

ASSAM ACT XXI OF 1954

THE ASSAM LUSHAI HILLS DISTRICT (ACQUISITION OF CHIEFS'
RIGHTS) ACT, 1954

(Passed by the Assembly)

(Received the assent of the President on the 26th June 1954)

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An

Act

to provide for the acquisition by the State of certain rights and interests of
Chiefs in and over land in the Lushai Hills District.

Preamble.—Whereas it is expedient to provide for the acquisition by the
State of certain rights and interest of chiefs in and over land in the Lushai Hills
District in the State of Assam ;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Assam Lushai Hills District (Acquisition of Chiefs' Rights) Act, 1954 ;

(2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) "autonomous region" means the Pawi-Lakher Autonomous Region constituted as such under sub-paragraph (2) of paragraph 1 of the Sixth Schedule to the Constitution of India ;

(b) "agriculture" includes horticulture ;

(c) "agricultural year" means the Assamese year commencing on the first day of *Baisak* ;

(d) "chief" means a chief of the Lushai Hills District recognised as such by the State Government before the commencement of this Act ;

(e) "Compensation Officer" means a Compensation Officer appointed by the State Government under sub-section (2) of Section 7 of this Act ;

(f) "Court" except in the case of any reference to the High Court means the Lushai Hills District Council Court established under sub-paragraph (2) of paragraph 4 of the Sixth Schedule to the Constitution of India, or till such Court is established the Court of the Deputy Commissioner ;

(g) "date of vesting" means the first day of the agricultural year next following the date of publication of the notification under section 3 of this Act ;

(h) "Deputy Commissioner" means the Deputy Commissioner of the Lushai Hills District and includes the Subdivisional Officer, Lungleh or any Extra Assistant Commissioner or any other officer empowered by the State Government to discharge the functions of the Deputy Commissioner under any of the provisions of this Act ;

(i) "District Council" means the District Council of the Lushai Hills Autonomous District constituted under the provisions of the Sixth Schedule to the Constitution of India in accordance with the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951 ;

(j) "Executive Committee" means the Executive Committee of the Lushai Hills District Council ;

(k) "Fathang" means a due payable to a chief by a cultivator in kind or in cash ;

(l) "Homestead" means a dwelling house (whether used by the owner or let out on rent) and the land on which it stands together with any court-yard, compound, attached garden, orchard and out-buildings, and includes any out-buildings used for purposes connected with agriculture or horticulture and any tank or well and place of worship appertaining to such dwelling house ;

(m) "Law" includes a tribal custom or usage having the force of law in the Lushai Hills District ;

(n) "Member-in-charge of the land affairs of the District Council" means a member of the Executive Committee of the Lushai Hills District Council entrusted with the land affairs of the Council under sub-rule (1) of rule 31 of the Assam Autonomous Districts (Constitution of District Council) Rules, 1951 ;

(o) "prescribed" means prescribed by rules made under this Act ;

(p) "Ram" means a tract or tracts of land held by a chief under a *Ram-rilekha* or boundary paper issued by the competent authority ;

(q) "Regional Council" means the Regional Council of the Pawi-Lakher autonomous region constituted under the provisions of the Sixth Schedule to the Constitution of India and in accordance with the Pawi-Lakher Autonomous Region (Constitution of Regional Council) Rules, 1952 ;

(r) "Rent" means whatever is lawfully payable in money or kind by a tenant on account of the use and occupation of land held by him ;

(s) "Tenant" means a person who holds land under another person and is or, but for a special contract, would be liable to pay rent for the land to that other person, but does not include a person who holds immediately under Government ;

(t) "Tin" means one four gallon kerosene oil tin.

3. Notification declaring the vesting of "Ram" in the State.—(1) The State Government may, from time to time, by notification declare that the rights and interests of a chief in his *Ram* specified in the notification shall stand transferred to and vest in the State free from all encumbrances.

(2) A copy of the aforesaid notification shall be served in the manner prescribed on the chief whose interest is affected by such notification.

(3) The notification referred to in sub-section (1) shall also be circulated within the *Ram* concerned by the Deputy Commissioner in such manner as he deems fit.

(4) The publication of such notification in the manner provided in sub-sections (2) and (3) shall be conclusive evidence of the notice of declaration to the chiefs whose interests are affected by such notification.

4. Consequence of such notification.—Notwithstanding anything contained in any law for the time being in force or in any agreement or contract expressed or implied, on the publication of the notification referred to in section 3, all rights and interests of the Chief in the *Ram* shall, save as otherwise expressly provided in this Act, cease and shall vest absolutely in the State free from all encumbrances in accordance with the provisions of this Act with effect from the agricultural year next following the date of publication of such notification.

5. Compensation how to be paid.—No compensation to any chief whose rights and interests in his *Ram* vest in the State under the provisions of this Act shall be payable except as provided for in this Act.

6. Settlement of Rams.—(1) The District Council or the Regional Council, as the case may be shall take over charge of any *Ram*, the rights and interests of the chief in which vest in the State.

(2) All the *Rams* shall be administered by the District Council or the Regional Council, as the case may be, in accordance with the law for the time being in force in the Lushai Hills District.

7. Compensation Statements.—(1) Every Chief whose rights and interests in a *Ram* have vested in the State in consequence of a notification issued under section 3, shall be paid compensation according to the provisions of this Act.

(2) The State Government shall, as soon as possible after the publication of notification under section 3, appoint one or more officers, to be hereinafter called Compensation Officer, to prepare a compensation statement in the manner and form prescribed in the rules and to perform such other duties as are provided by any provision of this Act or by any rule made thereunder.

(3) The compensation statement shall *inter alia* contain (i) the total number of households within a *Ram* of the Chief, (ii) the amount of compensation to be paid under the provisions of this Act to such Chief and other persons whose interests are affected, (iii) whether payment to be made in cash or in kind, (iv) whether payment to be made in instalments or in a lump and (v) any other particulars as may be prescribed.

8. Compensation payable to a Chief.—(1) The Compensation Officer shall for the purpose of preparing the compensation statement, determine the

amount of compensation payable in respect of each *Ram* in the manner and in accordance with the principles hereinafter set out, that is to say:—

(a) The compensation payable to a chief shall be as follows for a period of ten years with effect from the date of vesting—

(i) three tins of paddy per year per household upto a limit of one hundred households in his *Ram* ; and

(ii) two tins of paddy per year per household for every additional household in the *Ram* beyond the limit of one hundred mentioned in (i) above.

(b) For the purposes of clause (a)—

(i) where a chief has more than one *Ram* in his jurisdiction, all the *Rams* shall be treated as one *Ram* and the total number of households shall be computed accordingly ;

(ii) the actual number of households within the *Ram* of a chief shall be regarded as those paying *Fathang* to the Chief immediately preceding the commencement of this Act, and shall not include those exempted from the payment thereof by virtue of profession, trade, calling, employment or of the recognition of other services.

(c) The amount of compensation shall, as and when paid in cash, be calculated according to the market price of paddy prevailing at the time in the locality where the *Ram* concerned is situated.

(2) The compensation shall, in the first instance, be determined for the *Ram* as a whole and not separately for each of the co-sharers or interests therein.

(3) The Compensation Officer shall then apportion the share of compensation payable to a co-sharer or any persons having interests in the *Ram* and if, in doing so any question involving matters of civil nature arises, he shall dispose of the matter in the prescribed manner.

9. Preliminary publication of compensation statement.—(1) The Compensation Officer, after the determination of the compensation payable to a chief under the provisions of section 8 shall prepare the compensation statement as provided for in sub-section (3) of section 7.

(2) The Compensation Officer shall cause a draft of the compensation statement to be published in the manner prescribed calling for objections from any persons interested in it, to be submitted within a period prescribed.

(3) A copy of such draft compensation statement shall be sent in the manner prescribed to the persons whose names appear in the compensation statement.

(4) On receipt of any objections preferred within the prescribed period, the Compensation Officer shall consider and dispose of them according to the rules prescribed by the State Government.

10. Appeal.—(1) An appeal, if presented within sixty days of the date of order shall lie against any order of the Compensation Officer passed under sub-section (4) of section 9 to the Deputy Commissioner, Lushai Hills District.

(2) A further appeal shall lie to the High Court from any decision of the Deputy Commissioner, Lushai Hills District if preferred within ninety days of such decision.

11. Final publication of compensation statement.—(1) After disposal of all objections and appeals under sections 9 and 10, the Compensation Officer shall correct the compensation statement in such a way as to give effect to the order passed on objections and appeals referred to in sections 9 and 10 and cause the compensation statement so corrected to be finally published in the manner prescribed, and on such publication every entry in the compensation statement, except as provided elsewhere in the Act, shall be final.

(2) After the compensation statement has been published under sub-section (1), the Compensation Officer shall, within the period fixed by the State Government, by any general or special order, furnish a certificate to the Deputy

Commissioner in the manner and form prescribed, stating the fact of such publication, and such certificate shall be conclusive proof of such publication.

12. Correction of bonafide mistakes, etc.—(1) No correction of the compensation statement after it has been finally published under section 11 shall be made, except as provided in this section.

(2) Correction of *bonafide* mistakes or corrections necessitated by succession or inheritance of any interest in the *Ram* can be made by the Compensation Officer at any time before the payment of compensation, either of his own motion or on the application of the persons interested, but no such correction shall be made while an appeal affecting such entry is pending.

(3) If a chief dies within the period of ten years from the date of vesting and if the compensation payable to him is paid in instalments, the Compensation Officer shall correct the compensation statement after ascertaining heirs or representative of the deceased chief.

(4) Every time, in making such corrections as are referred to in sub-sections (2) and (3) the Compensation Officer shall cause a draft of the corrections to be published in the same manner as the draft compensation statement is required to be published under section 9 and after considering and disposing of any objections that may be made in the manner provided in the sub-section (4) of section 9 shall cause the corrections to be finally published.

13. Mode of payment of compensation.—(1) The compensation shall be paid in cash or in kind.

(2) The amount of compensation payable to a chief shall consist of an equal annual recurring payment for a period of ten years if paid in kind or its equivalent if paid in cash.

Provided that the total amount of compensation may be paid, at the option of the State Government, to a chief in a lump either in kind or in cash calculated on the basis of the prevailing market price of paddy in the locality where the *Ram* is situated.

(3) The State Government shall communicate its decision under the proviso to sub-section (2) above, to the Compensation Officer in the prescribed manner within a prescribed period.

(4) The Compensation Officer shall, as provided for in sub-sections (1), (2) and (3) make payment of the compensation so payable to the person entitled according to the compensation statement finally published.

(5) If any dispute arises as to the title of any such person to receive the amount, the Compensation Officer may, if he thinks fit, keep the amount in deposit in the manner prescribed until the dispute is determined by Court to whom the parties shall be referred and on such determination the Compensation Officer shall pay the amounts to the person or persons entitled to receive the same.

14. Bar to jurisdiction of Civil Courts in certain matters.—Save as otherwise expressly provided in any provisions under this Act, no suit or other proceedings shall lie in any Civil Court in respect of any entry in or omission from a compensation statement published under this Act or in respect of any order passed or any act done or purporting to be done under this Act or the rules made thereunder.

15. Protection of action taken under the Act.—No suit, prosecution or other proceedings shall lie against any officer of the State or of the District Council or the Regional Council for anything in good faith done or purporting to be done under this Act or any rules made thereunder.

16. Enquiries or proceedings conducted by the Compensation Officer to be deemed as "Judicial proceedings".—The Compensation Officer, for

the purposes of any enquiries or proceedings taken under this Act shall have the same powers as are exercised by an Assistant to the Deputy Commissioner under the rules for the Regulation of the Procedure of Officers appointed to administer justice in the Lushai Hills published under Notification No.2530(a)-A.P., dated 25th March 1937, as subsequently adapted and modified by the Assam Autonomous Districts (Administration of Justice) Regulation, 1952, in respect of (a) enforcing the attendance of any person and examining him and (b) compelling the production of documents, and such enquiries or proceedings conducted by the Compensation Officer shall be deemed to be judicial proceedings under the aforesaid Rules.

17. Power to order production of documents, registers, etc.—Subject to any condition that may be prescribed, the Deputy Commissioner, the District Council, the Regional Council or the Compensation Officer may, for the purposes of this Act, require any person to produce any document, paper or register which is in his possession or under his control or to furnish any information which he may think necessary for the proper discharge of any duties under any provision of this Act.

18. Delegation of powers.—The State Government may, by notification, delegate to any officer or authority subordinate to it, any of the powers conferred on it by this Act to be exercised subject to any restriction and condition as may be specified in the said notification.

19. Penalties.—Whoever—

- (i) Wilfully fails or neglects to comply with any requirement made of him under this Act, or
- (ii) contravenes any lawful order passed under this Act, or
- (iii) obstructs or resists the taking by the District Council or the Regional Council or any officer authorised by it in writing on charge of any *Ram* the rights and interests of a Chief in which have vested in the State under this Act, or
- (iv) furnishes information which he knows or believes to be false or does not believe to be true, shall on conviction before a Magistrate, and in addition to any other action that may be taken against him, be punishable with fine which may extend to one thousand rupees.

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

21. Power to make rules.—The State Government may, subject to previous publication, make rules for carrying out the purposes of this Act.