

**THE MANIPUR LAND REVENUE AND LAND REFORMS
(AMENDMENT) ACT, 1975
(Manipur Act No. 13 of 1976)**

An
Act

further to amend the Manipur Land Revenue and Land Reforms Act, 1960 so as to bring it in the line with the changing socio-economic condition of the people of Manipur and to create an egalitarian society in the State.

BE it enacted by the Legislature of Manipur in the Twenty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Manipur Land Revenue and Land Reforms (Amendment) Act, 1975. Short title & commencement.

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

(3) In section 1 of the Principal Act, for the “full-stop” occurring at the end of sub-section (2), a “colon” shall be substituted and thereafter the following proviso shall be added, namely,—

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

2. In this Act, “Principal Act” means the Manipur Land Revenue and Land Reforms Act, 1960 (Central Act No. 33 of 1960) as amended on the 21st January, 1972, by the Manipur (Adaptation of Laws) Order, 1972, and as further amended on the same date by Order No. 3/9/72-Act/L of the Governor of Manipur. Definition.

3. In section 2 of the Principal Act— Amendment of section 2.

- (a) clause (a) shall be omitted;
- (b) in clause (c), for the words and figures “2.50 acres”, the words “one hectare” shall be substituted;
- (c) in clause (h), for the words and figures “7.5 acres”, the words “three hectares” shall be substituted;
- (d) in clause (i), for the words “Central Government” the words “State Government” shall be substituted;
- (e) in the existing clause (t), after putting a comma after the words “Agricultural workers” the word “ex-servicemen” shall be inserted;

(f) in clause (v), the words “or under the system generally known as ‘bhag’, ‘adhi or barga’ ” shall be omitted;

(g) After clause (v), the following clause shall be inserted as clause (vv), namely—

“(vv) ‘Tribunal’ means any officer appointed by the State Government to be the Tribunal for the purpose of this A and any other law for the time being in force in the State of Manipur.”

Amendment
of section 4.

4. In section 4 of the Principal Act, for the clauses (a) to (k), the following clauses shall be substituted, namely—

- “(a) Revenue Commissioner;
- (b) Deputy Commissioner;
- (c) Additional Deputy Commissioner;
- (d) Director of Settlement and Land Records;
- (e) Sub-Divisional Officers;
- (f) Extra Assistant Commissioners;
- (g) Survey and Settlement Officers;
- (h) Assistant Survey and Settlement Officers;
- (i) Sub-Deputy Collectors;
- (j) Revenue Inspectors;
- (k) Supervisor Kanangos;
- (l) Jilladars;
- (m) Mandols; and
- (n) Such other village officers as may be appointed by order made under this Act.”

Amendment
of section 7.

5. The existing section 7 of the Principal Act shall be renumbered as sub-section (1) thereof and in sub-section (1) as so renumbered for the words “State Government”, the words “revenue commissioner” shall be substituted and the following shall be inserted as sub-section (2) after sub-section (1) so renumbered, namely—

“(2) All Revenue Officers in the Settlement Department shall be subordinate to the Director of Settlement and Land Records.”

Amendment
of section 9.

6. In section 9 of the Principal Act for the words “and village accountants” the words “supervisor Kanangos, Zilladars, mandols” shall be substituted.

Amendment
of section
12.

7. In section 12 of the Principal Act, for sub-section (2), the following sub-section shall be substituted, namely—

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

Insertion of
section 13A.

8. After section 13 of the Principal Act, the following section 13A shall be inserted, namely—

“Right to fisheries. 13A. (1) The Deputy Commissioner with the previous sanction of the State Government, may by notification published in the prescribed manner declare any collection of water, running or still, to be a fishery, and no right in any fishery so declared shall be deemed to have been acquired by any person or group of persons, either before or after the commencement of this Act, except as provided in the rules framed under sub-section (2).

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

9. In sections 17 and 18 of the Principal Act for the words, “one acre” wherever they occur, the words “two-fifths of a hectare” shall be substituted. Amendment of sections 17 & 18.

10. In section 26 of the Principal Act, for the word “he” occurring in the second line, the word “it” shall be substituted, and the words “with the approval of the Government,” occurring in the second and third line shall be deleted. Amendment of section 26.

11. In section 34 of the Principal Act, for sub-section (1), the following shall be substituted, namely— Amendment of section 34.

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

12. In section 37 of the Principal Act, for clause (b) of sub-section (2) thereof, the following shall be substituted, namely— Amendment of section 37.

“(b) The Government may extend the term of settlement if the circumstances of a local area be such that a fresh determination of the revenue rate may be inexpedient:

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

13. In section 38, for the full-stop at the end of sub-section (1) thereof a colon shall be substituted, and thereafter the following proviso shall be inserted, namely— Amendment of section 38.

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

14. Section 44 of the Principal Act shall be omitted. Omission of section 44.

15. In section 46 of the Principal Act, Amendment of section 46.

(1) in sub-section (2), for the word “mortgage” occurring in the second line, the word “exchange” shall be substituted;

(2) in sub-section (5) for the ‘full-stop’ at the end a ‘colon’ shall be substituted, and there after, the following proviso shall be inserted, namely—

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

16. After Chapter V of the Principal Act, the following Chapter V-A shall be inserted, Insertion of Chapter V-A.
namely—

“CHAPTER V-A
PARTITION

- Definitions. 51A. For the purposes of this Chapter,
- (a) ‘Fragment’ means a holding of less than one hectare of land in area;
 - (b) ‘holding’ means the aggregate area of land held by a person as a landowner;
 - (c) ‘land’ as distinct from the definition given in section 135, includes land used for non-agricultural purposes;
 - (d) ‘partition’ means the division of a holding into two or more such holdings each separately liable for the revenue assessed thereon.

Petition for partition. 51-B.(1) A landowner may at any time, by applying in writing to the Deputy Commissioner, claim partition of the holding.

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

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

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

(4) The Deputy Commissioner staying the proceeding under sub-section (3) shall make an order requiring the objector, or, if for any reason he deems it more equitable, the applicant, to institute such a suit not being instituted within that time, may disallow the objection, or dismiss the application, as the case may be.

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

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

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

Restriction on partition.

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

Partition of land held in severalty or in common.

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

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

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

51-F. If, in making a partition, it is necessary to include in the holding assigned to one share the land occupied by a dwelling house, or other buildings, of permanent nature, in possession of another co-sharer, that other co-sharer shall be allowed to retain in with any building thereon on condition of his paying a reasonable ground-rent for it to the sharer in whose portion it may fall.

Special provisions for buildings.

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

Special provisions for places of worship & burial grounds.

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

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

Special provisions for tanks, well water courses and embankments.

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

Stay of partition in certain cases.

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

Determination of revenue rate and alteration of record of rights.

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

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

Execution of partition and proclamation.

51-K. As soon as may be, after the order for partition the Sub-Deputy Collector shall—

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

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

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

Cost. 51-L. The Deputy Commissioner may, in accordance with the rules made under section 98, require the parties or any of the parties to any the cost of partition.

Appeal. 51-M. An appeal against the decision of the Deputy Commissioner, making the partition will lie to the Tribunal within ninety days from the date on which the partition takes effect.”.

Amendment of section 84.

17. In section 84 of the Principal Act, in sub-section (1), for the words “State Government” the word “Tribunal” shall be substituted.

Amendment of section 87.

18. At the end of sub-section (2), for the “full-stop” a “colon” shall be substituted and thereafter the following proviso shall be inserted, namely,—

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

19. In section 95 of the Principal Act,

Amendment
of section
95.

(1) the words “at any time” occurring in the second line shall be omitted.

(2) after the proviso to section 95, the following second proviso shall be added, namely,—

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

20. The existing sections 101, 102, 103, 104, and 105 of the Principal Act shall be omitted.

Omission
of sections
101 to 105.

21. For the existing section 106 of the Principal Act, the following shall be substituted, namely,—

Amendment
of section
106.

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

“Right to
lease.

(2) A person under disability or a public charitable or religious institution or a local authority or a Society Registered under the Assam Co-Operative Societies Act, 1949, as in force in the State of Manipur, may lease the whole or any part of his or its holding:

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

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

- (a) In the case of a widow, if she remarries, on the date of her marriage or if any person succeeds to the widow on her death, on the date of her death;
- (b) in the case of a minor, on the date of his attaining majority;
- (c) in the case of a woman who is unmarried or who is divorced or judicially separated from her husband, on the date of her marriage as the case may be, or in the case of a woman or remarriage whose husband is a person falling under clause (d) or clause (e), on the date of which the disability of the husband ceases;

- (d) in the case of a person who is a member of the Armed Forces of the Union, on the date of his discharge from service or of his posting to the reserve;
- (e) in the case of a person suffering from a physical or mental disability, on the date on which the disability ceases to exist;
- (f) within one year of the cessation of the disability referred to in sub-section (2), the land owner shall, notwithstanding anything contained in section 119, be entitled to resume for personal cultivation the land held by the tenant not exceeding one half of the area of such land:

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

Amendment
of section
119.

22. In section 199 of the Principal Act,

- (a) Clauses (a) & (b) of sub-section (1) shall be omitted, and the remaining clauses shall be renumbered as clauses (a), (b) & (c) thereof; and for the words “six months” occurring in the second line of the proviso to clause (b) thereof as so renumbered, the word “one year” shall be substituted; and
- (b) sub-sections (3) & (4) shall be omitted.

Omission
of sections
120 & 121.

23. Section 120 and 121 shall be omitted.

Amendment
of section
124.

24. In sub-section (1) of section 124 of the Principal Act, for the words and figures “the 6th day of March, 1956”, the words and figures “the 6th day of March, 1966” shall be substituted.

Amendment
of section
126.

25. For the existing section 126 of the Principal Act, the following shall be substituted,—

“Surrender of land by tenant. 126. (1) No surrender or abandonment by a tenant of any holding or any part thereof shall be valid unless such surrender or abandonment has been previously approved by the Deputy Commissioner.

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

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

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

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

(i) Where such surrender or abandonment was made by a person belonging to a scheduled tribe or scheduled caste with another person belonging to the scheduled tribe or the scheduled caste, as the case may be;

or

(ii) A case where no person belonging to the Scheduled tribe or scheduled caste is available or willing to take settlement under clause (i), or in any other case, with the priority specified in section 147-A.

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

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

26. For the existing section 127 of the Principal Act, the following shall be substituted, namely, -

Amendment
of section
127.

"Transfer of
ownership
of land to
tenant.

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

(2) Nothing contained in sub-section (1) apply to a tenant holding any land at the commencement of section 26 of the Manipur Land Revenue and Land Reforms (Amendment) Act, 1975 from a person under disability or from a public charitable or religious institution or a local authority or a Co-operative Society registered under the Assam Co-operative Societies Act, 1949, as in force in the State of Manipur:

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

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

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

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

Amendment of section 128. 27. In section 128 of the Principal Act, in sub-section (3), for the word “declaration” the word “notification”, shall be substituted.

Amendment of section 129. 28. In section 129 of the Principal Act, in sub-section (2),
(a) for the word “declaration” occurring in the first line, the word “notification”, shall be substituted;
(b) for the figures and words “2 1/2 per cent” occurring in the third line, the words “four per cent”, shall be substituted.

Amendment of section 130. 29. In section 130 of the Principal Act, in sub-section (2), for the figures and words “2 1/2 per cent” occurring in the third and fourth line, the words “four per cent” shall be substituted.

Amendment of section 132. 30. In section 132 of the Principal Act, after sub-section (6), the following sub-section shall be inserted namely:

“(7) If a landowner sells his land in contravention of sub-section (1), the tenant, within two months from the date of his knowledge of such sale, may apply in writing to the competent authority expressing his intention to purchase the land at the price received by the landowner or at the reasonable price determined under sub-section (2). The competent authority, after giving opportunity of being heard to the landowner, the purchaser and to any other person interested in the land, and if satisfied that the sale has been made in contravention of sub-section (1), may ask the tenant to deposit the amount of the price actually paid or the reasonable price, whichever is less, within such period as may be prescribed, and upon deposit of such amount by the tenant, the competent authority shall pass an order allowing the application of preemption and thereupon the provision of sections (4) to (6) shall be applicable mutatis mutandis.”

31. In section 134 of the Principal Act, after the word "Government" occurring in the ~~second~~ line, the words, "or the Central Government" shall be added. Amendment
of section
134.

32. In section 135 of the Principal Act, for the existing clauses (a), (b) and (c), the ~~following~~ clauses shall be substituted, namely,— Amendment
of section
135.

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

33. For the existing section 136 of the Principal Act, the following shall be substituted, ~~namely,—~~ Amendment
of section
136.

“Ceiling on holdings. 136. (1) No person by himself, or if he has a family, together with any other member of his family (hereinafter referred to as the person representing the family) shall, whether as landowner or as a mortgagee with possession or otherwise, or partly in one capacity and partly in another, hold land in excess of five hectares in class I land and six hectares in class II land;

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

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

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

(i) in a case where the adult son does not hold any land, so much land as not exceeding one half of the land the adult son may hold under sub-section (1);

(ii) in case where the adult son holds land less than one half of that land permitted under sub-section (1), so much land as together with the land held by the adult son does not exceed one half of the land which the adult son may hold the sub-section;

(iii) in a case where the unmarried daughter does not hold any land so much land as not exceeding one hectare in respect of each unmarried adult daughter;

(iv) in a case where the adult unmarried daughter holds land less than one hectare, so much land as together with the land held by the adult unmarried daughter does not exceed one hectare.

(3) Unless otherwise exempted under section 150 for the purpose of this Chapter, in the case of a company, an association or body of individuals, the ceiling limit shall be five hectares in the case of class I and six hectares in the case of class II land.

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

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

(a) any land which was transferred by sales, gift or otherwise or partitioned by the person during the period beginning with the 21st day of January, 1971 and ending with the commencement of section 28 of the Manipur Land Revenue and Land Reforms (Amendment) Act, 1975 shall be taken into account as if such land had not been transferred or partitioned, as the case may be;

(b) homestead lands shall not be taken into account;

(c) Where the person is a member of any association or body of individuals and holds a share in the land held by such association or body of individuals, his share be taken into account;

(d) lands in possession of a tenant or a mortgagee shall be deemed to be lands held by the person.

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

136-B(I). Except where he is permitted in writing by the Deputy Commissioner so to do, no person holding land in excess of the ceiling limit shall, after the commencement of section 28 of the Manipur Land Revenue and Land Reforms (Amendment) Act, 1975, transfer by sale,