

THE MANIPUR HILL AREAS (ACQUISITION OF CHIEFS' RIGHTS) ACT, 1967

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An Act to provide for the acquisition of certain rights, title and interest of Chiefs in and over land in the Hill Areas of Manipur and matters connected therewith

It is hereby enacted in the Seventeenth Year of the Republic of India as follows :

CHAPTER I

Preliminary

1. **Short title, extent and commencement.** (1) This Act may be called the Manipur Hill Areas (Acquisition of Chiefs' Rights) Act, 1966.

(2) It extends to the whole of the Hill Areas of the Union territory of Manipur.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

NOTES

Section 1. This Act received the assent on 14-6-67 and being so enacted with the object to acquisition certain rights, title and interest earlier vested with the chiefs in and over lands in the Hill Areas.

2. Definitions. (1) In this Act, unless there is anything repugnant in the subject or context,—

- (a) "changseo" means bushun or other dues, by whatever name known, payable to a chief by any person either in cash or in kind or in labour in respect of land or a homestead in the village ;
- (b) "Chief" means a person who (by whatever name called), is on the date immediately before the commencement of this Act, a Chief of village under any law for the time being in force in the Hill areas and is recognised by the Government as a Chief for the purposes of this Act ;
- (c) "Compensation Officer" means a Compensation Officer appointed by the Government under sub-S. (2) of S. 8 ;
- (d) "Deputy Commissioner" means the Deputy Commissioner of Manipur and includes any officer empowered by the Government to perform the functions of the Deputy Commissioner under any of the provisions of this Act ;
- (e) "gam" means a tract of land in the Hill Areas held by a chief under a boundary paper or grant issued or made by a competent authority or under or in accordance with any law for the time being in force ;
- (f) "Government" means the Administrator of the Union territory of Manipur appointed by the President under Article 239 of the Constitution ;
- (g) "Hill Areas" means the areas in the hill tracts of the Union territory of Manipur declared to be Hill Areas under Cl. (j) of S. 2 of the Manipur Land Revenue and Land Reforms Act, 1960 ;
- (h) "homestead" means a dwelling house 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 appurtenant to such dwelling house ;
- (i) "law" includes a tribal custom of usage having the force of law in the Hill Areas ;
- (j) "Official Gazette" means the Manipur Gazette ;
- (k) "Prescribed" means prescribed by rules made under this Act ;
- (l) "tin" means one eighteen litre kerosene oil tin ; and

- (m) "village" means any area where the practice of paying changseo to the chief is in vogue and which has been recognised to be a village under any law or which the Government may, by notification in the official Gazette, declare to be a village for the purposes of this Act.

(2) Words and expressions not defined herein but defined in the Manipur Land Revenue and Land Reforms Act, 1960, shall have the meanings assigned to them in that Act.

CHAPTER II

Acquisition of rights of Chiefs

3. Notification declaring vesting of gams in Government. (1) The Government may, at any time, by a notification in the official Gazette, declare that as from such date as may be specified therein (hereinafter referred to as the date of vesting) all rights, title and interests of the chiefs in the gams in the villages in such areas as may be specified in the said notification shall stand transferred to and vest in the Government free from all encumbrances

(2) A copy of the notification shall be served in the manner prescribed on every chief whose interests are affected by such notification.

(3) The Deputy Commissioner shall cause the notification to be published in the villages as referred to in sub-S. (1) by beat of drum or other customary mode of service or in such other manner as he deems fit.

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

4. Consequences of notification under S. 3. Notwithstanding anything contained in any law for the time being in force or in any agreement or contract express or implied, on the publication of the notification under S. 3, all rights, titles and interests of the Chief in the gams in the areas to which the notification applies shall with effect from the date of vesting cease and be vested absolutely in the Government free from all encumbrances and it shall not be lawful for the chiefs thereafter to collect changseo for any period after the date of vesting from any resident of a village in such areas.

5. Deputy Commissioner to take over gams. Upon the publication of the Notification under S. 3, the Deputy Commissioner or any officer appointed by him in this behalf, shall take charge of all gams and interests of chiefs vested in the Government under Ss. 3, 4 and it shall be lawful for the Deputy Commissioner or such officer to take or cause to be taken such steps and use or cause to be used such force as he may consider necessary for the purpose.

6. Determination of question of custom, etc. (1) If a question arises as to the existence of a custom of paying changseo to the chief of village or whether a person is the chief of a village, the Deputy Commissioner shall, on question being referred to him by the Compensation Officer, or on an application made by any person interested, by order in writing decide it.

(2) Before making any order under sub-S. (1), the Deputy Commissioner shall cause a notice of the substance of the question to be published in the manner specified in sub-S. (3) of S. 3, requiring all persons interested to file written statements in regard to the matter.

(3) The Deputy Commissioner shall, after considering the statements if any, filed under sub-S. (2), and after giving the persons interested a reasonable opportunity of being heard, record his decision.

(4) Every decision of the Deputy Commissioner shall contain a concise statement of the case, the points for determination, the decision thereon and the reasons for such decision.

(5) Every decision under this section shall, subject to the provisions of Ss. 7 and 15, be final.

Explanation. For the purpose of this Act, the expression "person interested" includes all persons claiming an interest in the compensation to be paid on account of the acquisition of the rights, title and interest of a chief in the gams in the villages.

CHAPTER III

Appeal

7. **Appeal.** Any person aggrieved by the decision of the Deputy Commissioner under S. 6, may, within thirty days from the date of communication of the decision, appeal to the Chief Commissioner, who shall, after giving an opportunity to the appellant to be heard and making such further inquiry as may be necessary, pass such order as he thinks fit confirming or modifying or annulling the decision appealed against.

8. **Compensation.** (1) There shall be paid by the Government to every chief whose rights, title and interests in any gam have vested in it, compensation for a period of ten years with effect from the date of vesting, in accordance with the scale specified in S. 9.

(2) The Government shall, as soon as may be after the publication of the notification under S. 5, appoint one or more officers to prepare compensation statement in such manner and in such form as may be prescribed.

(3) The compensation statement shall, among other things, contain the following particulars, namely :

- (i) name of the village ;
- (ii) the number of the gams ;
- (iii) name of the chief ;
- (iv) total number of households within the gam ;
- (v) number of households to be taken into consideration for the purposes of S. 9 including the names of such households ;
- (vi) amount of compensation payable to such chief and other persons whose interests are affected ;
- (vii) whether payment is to be made in cash or in kind ;
- (viii) whether payment is to be made in instalments or in a lump sum ;
- (ix) such other particulars as may be prescribed.

9. **Scale of compensation.** (1) The scale of compensation referred to in S. 8 shall be three tins of paddy for every household for the first one hundred households in the gam and two tins of paddy for every additional household in that gam per year.

(2) For the purposes of sub-S. (1), where the Chief has rights and interests in more than one gam, all the households in all such gams shall be taken as a single unit for determining the compensation payable :

Provided that only those households in respect of which changseo were paid or were liable to be paid to the Chief immediately before the commencement of this Act shall be taken into account.

10. Preliminary publication of compensation statement. (1) Compensation Officer shall, for determination of the compensation payable under S. 8 prepare the compensation statement referred to in S. 8.

(2) The Compensation Officer shall cause a notice together with the draft of the compensation statement—

- (a) to be served in the manner prescribed on every person whose name appears in the compensation statement ; and
- (b) to be published also in the manner specified in sub-S. (3) of sub-S. 3 ;

calling for objections from persons interested and requiring them to submit their objections in writing within thirty days from the date of service of publication, as the case may be, of the notice.

(3) On receipt of the objections and after giving an opportunity of hearing to such of the persons as have made a request for a personal hearing in their written objections, the Compensation Officer, shall after making such further inquiries as may be necessary—

- (i) decide the persons who are entitled to the payment of compensation ; and
- (ii) apportion the individual share of such persons in the compensation ;

whether or not their names appeared in the compensation statement and shall revise the statement if necessary.

(4) Every decision under sub-S. (3) shall contain a concise statement of the case, the points for determination, the decision and the reasons for such decision.

(5) Every such decision shall, subject to the provisions of Ss. 11 and 15, be final.

11. Appeal to the district court. Any person aggrieved by the decision of the Compensation Officer under S. 10 may within thirty days from the date of communication of the decision, prefer an appeal to the District Court within whose jurisdiction the village specified in the relevant notification under S. 3 is situate.

12. Final publication of compensation statement. Where no objections have been received under S. 10 within the time allowed therefor in the notice, or where any objection have been received after such objections and the appeals, if any, under S. 11 have been disposed of and the compensation statement has been duly corrected in such a way as to give effect to the orders passed on such objections and appeals, if any, the Compensation Officer shall

cause the compensation statement or the compensation statement so corrected, as the case may be, to be finally published and on such publication every entry in the compensation statement shall, except as provided in this Act be final.

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

(2) Corrections of *bona fide* mistakes or corrections of any interest of a chief or any other person in the gam may be made by the Compensation Officer at any time before the payment of compensation, either of his own motion or on application made by the person interested, but no such correction shall be made while an appeal affecting such entry is pending.

(3) If a chief or any other person entitled for compensation dies before the compensation payable to him is paid in full, the Compensation Officer shall correct the compensation statement after ascertaining the heirs or representatives of the deceased person in the manner prescribed.

(4) Before making any corrections referred to in sub-S. (2) or sub-S. (3), the Compensation Officer shall cause the draft of the corrections to be published in the same manner as the draft compensation statement is required to be published under S. 10 and after considering and disposing of any objections that may be made in the manner provided in sub-S. (4) of that section, shall by order cause the corrections to be finally published and incorporated in the compensation statement.

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

Provided that the total amount of compensation may be paid at the option of the Government, to a chief in a lump^a in cash calculated on the basis of the prevailing market price of paddy in the locality where the game is situate ;

Provided further that in making a decision under the first proviso, Government shall take into consideration the preference given by the chief or any other person having a claim to the payment of compensation and incorporated in the compensation statement.

(2) The Compensation Officer shall, on receipt of the orders of the Government under sub-S. (1), make payment of the compensation so payable to the persons entitled to the compensation according to the compensation statement finally published.

15. Second appeal. An appeal shall lie to the Court of the Judicial Commissioner from every decision of—

- (a) the Chief Commissioner under S. 7 ; and
- (b) the District Court under S. 11 ;

if filed within sixty days from the date of the communication of the decision.

CHAPTER IV.

Lands in hill areas

16. Rights in or over certain lands. (1) Notwithstanding anything contained in Ss. 3 and 4 a chief or any other person shall be entitled to retain, with effect from the date of vesting—

- (a) any land which has been brought by him under settled cultivation immediately before the commencement of this Act ;
- (b) any land which immediately before the commencement of this Act is used by him as homestead, for business premises or for industry or for any other non-agricultural purposes.

(2) Any person which is entitled to retain possession of any such land under sub-S. (1) shall hold such land as owner thereof and the rights over such land shall be permanent heritable and transferable.

Explanation. "Settled cultivation" means cultivation, other than jhum cultivation ; which is normally done by the use of plough.

17. Reservation for certain lands. The Government may reserve lands under jhum cultivation or any other lands (not being lands referred to in S. 16) for purposes of settled cultivation in such manner as may be prescribed and allot them on such terms and conditions as may be prescribed.

18. Regulation of jhum cultivation. (1) The Government may, subject to the condition of previous publication, make rules for allotment of land for jhum cultivation and such rules may also specify the rent payable in respect of the lands allotted. Without prejudice to the generality of this sub-section such rules may provide the following :

- (i) Persons eligible for allotment.
- (ii) Ceiling of area of land to be allotted.
- (iii) Persons or classes of persons who may be given preference.
- (iv) Premium and land rent payable in respect of such land.
- (v) Condition of allotment.
- (vi) Exemption of certain classes of persons from payment of premium.
- (vii) Areas in which such allotment may be made.
- (viii) Any other matter.

(2) The order of preference in making allotment shall, as far as may be, as follows :

- (i) A landless agricultural labourer residing in the locality, and who has been practising or engaged on terrace cultivation ;
- (ii) A landless agricultural labourer residing in the locality and who has been practising jhum cultivation but requires such land for conservation ;
- (iii) A landless agricultural labourer residing in the locality and who has been practising jhum cultivation at any time within 3 years before the date of application ;
- (iv) Any other person residing in the locality having no land for cultivation or having cultivation not more than two and half acres in area ;
- (v) A recognised educational institution, if any, for a purpose connected with instructions in agriculture, horticulture or animal husbandry ;
- (vi) A co-operative farm, if any ; and
- (vii) Any other person.

19. Application of Manipur Land Revenue and Land Reforms Act, 1960. Notwithstanding anything contained in sub-S. (2) of S. (1) of the Manipur Land Revenue and Land Reforms Act, 1960 the Government may, by notification in the official Gazette, extend, with effect from such date as may be specified in the notification, to the Hill Areas or any part thereof, all the provisions of Parts I and II of the said Act subject to the modifications specified in the Schedule to this Act.

20. Power to obtain information. The Deputy Commissioner or a Compensation Officer may require any person to furnish any information, statement or report which he considers necessary for carrying out the purposes of this Act.

CHAPTER V

Miscellaneous

21. Protection of action taken in good faith. No suit, prosecution or other legal proceedings shall lie—

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

22. Inquiries or proceedings under this Act to be deemed judicial proceedings. The Deputy Commissioner or the Compensation Officer, for the purposes of inquiries or proceedings under this Act shall have the same powers as are vested in a court under the Code of Civil Procedure, 1908, in respect of—

- (a) enforcing the attendance of any person and examining him on oath or affirmation ;
- (b) compelling the production of documents ; and
- (c) issuing commission for the examination of witnesses ;

and such inquiries or proceedings shall be deemed to be judicial proceedings within the meaning of Ss. 193 and 228, and for the purpose of S. 196 of the Indian Penal Code.

23. Penalties. Whoever,—

- (a) wilfully fails or neglects to comply with any requirements made by him under this Act, or
- (b) contravenes any lawful order passed under this Act, or
- (c) obstructs or resists the Deputy Commissioner or any officer authorised by him in this behalf in the taking of charge of any lands and interests of chief which are vested in the Government under this Act, or
- (d) furnishes information which he knows or believes to be false or does not believe to be true, shall on conviction before the Magistrate be punishable with fine which may extend to five hundred rupees.

24. **Power to remove difficulties.** If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

25. **Power to make rules.** (1) The Government may, subject to the condition of previous publication and subject to the provisions of S. 18, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly of the Union territory of Manipur while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule shall not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[See Section 19]

In S. 1 of the Manipur Land Revenue and Land Reforms Act, 1960 (hereafter referred to as the said Act) ;

1. (a) in sub-S. (2), the words "except the hill areas thereof" shall be omitted and the following proviso shall be inserted at the end, namely :

"Provided that in respect of the Hill Areas, only the provisions of Parts I and II shall apply ;"

- (b) to sub-S. (3), the following proviso shall be added, namely :

"Provided that in respect of the Hill Areas or any part thereof all the provisions of Parts I and II of this Act shall come into force on the date specified therefor in the notification issued under S. 19 of the Manipur Hill Areas (Acquisition of Chiefs Rights) Act, 1966".

2. In S. 2 of the said Act :

- (a) to Cl. (d), the following proviso shall be added namely :

"Provided that in respect of the Hill Areas or any part thereof it shall mean the date specified in respect of that area in the notification issued under S. 19 of the Manipur Hill Areas (Acquisition of Chiefs Rights) Act, 1966 ;"

- (b) for Cl. (j), the following clause shall be substituted, namely :

"(j) 'Hill Areas' means the areas in the hill tracts of the Union territory of Manipur as have been declared to be hill areas by the Administrator by notification in the official Gazette before the commencement of the Manipur Hill Areas (Acquisition of Chiefs Rights) Act, 1966 ;"

3. To sub-S. (1) of S. 11 of the said Act the following proviso shall be inserted namely ;

“Provided that the residents of the Hill Areas shall, subject to such conditions as may be prescribed, be allowed to take so much timber, fire wood or other natural products belonging to the Government for their domestic or agricultural purpose from any place within the Hill Areas, not being a reserved forest, as may be notified by the Government from time to time.”

4. In S. 14 of the said Act,—

(a) in sub-S. (1), after the words “The Deputy Commissioner may” the words, brackets and figures “subject to the provisions contained in S. 18 of the Manipur Hill Areas (Acquisition of Chiefs Rights) Act, 1966, and the rules made under the Act” shall be inserted ;

(b) in Cl. (b) of sub-S. (2), after the words “Gram Panchayat”, the words “or any other local authority”, shall be inserted.

5. After Cl. (ii) of sub-S. (2) of S. 98 of the said Act, the following clause shall be inserted namely :

“(iii) the conditions under which the residents of Hill Areas may be allowed to take timber, fire wood and other natural products for domestic use or agricultural purposes from any place in the Hill Areas not being a reserved forest.”
