge of the revenue department of the district and is responsible for the collection of land revenue, exercise and other taxes. For this purpose, he utilises the services of his subordinates like the S.D.O., the Tehsildar, the Kanungi and the Patwari.
2. He supervises the management of Government lands, recovery and collection of land revenues, cesses and other dues, administration of revenue laws, land records and agricultural statistics.
3. The Deputy Commissioner or the Collector is also the in-charge of the district treasury. In that capacity, he is responsible for all the money received and disbursed on the District.
4. He manages the Courts of Wards properties.
5. He deals with famine relief, loans to agriculturists, rural reconstruction and irrigation works etc.
6. He issues licences for the sale of intoxicating drinks and narcotic drugs like hemp and opium.
7. The Deputy Commissioner also looks to the implementation of the land reforms, administration of stamp laws, land acquisition and requisition and relief measure in case of floods, famine, fire and cattle migration in case of drought and floods.

(ii) **As the Chief Executive Head of the District :** The District Officer also performs numerous executive duties. As the Deputy Commissioner, he is the agent representative of the State Government in the District, a visible authority to whom the people approach for the redress of their grievances. The Deputy Commissioner is the backbone of the district administration and is responsible for the efficient working of all the branches of administration in the district. He is in reality the pivot around which the entire machinery of district administration revolves. He has rightly been termed 'the eyes, the ears and the hands of the State Government'. The executive duties of the Deputy Commissioner differ from State to State. However, normally, following executive functions are performed by the District Officer:

1. He is the agent of the State Government in the District and as such he protects the interest of the State Government. He implements government orders and instructions, except those for which separate sets of officials have been provided.
2. The Deputy Commissioner supervises all the branches of District Administration, even if they are not under his direct control. In this connection, he supervises the working of poor houses, reformatories, jails etc. in the District. It is the duty of various officers, the Health Officer, the Executive Engineer and the District Inspector of Schools etc. to keep the District Officer informed about the working of their respective departments.
3. The Deputy Commissioner is the *ex-officio* Chairman of the Urban Improvement Trust.
4. He supervises allotment and distribution of controlled and essential commodities and supplies.
5. He supervises the civil defence and Prantiya Raksha Dals.
6. He is responsible for preparing the electoral rolls and conducting elections in the district.
7. He also supervises and controls the working of self-government institutions in the district,

viz., Municipal Committees, District Boards, Village Panchayats, etc.

8. Finally, the Deputy Commissioner trains junior officer in office administration, and above all he is in charge of overall co-ordination of the departments and offices at the district level.

(iii) **As a District Magistrate :** As a District Magistrate, he has the Magisterial function with control over criminal administration in the District, Police and Jails. As Judicial Officer, he has the powers of a first-class Magistrate and performs numerous duties. These are given below :

1. The Deputy Commissioner is responsible for the maintenance of law and order in the district. For this purpose, the whole Police force of the District is at his disposal. Although the Superintendent of Police is under the Inspector General of Police for discipline and supervision, yet he is supposed to keep the District Officer informed of all important developments having a bearing on peace and order in the District.
2. He deals with riots, disturbances, public meetings and processions.
3. He supervises the issue of licences for arms, explosives, petroleum, cinema etc.
4. The registration of foreigners in the district is the responsibility of the Deputy Commissioner.
5. The Deputy Commissioner, in his district of the District Magistrate, appoints panel of lawyers in consultation with the District Judge.
6. He also issues domicile certificates and certificates to the scheduled castes, scheduled tribes and other backward classes and political sufferers etc.
7. He exercises a general supervision over all the magistrates in the district, stipendiary and honorary.

It may, however, be noted that the judicial powers of the District Officer have been taken away from him in certain States. This has been done in pursuance of the provisions in the chapter on Directive Principles of State Policy, incorporated in the Indian Constitution, which lays down that the State should endeavour to separate the Executive from the Judiciary.

(iv) **Deputy Commissioner in relation to Democratic Decentralisation :** Among the duties of the Deputy Commissioner is one that he supervises the elections to the Panchayats and Panchayat Samitis. Various Panchayat Acts and Zilla Parishad Acts have given many powers to the Deputy Commissioner. But these can be exercised only when there are imperfections and irregularities in the functioning of the Panchayats or Zilla Parishads. The Collector can get a work done if the Panchayat Samitis or the Zilla Parishads fail to do so. If there is possibility of a breach of peace or there is anything illegal or against public interest, order and morality, the District Officer is empowered to suspend the concerned resolution of the Panchayat.

The Deputy Commissioner also looks after the proper functioning of the Zila Parishad. He is a non-voting member of the Zila Parishad. His job is to judge the reaction and feelings of the people on administration. Moreover, the Deputy Commissioner can also express the views of the State Government to pacify the misinformed public criticism. Finally, he is always helpful to the Zila Parishad in the discussion of various matters before it, as the Deputy Commissioner has adequate information, objectivity, experience and influence.

(v) **Position of the Deputy Commissioner :** A proper evaluation of the powers of the Deputy Commissioner will show that he is the chief link between the people and the government and has been very aptly described by Palande as “the eyes, the ears, the mouth and the hands of the Provincial Government in the District”. He is the centre of every important activity in the district and wields great influence and authority. It has been rightly said that “all the strings of District administration are gathered together in the hands of the Deputy Commissioner”. This is clear from the fact that apart from performing executive, revenue, judicial and numerous other functions, the Deputy Commissioner exercises control over heads of certain specialised departments like the Superintendent of Police, the Executive Engineer and the Civil Surgeon etc. These officers can be compared to the different strings connecting the Government with the people.

Thus, it would not be wrong to say that the Deputy Commissioner has in reality all the strings of District Administration in his hands.

(vi) **New role of the Deputy Commissioner :** The new role of the Deputy Commissioner is envisaged due to three reasons. First, there is a changed political structure - now India is no longer tied to the apron-strings of British Imperialism but, on the contrary, it is an independent democratic state - government of the people, by the people and for the people. Secondly, there is ideal of the Indian Government. Thirdly, the Deputy Commissioner has been given a new responsibility of associating himself with the successful working of the scheme of Democratic Decentralization - the scheme which consists of three tiers - the Village Panchayat, the Panchayat Samiti and Zila Parishad. With the changed conditions, the attitude of the Deputy Commissioner has also changed. He is no longer *Mai-Bap* of the people of the District. He has adapted himself to the changed situation and is an important public servant looking to the needs of the people.

POINTS TO REMEMBER

1. The Deputy Commissioner is appointed by competition from the I.A.S. or he is a senior member of the State Civil Service. He remains in office till the age of retirement.
2. As a Collector - He is the head of the revenue administration of the District, and is responsible for the collection of the land revenue of the district. The S.D.O., the Tehsildar, the Kanungo and the Patwari are under him and help him in his work. He supervises government property, manages the court of wards properties, deals with fairs, issues licences for the sale of intoxicating drugs and drinks. The Deputy Commissioner also looks after the implementation of land reforms and takes relief measures during floods, famine, fire and cattle migration in case of drought and floods.
3. As the Chief Executive Head of the District - He is the agent of the State Government in the District. He is responsible for the efficient working of all the branches of District Administration. The Civil Surgeon, the Forest Officer, the Health Officer, the Executive Engineer and the District Inspector of Schools work under his supervision.
4. As District Magistrate - He is responsible for the maintenance of law and order in the district. He deals with riots, disturbances, registration of foreigners and supervises the work of the stipendiary magistrates.
5. Deputy Commissioner in relation to Democratic Decentralisation.
6. Position of the Deputy Commissioner.

7. New Role of the Deputy Commissioner.

3.8 **A short note on the various officers working in the District.**

Ans. Just as a State is divided into various district so also a district is divided into many administrative units for efficiency of administration. Each of these units is under the charge of an officer.

1. **S.D.O. and Tehsildar.** Every district is divided into a number of tehsils and sub-divisions, each under the charge of a Tehsildar and Sub-Divisional Officer respectively. They work under the direct control and supervision of the Deputy Commissioner and Collector. They have administrative as well as judicial powers while they function as Revenue Officers for their respective areas.

2. **District and Session Judge.** The District and the Sessions Judge is the head of the judicial organisation of the district. But he is no way subordinate to the District Officer. He has both original and appellate jurisdiction. He exercises original jurisdiction in respect of murder cases which are committed to his court by a first class magistrate. He can pass death sentences but these must be confirmed by the High Court. His appellate jurisdiction extends must be confirmed by the High Court. His appellate jurisdiction extends to all appeals in criminal and civil cases, from the courts of magistrates and subordinate judges in the District.

3. **District Inspector of Schools.** In every district, there is a District Inspector of Schools who supervises and periodically inspects the working of the educational institutions upto higher secondary standard. He is an important Officer of the State Education Department. The District Inspector of Schools also makes recommendations regarding grants to the Schools. He carries on the work of educational development in the district, under the directions of the District Officer.

4. **Civil Surgeon and Health Officers.** The Modern government is a welfare government and runs many dispensaries and hospitals for the welfare of the people. All the hospitals and dispensaries in a district are put under the charge of the Civil Surgeon. The Civil Surgeon assists the Deputy Commissioner in matters concerning public health and sanitation. Moreover, the Municipal Health Officer and the District Health Officer are also responsible to the Deputy Commissioner for public health and sanitation in their respective areas.

5. **Superintendent of Police.** The Superintendent of Police is in charge of the District force, numbering about on thousand. For all departmental and technical matter he is under the Inspector General of Police. But regarding all matters concerning law and order in the district, he is under the Deputy Commissioner. He also keeps the Deputy Commissioner informed of the state of law and order in the district. In the discharge of his duties, the Superintendent of Police is helped in his work by a Deputy Superintendent of Police, Inspector, Sub-Inspector and a number of head-constables and constables.

6. **Executive Engineer.** In every District, there is an Executive Engineer to assist the Deputy Commissioner and Collector in keeping and constructing Government buildings, tanks, brigades, canals, wells etc. This he does with the assistance of various engineering establishments in the District.

7. **Extra Assistance Director of Agriculture.** In every District, there is one Extra Assistant Director of Agriculture. He recommends new methods for better production on the basis of research and then propagates these improved methods amongst the peasants. The importance of his role can be well imagined in an agriculturist country like India.

POINTS TO REMEMBER

Various Officers in the District :

1. **S.D.O. or the Sub-Divisional Officer** - He is the incharge of a sub-division of a District. He works under the direct control of the Deputy Commissioner.
2. **The Tehsildar** - Every sub-divisions is divided into Tehsils. Every Tehsil is under the Tehsildar. He works under the direct control and supervision of the Deputy Commissioner.
3. **District and Sessions Judge** - He is the head of the judicial organisation of the District. He has both Civil and Criminal jurisdiction. He hears appeals from the lower district courts.
4. **District Inspector of Schools** - The working of the schools in under the supervision of the District Inspector of Schools, who is an important officer of the State Education Department. The Deputy Commissioner supervises his work.
5. **The Civil Surgeon and Health Officers** - All the hospitals and dispensaries are under his control. He is assisted by the Health Officers. The Civil Surgeon assists the Deputy Commissioner.
6. **Superintendent of Police** - He is the incharge of the District Police. For technical matters he is under the Inspector General of Police and regarding law and order under the Deputy Commissioner.
7. **Executive Engineer** - The Executive Engineer assists the Deputy Commissioner in maintaining and constructing government buildings, bridges, tanks, canals etc.
8. **Extra Assistant Director of Agriculture** - He recommends new methods for better production of Agriculture.

CHAPTER - 4

INTRODUCTION AND DISTRICT FORMATION OF THE LUSHAI HILLS DISTRICT

- 4.1 On April, 1st, 1898 the territories formerly known as the North and South Lushai Hills were amalgamated into the **District of Lushai Hills** and with the exception of the addition of a small tract of Cachar and the track as the Zongling areas and the tract known as Rutton Puiyas villages, including Demagri and was placed under the administration of the Chief Commissioner of Assam and henceforth it was included within the province of Assam (vide Assam Gazette April 3, 1898).
- 4.2 On the formation of the District, notifications were issued to remove all Government of India and Provincial enactments applicable elsewhere within British India, from operation within the Lushai Hills, with the exception of certain Acts which were specifically introduced.
- 4.3 The District of Lushai Hills was, more over, brought under the provisions of the Assam Frontier Tracts Regulation 1880 and notifications were issued under the provisions of this Act and the Scheduled District Act, 1874.
- 4.4 Under the rule making powers of the Scheduled Districts Acts certain rules were issued with the sanction of the Governor-General-in-Council and the Chief Commissioner of Assam and further Instructions were issued by the Chief Commissioner amplifying the details of the manner in which the rules to be follows.

4.5 Rules for the Administration of the Lushai Hills
as Power conferred by section 6 of XIV 1.8.74
(The scheduled District Act)
(The Assam Gazette, April 2, 1898)
I-General.

4.5.1 The administration of the District known as the Lushai Hills is vested in the Chief Commissioner of Assam and in the superintendent of the Lushai Hills and his Assistants and in the chiefs and headmen of the villages.

4.5.2 The chiefs and headmen of villages are held responsible for the behaviour of their people, and the superintendent and his Assistants will uphold the authority of the chiefs to the best of their ability. All litigations should be discouraged and appeals should not be submitted against the order of the chief in petty case.

4.5.3 It shall be the duty of the chiefs and headman of the villages to report to the Superintendent of his Assistants all heinous crimes, violent deaths, and serious incidents occurring within their jurisdiction, and all the inhabitants of the Lushai Hills are bound to give aid, when required to do so, for the maintenance of order or the apprehension of offenders.

4.5.4 Subject to the general control of the Chief Commissioner and due regard being had to Lushai custom and the hereditary rights of existing families of chiefs, the superintendent shall have authority to regulate the succession to villages of deceased chiefs, to appoint guardians to minor chiefs, to authorise the partition of existing, the formation of new villages and to appoint chief or headmen to, and fix the number of houses in, such villages. The Superintendent is also empowered to determine the boundaries of lands to be occupied by chiefs, and to settle disputes between them regarding such lands.

The Superintendent shall have authority to punish chiefs and headmen, and, subject to confirmation by the Chief Commission, to depose them misconduct. The formation of new villages, without the previous sanction of the Superintendent is forbidden.

With the sanction of the Chief Commissioner, the powers of the Superintendent under this rule may be delegated to his Assistants.

II - TAXES, TRIBUTE, AND LABOUR

4.5.5. Taxes and tribute shall be levied at such rates and in such manner as the Chief Commissioner may prescribe.

6. Every Chief and headmen shall be bound to supply labour on the requisition of the Superintendent or his Assistants at such rates of payments as may be fixed by the Superintendent with the sanction of the Chief Commissioner.

4.6 Under Section 7 of Bengal Eastern Frontier Regulation, 1873 (27th August, 1873) it is mentioned as "It shall not be lawful for any British Subject or other person, not being a Native of the Districts comprised in the Preamble of this Regulation, to acquire any interest in land beyond the said "Inner Line" without the sanction of the Local Government or such Officer as the Local Government shall appoint in this behalf. The "Inner Line" on the Southern Frontier of Cachar Districts (Assam) was therefore prescribed on the 20th, August, 1875 vide Govt. of India, Foreign Department Notification No. 2299 P, dt. 20.8.1875.

4.7. In 1936 by order of the King's most Excellent Majesty in Council, the Lushai Hills was declared to be an excluded area under Section 91 (1) of the Government of India Act, 1935 by Excluded and Partially Excluded Area Order, 1936, dt. 3.3.1936 and the order came into force with effect from 1.4.1937. For administration of excluded areas and partially excluded area or a partially excluded area, unless the Governor by public notification so directs. This was a form of safeguard for the people of Mizoram.

4.8. The Lushai Hills District was placed under Sixth Schedule to the Constitution of India. Under para 3(1) (a) of the Sixth Schedule of the Constitution of India the erstwhile District Council is empowered to make law with respect to the allotment, occupation or use or setting apart or land.

4.9. Land, that is to say, right in or over land, land tenure etc. is under Entry 18 of List-II- State List of Constitution of India.

4.10. Ownership and transfer of land is also a special provision with respect to the state of Mizoram under Article 371 G of the Constitution of India.

CHAPTER - 5

LAND REVENUE ADMINISTRATION OF LUSHAI HILLS (MIZORAM) DURING PRE-INDEPENDENCE PERIOD

5.1 Formation of District

As already mentioned the erstwhile Lushai Hills District has been composed by the amalgamation of the original Southern portion under Bengal with the portion originally placed under Assam, both these areas being subsequently enlarged by the additions of portion from Cachar District and Lakher land on the borders of Assam.

The Notification governing the above are :-

- (a) Governor General in Council Proclamation No. 1697-E dated September 6th, 1895.
- (b) Eastern Bengal proclamation No. 591 E.B. dated April 1st, 1896.
- (c) Government of India Foreign Department Proclamation No. 1698-E dated 6th September, 1895
- (d) Notification No. 592 E.B. Governor General in Council dated April 1st, 1898
- (e) Notification No. 1093-P dated 16th March, 1904
- (f) Notification No. 5232 A.p. dated 26th August, 1931 read with Governor General in

Council Notification No. 475-X dated July 30th, 1931

- (g) The whole boundary of the District was declared by Notification No. 2106 A.P dated March 9th, 1933 and these boundaries were declared therein to be coincident with the Inner Line of the Lushai Hills.
- (h) The Lushai Hills was originally placed the charge of a Superintendent by Notification No. 977 dated April 1st, 1898.

5.2 The Administration of the District known as the Lushai Hills was vested in the Governor of Assam, acting under his Excellency the Viceroy and the Governor General in India, the District Executive Administration being vested in the Superintendent of the Chiefs and Headmen of Villages (vide No. 12522-J dated 29.11.1906 and Govt. of India (excluded and partially excluded area) 1936, Order).

5.2.1 The District was Sub divided into two subdivision, viz. The North with headquarters as Aijal (Aizawl) and the South with headquarters at Lungleh (Lunglei) under the charge of a Subdivisional Officers

5.2.2. These Subdivisions are further divided into Circles comprising a number of villages for easy control. The systems of grouping a number of villages into Administrative units, termed Circles, was inaugurated by Colonel Shakespeare. There were in all 18 circles, 11 in Aijal and 7 in Lungleh.

5.2.3. Officers of the rank of Circle Interpreters, each aided by one Circle Chaprasi, have been places in charge of Circles and have been given various and varying instructions through the ages. One of the most important duties of Circle Interpreters was preparation of house Tax Assessments in accordance with the Standing Orders.

5.3 Taxes, Tribute and Labour Policy:

- (a) Under the Schedule/ District Act (see page 13) Taxes and tribute shall be levied at such rates and in such manner as the Governor may presents (Vide Govt. Notification No. 2530 (a) A.P dated 25-3-1937)
- (b) In 1934 the Government took steps to place the collection of existing taxes in the Lushai Hills District on a legal foundation by the issue of Notification No. 4973 A.P. dated July, 16th 1934 later modified by Notification No. G.S. 1527 dated August, 1937.

Standing Orders

5.4 The Standing Orders for assessment of House Tax (i.e. Rs. 2/-) were as follows :-

- (a) The Circle Interpreter will make assessment in the Village Register, Assam Schedule - X Form No. 2 New. The chief will sign the list prepared by the Circle Interpreter in token that he accepts responsibility that the list is full and accurate and has his full approval and that the name of no assessee is withheld from the Government.
- (b) This list when passed by the chief and the permanent Circle Interpreter and when it has

been checked independently it will be submitted to the Superintendent who will sign this list as approved.

- (d) In accordance with the Government of Assam's Letter No. 1578-R Revenue Department dt 21-5-1932 the appointment became effective of a Gurkha Mauzadar at Aijal for the purpose of exercising some administrative co-ordination over the Gurkha inhabitants within the surcharge area and for the purpose of collecting foreigners taxes on a commission basis of 15 % the Mauzadar providing all necessary stationer.

5.4. **Land Revenue and Shop Taxes.**

(1) **Policy:**

No land can be exclusively owned by any party and any revenue derived from holdings other than those covered by House Tax is rally a holding tax. The only revenue paying bodies at that time in the Hills were the Welsh Mission at Aijal, London Baptist Mission at Lungleh and Lakher Pioneer Mission at Serkawr in the South Lushai Hills.

Shops were from time permitted in areas where a real demand exists and were assessed according to the area they occupy subject to minimum charges. New shops were permitted except in very special cases because these generally prove a failure and provide a large house for many non-trading inmates. Shops within the town area of Aijal and Lungleh were assessed higher than those in the interior.

There were also certain Stalls on which higher rates have to be paid because it was held that small stall with no upkeep were in a more advantageous position to trade than the larger houses with an expensive staff and upkeep to maintain.

5.5 **Standing Orders**

- (a) Circle Interpreters concerned will perceive all increases and will compile a list in the Village Register showing names of the House Tax Assessments. Names will be shown in the House Tax Registers in a different column to ordinary village house owner's names.
- (b) On completion of this list he will take the list to the Chief upon whose land the parties are settled and after careful check the Chief will sign this taking responsibility for the correctness of the assessment. The Circle Interpreter will also sign the list.
- (c) Interpreter will be returned to Superintendent not later than December 1st yearly.
- (d) On receipt of this list a Tauzi will be made in Office in exact detail.
- (e) All money due as Land revenue will be paid by the assess to the chiefs concerned who will pay into the Office to the House Tax Clerk showing details of the names on account of which the payment is being made.
- (f) At the time when the lists are passed in details must be entered up in the House Tax Tauzi, an Officer signing the Village Register.
- (g) The entry in the Tauzi should be completed by December 1st at latest and the House Tax Clerk will report on December 1st yearly exact how many villages remain unassessed.
- (h) The assessment lists when once passed by the permanent Circle Interpreter and the Chief

will be checked by another Circle Interpreter before final acceptance for the Tauzi.

- (i) House Tax Clerk will grant receipts for all monies received. He will open a Register of running receipts with a running total.
- (j) At the end of the days transactions he will take his running receipt register to the Head clerk and hand over his receipts. The Register will be signed by the Head Clerk in token he has received the sum as shown.

The Totals of receipts will then be posted to the Cash Book

- (k) As soon as possible after this the money will be remitted to the Treasury through the Treasury Remittance Register.
- (l) The House tax clerk will submit to Superintendent personally a progress Report of all House Tax collections tallied from time to time according to his running receipt register on January 1st, and subsequently bi-monthly till the collection is complete.
- (m) No alterations may be made in the Khawchhiar Registers without an Officer's signature.
- (h) Due to the extremely low assessment rate of Rs. 2/- per house, only the most pitiable case should be allowed exemptions.

5.6 **Other Taxes/ Charges etc.**

(a) **Personal Residence surcharge** : The Chief of Aijal, and Tlangnuam and the Lushai clerk are responsible for collection of personal Residence surcharge from all males except Gurkhas, over 18 years of age and all women owning houses within their jurisdiction.

(b) **Grazing Tax** :

(i) Circle Interpreter will assess Grazing Tax assesses when they make their village House Tax assessment and will obtain the counter signature of Chiefs in case of assessable cattle within the chief town Ram.

(ii) Assessment will be made at rates prescribed by govt. rules in force from time to time, signed by the Chiefs and Assessment Lists.

(c) **Impressed Labour** : Every Chief and Headman shall be bound to supply labour on requisition of the superintendent or his Assistants at such rates of payment as may be fixed by the superintendent with the sanctions of the Governor. Impressed Labour is exacted from the inhabitants of the Lushai Hills as part payment of taxation by government.

The scale of impressed labour is minimum of 10 days per year per house.

PART-II

LAND - TENURE SYSTEM AND LAND REFORMS IN MIZORAM

Land Tenure

It is a feudal term signifying the condition or form of right or title, under which land is held.

CHAPTER - 6

1. THE GROWTH OF THE LAND REVENUE SYSTEM IN INDIA

A. LAND REVENUE SYSTEM PRIOR TO BRITISH RULE

1.1 SHER SHAH (Sher Khan) (1530-1545) Pathan Ruler

The assessment was based on the measurement of the land and on the valuation of the crop. One-fourth of the produce was claimed by the State.

1.2 AKBAR (Todar Mal) (1556-1605) Moghul Ruler

He divided the lands into three classes; ordered accurate measurement of cultivated areas to be made. The assessment was based on the quality and quantity of the land. The land revenue was not framed out. One-third of the produce was claimed by the State.

1.3 SHIVAJI (1646-1680) Maratha ruler

A land survey was made. The assessment was based on the measurement of the land and on the valuation of the crop. Together with sardesmukhi (in non-Maratha territory) one-half of the produce was claimed by the State. He also collected Chauth.

B. LAND REVENUE SYSTEM UNDER BRITISH RULE

1.4 CLIVE (1756-1767)

He left the land revenue system as he found it, and entrusted the management to the officers of the Nawab.

These officers extorted more than they had a right to.

1.5 WARREN HASTINGS (1772-1774)

He introduced important reforms. He transformed the management of the revenue to the servants of the Company and appointed Collectors to collect the land tax.

He introduced a Temporary Settlement, by which the lands were leased for five years to the highest bidding Zemindar.

He expropriated the ryots. He did not safeguard their interests. He did not encourage the Zemindars to improve their lands.

1.6 CORNWALLIS (1786-1793)

He introduced the Permanent Settlement, by which the revenue was fixed once and for all. He made the Zemindars landowners and landlords. He deprived the Collectors of all judicial power.

Thus he encouraged the Zamindars to improve their land and did away with the task of periodical assessments.

But he expropriated the ryots, and did not safeguard their interests. In course of time the land tax was unequally distributed, and caused duties to be levied on non-taxed articles.

C. LAND REVENUE SYSTEM

1.6 Permanent Settlement

There was first of all Permanent Settlement introduced by Cornwallis. Under this system the revenue was assessed on one individual recognised by the state as landlord, and the rent is fixed. This system was established in Bengal.

1.7 Zemindari System

Next there was the Zemindari System. As in the case of the Permanent Settlement System the revenue was assessed on the individual recognised by the State as landlord. But the Zemindari System differed from the Permanent Settlement in this, that the revenue was reassessed at fixed periods. It prevailed in the United and Central Provinces and in the Punjab. As a system it was preferable to the Permanent Settlement, because it did not lead to over taxation in other parts of India.

1.8. Ryotwari System

Finally there was the Ryotwari System. Munro, Governor of Madras, adopted the system of land revenue which he found in existence. According to this system the revenue was assessed on each individual farmer, who was said to hold the land in right of occupancy. The ryot was therefore the real owner of the land, and would dispose of it as liked. Re-assessment of the revenue took place at fixed periods. The system prevailed in Madras, and in as much as it respected the rights of the farmer it was superior to the other two systems.

CHAPTER – 7

THE LUSHAI HILLS PRIOR TO BRITISH RULE

2.1 The people living in the remote region of North East India, sandwiched between Burma and Bangladesh were formerly known as Lushais, now called Mizos. The Lushais landed their country during 1600-1700 A.D from Burma. The territory is not under British rule and the Lushais are independent tribes till the British annexed in the 6th Sept. 1895. (Vide proclamation-Gazette of India, September, 7, 1895). The concept of absolute state ownership of lands was prevalent in the Lushai Hills during the Chief's rule. The Mizo chief regarded himself as the absolute proprietor of all lands within his territorial jurisdiction (Lal Ram).

2.2 Historically, all land in Mizoram was in the chiefs of various clans, to be held in trust for villagers of that particular village. Land was allocated by the chief or chief representatives (Mutris-upate) – upon application by villagers.

2.3 The village land was divided into five classifications indicated by the use of the land, namely:-

(i) **Residential Area:**

In the centre was the village where individuals obtained plots of land for construction of residences.

(ii) **Village Safety Reserve:**

Surrounding the village was forest for safety of the village against Fire and also for the purpose of ecological balance.

(iii) **Arable or Horticultural Land:**

Beyond the safety Reserve Forest is Arable or Horticultural land where land was allocated by the chiefs of village authority upon request by individuals for arable or horticultural production. As long as the land was used, security of tenure was assured.

(iv) **Village Communal Grazing Areas:**

Farther from the village was land designated as communal Grazing areas. Access to this land was open to every one for the grazing purposes.

(v) **Jhum Land:**

The other greatest part of the village land is the Jhum land where the seasonal crop or rice are grown in cycle of years. The Jhum land encompasses the vast majority of the total land of most of the Lushai Hills.

In the above tribal land tenure-system, land has no marketable because it remains the property of the particular chief or villagers. Thus, speculation in land is avoided, and even the poorest member of the villager is not landless.

CHAPTER – 8

LAND REVENUE SYSTEM OF LUSHAI HILLS UNDER BRITISH RULE

4.1 There is no regular land revenue system in the Lushai Hills. A house tax is levied, and not land-revenue. As it has been mentioned earlier that the Lushais are independent, or in merely political relation with the Government; are not advanced enough to be under the same Civil, Criminal and Revenue Laws as the older districts of the plains. It is, therefore, necessary (a) not only to provide a simple form of administration for this hill district as in British, but also (b) in its case of the frontier and other hill tracts, to regulate the intercourse between the inhabitants of the plains and the Lushais, whose country presents attraction in the shape of a trade in India-rubber and ivory. If land holding in this hill and the trade intercourse were not regulated, complications and quarrels would be sure to ensure. In 1873, therefore, by Regulation V (Bengal Eastern Frontier Regulation, 1873 (27-8-1873)) a law was made, the object of which was to enable an "inner line" to be drawn between the hill tribes and the neighbours in the plains. The possession or holding of land beyond this line by strangers or certain classes of British subject or foreign residents, and the intercourse for trade purposes or collecting forest produce, is prohibited or regulated. The "Inner Line" on the solution frontier of the District of Cachar as notified by the Government of India, Foreign Department, No. 2299 P; as subsequently amended by the Assam Administration Notification No. 10J, dated 3rd July, 1878 to which approval was given in Foreign Department letter No. 1246 P, dated 19th June, 1878 – and under these orders no British subject was allowed to cross the Inner Line of the Cachar District. Hence, the Assam Land and Revenue Regulation, 1886 has never been extended to the Lushai Hills District.

4.2 In 1898, Col. J. Shakespear, the then Superintendent of the District, formulated the Land Settlement policy which envisaged that each chief would get certain area within which his people or subject could move about and cultivate land as they like. In doing so the area under each chief and his people was clearly demarcated. The British Officers left the land revenue system as they found it. And entrusted the management to the chiefs. The successive superintendents run the administrations by executive orders have been the subject of question and unfavourable comments in the Assam Legislative Council.

4.3 During the British period the land tenure system was basically traditional. The entire area that formed the domain of the chief was known as ‘Ram’. The superintendents of the then Lushai Hills Districts recognised the right of the chiefs. The whole territory of Lushai Hills Districts was divided into 16 circles with an officer in charge and one interpreter posted in each circle. The interpreter’s duty was to facilitate smooth relations between a chief and the officer in charge of the circle. The circle officers were responsible to the superintendent of the District. The British Policy was not to interfere in the internal affairs of the Mizos which was absolutely left to the chiefs concerned. But the superintendent on behalf of the Government, was empowered to interfere in the demonstration of the chiefs only when they went beyond their respective jurisdictions. Practically, the system of chieftainship was not stable and strong as it was in the pre-British days in Mizoram.

4.4 For the purpose of the land tenure, the land of the Lushai Hills district can be broadly divided into three categories:-

(i) Hill Land, (ii) Flat Land, and (iii) Town Land.

4.4.1 **Hill Land:** It forms the bulk of the agricultural land of the state. The chief decides what part of his ‘Ram’ should be cut and cultivated each year. In this, he is assisted by his advisers known as ‘Ramhual’ people who are good cultivators are always selected as ‘Ramhual’. The agricultural land selected for the year is distributed as follows. The chief gets the first choice and selects the land he wants for his own jhum. The Ramhual there after select separate plots for themselves and have to pay Fathang to the chief in proportion to the order in which they have been chosen. Thus, the first Ramhual might have to pay ten baskets of paddy as Fathang, the second eight, the third six and the fourth four. The rest of the block selected for jhum for the year, goes to the rest of the villagers. All cultivators pay some amount of Fathang to the chief. Fathang has been defined as dues payable to a chief by cultivator in kind or in cash. Every household gets land sufficient for cultivation. Some of the chiefs appointed Zalen from among their close relatives. The Zalen enjoyed the first choice of land immediately after the chief, even in preference to Ramhual. Though they were not required to pay paddy contribution to the chief, but the chief had the authority to use the entire stock of the paddy of the Zalen, as and when needed. Once the plot is allotted every house holder must cultivate his portion all by himself, or by the members of his family. There is no intermediary between the land lord and the tiller, and as such the relationship of the land lord and the tenant does not exist. Even though the chief is given a part of the total produce, it is not land revenue in the true sense of the term; it can best be described as a kind of his fees paid to the chief in consideration of the exalted position he holds in the society, and the services rendered by him to the society. Till 1953, the Fathang never exceeded 24 gallons of unwin paddy per household per year. But in 1953, this was drastically reduced with the abolition of chieftainship two years later, the payment of Fathang for agricultural land was discontinued. A villagers was under the obligation to pay house tax and to contribute his share of unpaid labour for communal works taken up for the benefit of the village, such as path making, line cutting construction and repair of the chief’s house.

The Lakhers inhabiting the southern part of the state also followed the same procedure in respect of land tenure. However, there was no Ramhual in the Lakher society. The chief and his advisers selected the block for the purpose of jhum. Thereafter the chief allotted different plots of land among the cultivators. The chief was entitled to a share of crop harvested by each villager. Like the Lushais, the Lakher also tilled the land by themselves and as such the relationship between the landlords and the tenant did not exist.

4.4.2 **Flat Land:** The practice of cultivating flat land where a crop can be taken every year from the same field is not indigenous. After annexation, the British authorities, introduced wet cultivation in the parches of flat land employing Santhal labourers. The government collect land revenue for the flat land which was allotted by the chief among the cultivators in the manner discussed above. Outright sale or inheritance of land under a cultivation is normally recognised provided transferred himself immediately and personally takes over cultivation. Keeping culti vable land was even for once entails forfeiture of the right of occupancy. The same plot is thereafter allotted by the chief to some other person. Letting and mortgaging of land is illegal. 'It is illegal for a chief to charge any fee or price for permitting the cultivation of land. None enjoys the right of sale, disposal or execution over any land which is not fully cultivated by himself.

4.4.3 **Town Land:** Some restrictions were imposed by the British authorities in the indiscriminate choice of house sites at two towns of the district viz. Aizawl and Lunglei which were beyond the pale of the traditional chiefs. In these two towns no one was allowed to possess more than one plot of land where the house occupied by him actually stood. A small area around the house was allotted for the purpose of gardening. The problem of water scarcity, and of housing the officials in the town had been the prime regulator of influx to the town in those days. Nobody could claim the right of inheritance of a house in the town as a matter of right; But usually the heir was allowed to inherit the same if he could occupy the house immediately. Letting and mortgaging land within the town area was illegal. In the event of acquisition of land for public purposes, the compensation amounted to the value of the materials of the building which stood on the land. It was after independence that some special rules were framed in respect of payment of compensation of land for public purposes.

In course of time restrictions were imposed in the following stations:- Demagiri, North Vanlaiphai, Champhai, Kolasib and Sairang. Land revenue was realised only for the land held by the Christian Missions and from shop sites in Aizawl and Lunglei. In 1950-51 there were 532 holdings, which paid Rs.3,386.00 only.

The size of the holdings of the Missionaries are as follows:-

Welsh Mission at Aizawl	23.30 acres
London Baptist Mission at Lunglei	35.50 acres
Lakher Pioneer Mission, Serkawr	28.25 acres
Total :	87.04 Acres

These bodies paid land revenue at the rate of one rupee an acre. The house tax at the rate of Rupees two per house per year was introduced during the British regime and till now this forms an important source of revenue. A personal levy at the rate of Rs.3/- per year was also introduced during the pre independence days but it has been replaced by the District Council in 1953 when Zoram Chhiah, a tax payable by tribal was enforced.

CHAPTER – 9 **MIZORAM AFTER INDEPENDENCE**

(1947-1972)

5.1 After independence, Mizoram became an Autonomous District of Assam under the 6th Schedule

to the constitution of India. The name, "The Lushai Hills District" was changed into Mizo District and the Mizo District Council was formed on 25th April, 1952. Under this provision, the District Council have power to make laws with respect to

- (a) "The allotment, occupation or use, or the setting apart, of land, other than any Land which is a reserved forest, for the purpose of agriculture or grazing or for residential or other non-agricultural purposes likely to promote the interests of the inhabitants of any village or town:
Provided that nothing in such laws shall prevent the compulsory acquisition of any land, whether occupied or un-occupied, for public purposes by the Government of the State concerned in accordance with the law for the time being in force authorizing such acquisition;
- (b) The management of any forest not being a reserved forest ;
- (c) The regulation of the practice of jhum or other forms of shifting cultivation;
- (d) The establishment of village or town committees or councils and their powers
- (e) The inheritance of property;

This led to the total extinction of chieftainship.

2. By an Act called the Assam Lushai Hills District (Acquisition of Chief's Rights) Act, 1954 and as subsequently amended in 1955; chieftainship was abolished. The administration of chiefs was transferred to the jurisdiction of the Mizo District Council with effect from the 1st April, 1954 and to the Pawi Lakher Regional Council (born in 23rd April 1953) with effect from 15th April, 1954. The abolition of Chieftainship was regarded as the first Land reform measure of the Government.

5.2. LAND LAWS FOR REVENUE ADMINISTRATION

For the purpose of Land Revenue administration, the following legislations enacted by the erst-while Mizo District Council have been adopted and such legislations are:

- (1) The Lushai Hills District (House Sites) Act, 1953;
- (2) The Mizo District (Land and Revenue) Act, 1956;
- (3) The Mizo District (Agricultural Land) Act, 1963;
- (4) The Mizo District (Transfer of Land) Act, 1963;
- (5) The Mizo District (Revenue Assessment) Regulation, 1953;
- (6) The Mizo District (Jhumming) Regulation, 1954;
- (7) The Pawi Lakher Autonomous Region (Agricultural Land) Act, 1960;
- (8) The Pawi Lakher Autonomous Region (Land and Revenue) Act, 1960;
- (9) The Pawi Lakher Autonomous Region (Reduction of Fathang) Act, 1953;
- (10) The Pawi Lakher Autonomous Region (Jhum) Act, 1956;
- (11) The Pawi Lakher Autonomous Region (Revenue Assessment) Regulation, 1954;
- (12) The Pawi District (Agricultural Land) Regulation, 1979;
- (13) The Pawi District (Jhum) Regulation, 1975;
- (14) The Pawi District (Revenue Assessment) Regulation, 1975;
- (15) The Lakher District (House Sites) Act, 1973;
- (16) The Lakher District (Land and Revenue) Act, 1973;

- (17) The Lakher District (Agricultural Land) Act, 1979;
- (18) The Lakher District (Transfer of Land) Act, 1979;
- (19) The Lakher District (Revenue Assessment) Regulation, 1973;
- (20) The Chakma Autonomous District (Agricultural Land) Act, 1983.

5.3 Evidently, land revenue administration in Mizoram is marked by a plethora of laws and regulation. A little scrutiny would show that the first six Acts, i.e. 3.1 to 3.6 are the basic legislation, while the other District Council or the Regional Council have passed their own Acts almost under the same titles. The Rules, particularly those under the Land and Revenue Act, 1956 and in Agricultural Act, 1963 of the Mizo District Council dealt with basic and very important matters.

5.4 All the five titles (from Sl. 3.1 to 3.5) relate to permanently cultivated lands or to permanent residential sites. Permanent heritable and transferable right of use and occupation can arise only permanent cultivation or permanent houses. In lands where shifting cultivation is done no such rights except the right of use from the year of cultivation can arise.

5.6 In the five aforesaid enactments of the Mizo District, no provisions are found that title of Government of Lands.

CHAPTER 10

KINDS OF OWNERSHIP RIGHTS IN LAND

6.1 It is probable that in Mizoram the popular feeling or custom regarding proprietary right in land, as is also commonly in jungle countries; is connected with the fact of first clearance and subsequent occupation. The right which custom recognized in the man who first cleared the jungle, was naturally further strengthened when he continued to cultivate the same field. When population increased and the settled order of British rule began, it became necessary, first to define the right of a 'land-holder' and next, to assert the absence of any private in the land. The rights recognised by law are as follows :-

6.2 The Mizo Village (Zo-khua)

6.2.1 : The village consists of group of independent holdings are called 'Inhmun'. The Inhmun has been, as we shall see presently, adopted as the unit of revenue assessment.

6.2.2 : In a village (Zo-khua) a right over land for dwelling places can be acquired by permanently-occupied (for tribal only) and the practice recognized by the custom.

6.2.3.: A right over land can be acquired by grant or lease or pass or Patta issued by the Village Council in the modes prescribed by the Lushai Hills District (House Sites) Act, 1953.

6.2.4: Allotment of Sites :

A Village Council is a competent authority to allot sites within its jurisdiction for residential and other non-agricultural purpose with the exception of shops and stalls which include hotels and other business house of the same nature. (Vide the Lushai Hills District (House Site) Act, 1953

Section 3 (1)).

6.2.5: Any right lawfully derived from one of the two rights holds good. If it is lawful to sell or otherwise transfer the right, or if by inheritance a mansceeds to it, the right holds good to him as it did to the person from whom it was lawfully acquired.

6.2.6: Though sub-section (1) of section 3 of the Lushai Hills District (house sites) Act, 1953 prescribed that a Patta for House site shall be obtained from a Village Council a person (esp. in Zo-khua) who has continuously held possession of any dwelling place, practically not minded the necessary of such Patta or Pass to certify the ownership of his house site. It is the important feature to remember the practice of issuing House Pass is prevent in such village within the notified town area where the village Council is not competent for allotment of land as provided under Sub-Section of Section 3 of Lushai Hill District (House Sites) Act, 1953.

6.2.7: As per the House Site Act, 1953 the occupation of land for any purpose without a patta or pass license is specifically forbidden. The Village Council is a competent authority to evict any person having in occupation of unauthorised sites subject to certain formalities to be complied.

6.2.8: The House Site Act, 1953 does not mentions the rights of a Pass-holder or Patta-holder or land holder over the ownership and transfer of land. Even the terms and condition under which the land has to be held by the land-holder is not mentioned in the same Act.

6.2.9: No land revenue was prescribed in the said Act and all land-holders in any village (Zo-khua) are exempted from payment of land revenue except House tax and Zoram Chhiah which are not land revenue in the real sense.

6.3 Town Land

Town, by definition, is such station in which only the Executive Committee or any person or body authorised by it can allot sites for residential and other non-agricultural purposes, under the Lushai Hills District (House Site) Act, 1953 (sub-section 2), and under the Mizo District (Land and Revenue) Act, 1956 and any other station as may be declared as such by the Executive committee, from time to time.

6.3.2: The Mizo District Council had introduced three classes of holders of lands and the legal definitions of these classes of person along with some other important definitions, according to the Mizo District (Land and Revenue) act, 1956 and any other station as may be declared as such by the Executive committee, from time to time.

- (a) "Settlement-holder means any person other than a pass-holder, who has entered into an engagement with the District Council or administrator to pay land revenue and is deemed to have acquire status of settlement-holder under section 7.

The highest rights are enjoyed by the settlement holder and their rights over lands are legal ownership of permanent, heritable and transferable.

- (b) "Pass holder" means a person who has temporary right of use and occupancy over a

specified plot of land for a specified period under such terms as the District Council or Administrator may prescribe in the Pass he holds.

A Pass holder has no right in the soil beyond a right of user for the period for which it is given and shall have no right of transfer, or of inheritance beyond the period of the pass or of sub letting. The Rights of Pass holders are the lowest in order of superiority. They are generally given on periodical settlement of 2 (two) years only. The Pass holder cannot claim compensation for the land from Government but can claim the cost of crops or buildings and other works executed in the land.

- (c) "Leasee" means the leasee of periodic lease of land who have not acquired the status of settlement-holder but has the right to use the land as specified in the lease terms.

The rights of leasee come next to the settlement holder in order of superiority. In granting a periodic lease of land, a certificate of land-lease was issued.

A leasee has no right in the soil beyond a right of user for the period for which it is given and shall have no right of transfer, or of inheritance beyond the period of the lease or of sub-letting. But the leasee has the local right over the forest produce within the land leased to him, and any person trespassing against this right may be liable to prosecution in a competent court. The land leasee are generally given on periodical settlement of 25 or 49 or 99 years. If the Government requires the land, the leasee cannot claim any compensation for the land but can do so only for crops or buildings and any other works executed in the land.

6.3.3: It may be noted here that the position of the settlement holder may be regarded as absolute ownership of the land and is the highest category of land rights legally derived from the Government of India. This peculiar land tenure system had caused a great burden to the Government for payment of compensation in acquisition of land for public purposes.

6.4 **Agriculture Lands :**

Agriculture lands includes all lands within Mizoram, except the following:-

- (a) Land included in the State Forest Reserve.
(b) The soil of all Government and Public Roads.
(c) All lands in the station reserves of Aizawl, Lunglei, Sairang, Demagiri, Champhai, North Vanlaphai or any other area(s) as may be notified from time to time, by the District Council or the Administrator,

and

- (d) All villages (Zo-Khua) where Village Councils are competent to allot sites for residential and non-agricultural purposes.

6.4.2 The Mizo District Council had evolved two classes of holders of lands, and the legal definitions, according to the Mizo District (Agricultural Land) Act, 1963 and rules made thereof, are as follows:-

- (a) "Patta-holder" means a holder of Patta, who has entered into an engagement with the District Council to pay land revenue, taxes, cesses and rates legally assessed or imposed in respect of the

land from time to time and thereby acquired the patta-holder's right under section 7 of the Act.

The Patta-holder's rights over land are heritable and transferable right of use on, or of subletting in his land subject to the payment of all revenues and taxes from time to time legally assessed or imposed in respect of the land with the terms and conditions laid down overleaf. He is not vested with the legal ownership of the land including all rights and interests arising out of such settlement as enjoyed by the settlement holder.

'Periodic Patta-holder' means a holder of Periodic Patta who has not acquired the Patta holder right. The term, 'Periodic Patta' means a prescribed land settlement document settling the Agricultural land periodically under the Rules whereby an individual or society has entered into an engagement with the District Council to pay land revenue, taxes, cases and rates legally assessed or imposed in respect of the land so settled. The Periodic Patta holder has the right to use and transfer of the land for a period of the allotment in accordance with the terms and conditions imposed in the Periodic Patta. The Periodic Patta is renewable on application at the expiry of the period of allotment. Generally, the period of allotment is 5 (five) years only.

CHAPTER – 11

LAND SETTLEMENT WITH NON-TRIBALS AND TRANSFER OF LAND

7.1 Town Land:

No land shall be settled except on periodic lease with Non-Tribal who has no permanent residential pass. But, Non-Tribal who has been living in Mizo District since the time of his parents and who was born and brought up in the District may be granted permanent settlement vide rule 13 of the Mizo District (Land and Revenue) Rules, 1967.

7.2 Agricultural Lands:

No Agricultural land shall be allotted or settled except on Periodic Patta with Non-Tribal who has no Permanent Residential Pass. But, Non-Tribal who has been living in Mizo District since the time of his parents and who was born and brought up in the District and has a Permanent Residential Pass or need not to have such Pass, may be granted Permanent Settlement under Patta.

7.3 Status of Takam (Chakmas) and Tuikuk (Riangs):

For the purpose of Revenue Administration within the Mizo District (now in Aizawl and Lunglei Districts) no person acquired by length of possession or otherwise any right over land disposed of, allotted or occupied, unless such Takam or Tuikuk has been living in Mizo District since the time of his parents and who was born and brought up in the District and Registered in accordance with the provision of law being in force.

7.4 Transfer of Land:

Preamble to the Mizo District (Transfer of Land) Act, 1963 is written as 'whereas it is necessary to provide for regulation and control of transfer of land in the Mizo District with a view to protect and

promote the interest of the inhabitants thereof.

7.4.2 **Control of Transfer of Land (Section 3) :**

No land in Mizoram shall be sold, mortgaged, leased, gifted or otherwise transferred by a tribal to a non-tribal, or by a non-tribal to another tribal except with the previous permission of the District Council or the Administrator.

Provided the reason shall be recorded for any refusal of transfer from a tribal to a non-tribal or from non-tribal to another non-tribal.

Provided further, that no permission will be necessary in the case of a lease of building on rent.

7.5 **Power of State Government over land :**

Recently, the former Union Territory of Mizoram has been given the status of State in 1987. The fifty-third Amendment to the Constitution has made certain special provisions for the new state of Mizoram by inserting a new Article 371-G which reads as follows :-

Special Provision with respect to the state of Mizoram – not withstanding anything in this Constitution :-

a) No Act of Parliament in respects of –

iv) ownership and transfer of land, shall apply to the state of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides. All Acts and Regulation concerning to ownership and transfer of land which are in force in the Union Territory of Mizoram immediately before the commencement of the constitution (Fifty third Amendment) Act, 1986 are adapted in the State. No new legislation over land and revenue in legislated till date – except some amendments in the existing Acts and Regulations.

CHAPTER 12

LAND REFORMS

8.1 Land is an important issue anywhere in the world and at any time in history, but it acquires an even keener relevance in today's developing context. Land, therefore, has always been a central part of human activities. Land issue is essentially a political and institutional one. Land supply for the poor is prevented not only by physical constraints but; more often by institutional conditions. It's resolutions rests, foremost, on findings and putting into action effective arrangements for helping the poor gain access to land. Any significant change in government policies regarding the distribution and use of land will have to be supported by strong political commitment and effective policy will involve the enactment of legislation and the creation of the institutions with appropriate power.

8.2 Land held by speculators may remain unused for many years. Once land is trapped in the net of private land speculation, society has little hope of providing itself with the adequate amount of recreational land and other varied public land. Land is a scarce resource whose management should be subject to public surveillance or control in the interest of public. Every state has the right to take the necessary step to maintain under public control the use, possession, disposal and reservation of land. The key factual issues in Mizoram in land policy are :-

- a) Limiting ownership of land.
- b) Land-use controls.
- c) Land taxation.
- d) Reform in land tenure system.
- e) Land records and registration.

8.3 The Assam Lushai Hills District (Acquisition of Chief's Rights) Acts, 1954 and as subsequently amended in 1955 was passed to provide for the transference to the Mizo District Council of the interests of chiefs in land and for other matters connected therewith. No new enactment of legislation on Land Reforms is made till today. However, the New Land Use Policy (NLUP) was introduced and implemented effectively since 1989 till today (1995). Under this Policy, the Village Councils are authorised to manage land for various purposes within their territorial jurisdiction for the period of three years since the interception of the NLUP to their villages. After lapse of 3 (three) years, the regular land registration and record of rights will be made by the Government only to those persons who successfully developed their lands.

8.4 It may be noted here that in Mizoram, although judicially no landlords or intermediaries were created and the land settlements were made directly with the land-holders or ryots, yet the fact was a high degree of concentration of land at the upper levels and which glaring disparities in ownership holdings between the upper and the lower strata of Mizo Society. Land held by speculators remained unused or undeveloped for many years created crucial problems in the perspective of state development policy. Hence, the main objective of Land Reforms is to render economic and social justice to the poor people by changing mainly the agrarian structure both in land holdings and in land ownership relations.

8.5 With this end in view, a series of measures have been taken since the attainment of Union Territory (U.T). The first in the series was to make a complete cadastral survey of the lands held in ownership by different persons/families/organisations in the village and preparation of accurate land records. A comprehensive cadastral survey programme is a prerequisite and is given high priority so as to prepare and maintain up-to-date land records, effectively since 1986.

GOVERNMENT OF MIZORAM LAND REVENUE & SETTLEMENT

ACT AND RULE OPERATED FOR LAND ADMINISTRATION

The following Acts are operated by Government of Mizoram for Land and Land Revenue Administration as well as for survey, settlement and preparation of land records as :-

- i) The Lushai Hills District (House Sites) Act, 1953.
- ii) The Mizo District (Land and Revenue) Act, 1956.
- iii) The Mizo District (Agricultural Land) Act, 1963.
- iv) The Mizo District (Transfer of Land) Act, 1963.
- v) The Mizoram (Land Survey and Settlement (Operation) Act, 2003.
- vi) The Mizoram (Restriction on use of transferred land) Act, 2002.
- vii) The Mizoram (Prevention of Government Land Encroachment) Act, 2001.
- viii) The Mizoram Public Demands Recovery Act, 2001.
- ix) The Mizoram (Taxed on Land, Building and Assessment of Revenue) Act, 2004