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The Land Acquisition Act, 1894

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**MANIPUR PUBLIC PREMISES
(Eviction of Unauthorized Occupants)
Act.1878**

**MANIPUR HILL AREAS
(House Tax)
Act. 1966**

**THE
LAND ACQUISITION ACT, 1894
[Act No. 1 of 1894 as amended up to Act 68 of 1984] [2nd February, 1894]**

An Act to amend the law for the acquisition of land for public purposes and for
Companies

Whereas it is expedient to amend the law for the acquisition of land needed for public purposes and for Companies and for determining the amount of compensation to be made on account of such acquisition; it is hereby enacted as follows:-

**PART I
PRELIMINARY**

1. **Short title, extent and commencement:-** (1) This Act may be called the land Acquisition Act, 1894.
 - (i) It extends to the whole of India except [the state of Jammu & Kashmir.]
 - (ii) It shall come into force on the first day of March, 1894.
2. **[Repeal & Saving.]** Repealed in part by the Repealing and Amending Act. 1914 (X of 1914), Section 3 and Schedule II, and later in part by the Repealing Act,1938 (1 of 1938), Section 2 and Schedule.

3. **Definitions:-** In this Act, unless there is something repugnant in the subject or context,-
- (a) the expression “land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;
 - (aa) the expression “ local authority” includes a town planning authority (by whatever name called) set up under any law for the time being in force:]
 - (b) the expression “person interested” includes all persons claiming an interest in compensation to be made on account of the acquisition of land this Act ; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;
 - (c) the expression “ Collector” means the Collector of a district, and includes a Deputy Commissioner and Officer specially appointed by the” [appropriate Government] to perform the functions of a Collector under this Act;
 - [(cc) the expression “corporation owned or controlled by the State” means any body corporate established by or under a Central, Provincial or State Act, and includes a Government company as defined in Section 617 of the Companies Act, 1956, a society registered under the Societies Registration Act, 1860, or under any corresponding law for the time being in force in a State, being a society established or administered by Government and a co-operative Society within the meaning of any law relating to co-operative societies for the time being in force in any State being a co-operative society in which not less than fifty one per centum of the paid up share capital is held by the Central Government, or by any State Government or Governments, or partly by the Central Government and partly by one or more State Government;]
 - (d) the expression “Court” means a principal Civil Court of original jurisdiction, unless the[appropriate Government] has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act;
 - (e) the expression “ Company” means-
 - (i) a company as defined in section 3 of the Companies Act, 1956, other than a Government company referred to in clause(cc);
 - (ii) a society registered under the societies Registration Act, 1860, or under any corresponding law for the time being in force in any State, other than a co-operative society referred to in clause(cc);]
 - (iii) a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State, other than a co-operative society referred to in clause(cc);]
 - [(ee) the expression ”appropriate Government” means, in relation to acquisition of land for the purposes of the Union, the Central Government, and, in relation to acquisition of land for any other purposes, the State Government:]
 - [(f) the expression “public purpose” includes-

- (i) the provision of village-sites, or the extension, planned development or improvement of existing village sites;
 - (ii) the provision of land for town or rural planning;
 - (iii) the provision of land for planned development of land from public funds in pursuance of any scheme or policy of Government and subsequent disposal thereof in whole or in part by lease, assignment or outright sale with the object of securing further development as planned;
 - (iv) the provision of land for a corporation owned or controlled by the State;
 - (v) the provision of land for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by government, any local authority or a corporation owned or controlled by the State;
 - (vi) the provision of land for carrying out any educational, health housing or slum clearance scheme sponsored by Government or by any authority established by Government for carrying out any such scheme, or with the prior approval of the appropriate Government, by a local authority, or a society registered under the Societies Registration Act, 1860, or under any corresponding law for the time being in force in a State, or a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State;
 - (vii) the provision of land for any other scheme of development sponsored by Government, or, with the prior approval of the appropriate government, by a local authority;
 - (viii) the provision of any premises or building for locating a public office,
- (g) the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided(that is to say)-

Trusted for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability; a married woman, in cases to which the English law is applicable shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics, or idiots themselves, if free from disability, could have acted:

Provided that-

- (i) no persons shall be deemed "entitled to act" whose interest in the subject matter shall be shown to the satisfaction of the collector or court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;
- (ii) in every such case the person interested may appear by a next friend or, in default of his appearance by a next friend the collector or court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;

- (iii) the provision of [order XXXII of the First Schedule to the Code of Civil procedure, 1908] shall, mutates mutation apply in the case of persons interested appearing before a collector or court by a next friend, or by a Guardian for the case, in proceedings under this Act ; and
- (iv) no person “entitled to act” shall be competent to receive the compensation money-payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land and receive and give a good discharge for the purchase money on a voluntary sale.

PART II
ACQUISITION
Preliminary Investigation

4. Publication of preliminary notification and powers of officers thereupon

- (i) Whenever it appears to the [appropriate Government] that land in any locality [is needed or] is likely to be needed for any public purpose [or for a company], a notification to that effect shall be published in the Official Gazette (and in two daily newspapers circulating in that locality of which at least one shall be in the regional language) and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality [(the last forth dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the notification)].
- (ii) Thereupon it shall be lawful for any officer, either generally or specially authorized by such Government in this behalf, and for his servants and workmen-
 - to enter upon and survey and take levels of any land in such locality;
 - to dig or bore into the sub-soil;
 - to do all other acts necessary to ascertain whether the land is adapted for such purpose;
 - to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;
 - to mark such levels, boundaries and line by placing marks and cutting trenches ; and,Where otherwise the survey cannot be completed and the levels taken and the boundaries and line by placing mark and cutting trenches; and,

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier

thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

5. Payment for damage - The officers so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief Revenue Officer of the district, and such decision shall be final.

5-A Hearing of objections-(1) Any person interested in any land which has been notified under Section 4, sub-section (1), as being needed or likely to be needed for a public purpose or for a company may, [within thirty days from the date of the publication of the notification], object to the acquisition of the land or of any land in the locality, as the case may be.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard "[in person or by any person or by any person authorized by him in this behalf] or by pleader and shall after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, [either make a report in respect of the land which has been notified under Section 4, sub-section (1) or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government]. The decision of the [appropriate Government] on the objections shall be final.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act.]

Declaration of intended acquisition

6. Declaration that land is required.- (1) Subject to the provisions of part VII of this Act, [When the [appropriate Government] is satisfied, after considering the report, if any, made under Section 5-A, sub-section (2)] that any particular land is needed for a public purpose, or for a company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders [and different declarations may be made from time in respect of different parcels of any land covered by the same notification under Section 4, sub-section (1), irrespective of whether one report or different reports has or have been made (wherever required) under Section 5-A sub-section(2)]:

[Provided that no declaration in respect of any particular land covered by a notification under Section 4, sub-section (1), -

(i) published after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967), but before the commencement of the Land Acquisition (Amendment) Act, 1984, shall be

made after the expiry of three years from the date of the publication of the notification ; or

- (ii) Published after the commencement of the Land Acquisition (Amendment) Act, 1984, shall be made after the expiry of one year from the date of the publication of the notification:]

Provided further that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

Explanation 1 – In computing any of the periods referred to in the first proviso, the period during which any action or proceeding to be taken in pursuance of the notification issued Section 4, sub-section (1), is stayed by an order of a Court shall be excluded.

Explanation 2 – Where the compensation to be awarded for such property is to be paid out of the funds of a corporation owned or controlled by the State, such compensation shall be deemed to be compensation paid out of public revenues.

- (2) “ Every declaration shall be published in the Official Gazette, “ and in two daily newspapers circulating in the locality in which the land is situate of which at least one shall be in the regional language, and the Collector shall cause public notice of the substance of such declaration to be given at convenient places in the said locality (the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the declaration), and such declaration shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.
- (3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be; and, after making such declaration, the appropriate Government may acquire the land in manner hereinafter appearing.

7. After declaration Collector to take order for acquisition – Whenever any land shall have been so declared to be needed for a public purpose or for a Company, the appropriate Government, or some officer authorized by the appropriate Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

8. Land to be marked out, measured and planned – The Collector shall thereupon cause the land (unless it has been already marked out under Section 4) to be marked out. He shall also cause it to be measured, and if no plan has been made thereof, a plan to be made of the same.

9. Notice to persons interested – (1) The Collector shall then cause the public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or the agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice) and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under Section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believe to be interested therein, or to be entitled to act for persons so interested as reside or have agents authorized to service on their behalf within the revenue district in which the land is situate.

(4) In case nay person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address or place of business and registered under Section 28 and 29 of the Indian Post Office Act, 1898.

10. Power to require and enforce the making of statements as to names and interests.

1. The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgage, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

2. Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of Sections 175 and 176 of the Indian Penal Code (45 of 1860).

Enquiry into Measurements, Value and Claims and Award by the Collector.

11. Enquiry and award by Collector

1. On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under Section 9 to the measurements made under Section 8, and into the value of the land [at the date of the publication of the notification under

Section 4, sub-section (1)], and into the respective interests of the persons claiming the compensation and shall make an award under his hand of :

- (i) the true area of the land;
- (ii) the compensation which in his opinion should be allowed for the land; and
- (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him:

Provided that no award shall be made by the Collector under this sub-section without the previous approval of the appropriate Government or of such officer as the appropriate Government may authorize in this behalf :

Provided further that it shall be competent for the appropriate Government to direct that the Collector may make such award without such approval in such class of cases as the appropriate Government may specify in this behalf.

2. Notwithstanding anything contained in sub-section (1), if any stage of the proceedings, the Collector is satisfied that all the persons interested in the land who appeared before him have agreed in writing on the matters to be included in the award of the Collector in the form prescribed by rules made by the appropriate Government, he may, without making further enquiry, make an award according to the terms of such agreement.
3. The determination for any land under sub-section (2) shall not in any way affect the determination of compensation in respect of other lands in the same locality or elsewhere in accordance with the other provisions of this Act.
4. Notwithstanding anything contained in the Registration Act, 1908, (16 of 1908), no agreement made under sub-section (2) shall be liable to registration under that Act.

11-A. Period within which an award shall be made

The Collector shall make an award under Section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse :

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act 1984, the award shall be made within a period of two years from such commencement.

Explanation : In computing the period of two years referred to in this section, the period during which any action or proceeding to be taken in pursuance of the said declaration is stayed by an order of a Court shall be excluded.

12. Award of Collector when to be final – (1) Such award shall be filed in the Collector's office and shall, except as herein after provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.

13. Adjournment of enquiry – The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

13-A. Correction of clerical errors, etc – (1) The Collector may, at any time but not later than six months from the date of the award, or where he has been required under Section 18 to make a reference to the Court, before the making of such reference, by order, correct any clerical or arithmetical mistakes in the award or errors arising therein either on his own motion or on the application of any person interested or a local authority;

Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making a representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered as an arrear of land revenue.

14. Power to summon and enforce attendance of witnesses and production of documents – For the purpose of enquiries under this Act the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and (so far may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908.

15. Matters to be considered and neglected – In determining the amount of compensation, the Collector shall be guided by the provisions contained in Sections 23 and 24.

15A. Power to call for records, etc – The appropriate Government may at any time before the award is made by the Collector under Section 11 call for any record of any proceedings (whether by way of enquiry or otherwise) for

the purpose of satisfying itself as to the legality or propriety of any finding or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation thereto as it may think fit.

Provided that the appropriate Government shall not pass or issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard.

Taking Possession

16. Power to take possession – When the Collector has made an award under Section 11, he may take possession of the land, which shall thereupon vest absolutely in the Government free from all encumbrances.

17. Special powers in cases of urgency – (1) In cases of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in Section 9, sub-section (1), take possession of any land needed for public purpose. Such land shall thereupon vest absolutely in the Government, free from all encumbrances.

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any railway Administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or access to any such station, or the appropriate Government considers it necessary to acquire the immediate possession of any land for the purpose of maintaining any structure or system pertaining to irrigation, water supply, drainage road communication or electricity, the Collector may, immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the appropriate Government, enter upon and take possession of such land, which shall thereupon vest absolutely in the Government free from all encumbrances.

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty eight hours notice of his attention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

(3) In every case under either of the preceding sub-sections the Collector shall at the time of taking possession offer to the persons interested compensation for the standing crops and trees (if any) on such land and for any other damage sustained by them caused by such sudden dispossession and not excepted in Section 24; and, in case such offer is not accepted, the

value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

3-A. Before taking possession of any land under sub-section (1) or sub-section (2), the Collector shall, without prejudice to the provisions of sub-section (3) –

- (a) tender payment of eighty per centum of the compensation for such land as estimated by him to the persons interested entitled thereto, and
- (b) pay it to them, unless prevented by some one or more of the contingencies mentioned in Section 31, sub-section (2) and where the Collector is so prevented, the provisions of Section 31, sub-section (2), (except the second proviso thereto), shall apply as they apply to the payment of compensation under that section.

3-B The amount paid or deposited under sub-section (3-A) shall be taken into account for determining the amount of compensation required to be tendered under Section 31, and where the amount so paid or deposited exceeds the compensation awarded by the Collector under Section 11, the excess may, unless refunded within three months from the date of the Collector's award, be recovered as an arrear of land revenue.

- 5. In case of any land to which, in the opinion of the appropriate Government, the provisions of sub-section (1) or sub-section (2) are applicable, the appropriate Government may direct that the provision of Section 5A shall not apply, and, if it does so direct declaration may be made under Section 6 in respect of the land at any time after the date of the publication of the notification under Section 4, sub-section (1)

PART III

REFERENCE TO COURT AND PROCEDURE THEREON

18. Reference to Court – (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken :

Provided that every such application shall be made –

- (a) if the person making it was present or represented before the Collector at the time he made his award, within six weeks from the date of the Collector's award;
- (b) in other cases, within six weeks of the receipt of the notice from the Collector under Section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.

19. Collector's statement to the Court –

- (1) In making the reference the Collector shall state for the information of the Court, in writing under his hand –
 - (a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;
 - (b) the names of the persons whom he has reason to think interested in such land;
 - (c) the amount awarded for damages and paid or tendered under Sections 5 and 17, or either of them, and the amount of compensation awarded under Section 11;
 - (cc) the amount paid or deposited under sub-section (3-A) of Section 17 and
 - (c) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.
- (2) To the said statement shall be attached a schedule giving the particulars of the notices served upon and of the statements in writing made or delivered by, the parties interested respectively.

20. Service of notice – The Court shall thereupon cause a notice, specifying the day on which the Court will proceed to determine the objection and directing their appearance before the Court on that day, to be served on the following persons, namely :

- (a) the applicant;
- (b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and
- (c) if the objection is in to regard the area of the land or to the amount of the compensation, the Collector.

21. Restriction on scope of proceedings – The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

22. Proceedings to be in open Court – Every such proceeding shall take place in open Court, and all persons entitled to practise in any Civil Court in the State shall be entitled to appear, plead and act (as the case may be) in such proceeding.

23. Matters to be considered in determining compensation –

(1) In determining the amount of compensation to be awarded for land acquired under the Act, the Court shall take into consideration :

First, the market value of the land at the date of the publication of the notification under Section 4, sub-section (1);

Secondly, the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof;

Thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

Fourthly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

Fifthly, if, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change; and

Sixthly, the damage (if any) bonafide resulting from diminution of the profits of the land between the time of the publication of the declaration under Section 6 and the time of the Collector's taking possession of the land.

(1-A) In addition to the market-value of the land, as above provided the Court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market value for the period commencing on and from the date of the publication of the notification under Section 4, sub-section (1), in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Explanation – In computing the period referred to in this sub-section any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any court shall be excluded.

(2) In addition to the market value of the land, as above provided, the Court shall in every case award a sum of thirty per centum on such market value, in consideration of the compulsory nature of the acquisition.

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For Section 23, substituted the following section, namely,

23. Matters to be considered in determining compensation – In determining the amount of compensation to be awarded for the land or any interest therein acquired under this Act, the Court shall take into consideration the following :

- (1) the market value at the date of the publication of the notification under (1) or at the first Section 4, sub-section day of July, 1959, whichever is less ;
- (2) the use to which the land was put at the date of such notification;
- (3) the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time when the possession was taken from him;
- (4) the damage, if any, sustained by the person interested at the time of the possession being taken from him by reason of severing such land from his other land;

- (5) the damage, if any sustained by the person interested at the time of the possession being taken from him of the land by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner of his earnings;
- (6) if, in consequence of the acquisition of the land the person interested is compelled to change his residence or place of business, the reasonable expenses, if any incidental to such change.

24. Matters to be neglected in determining compensation : But the Court shall not take into consideration :

- first – the degree of urgency which has led to the acquisition;
- secondly – any disinclination of the person interested to part with land acquired;
- thirdly – any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;
- fourthly – any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under Section 6, by or in consequence of the use to which it will be put;
- fifthly, - any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;
- sixthly – any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;
- seventhly – any outlay or improvements on, or disposal of, the land acquired commenced made or effected without the sanction of the Collector after the date of the publication of the notification under Section 4, sub-section (1); or
- eighthly – any increase to the value of the land on account of its being put to any use which is forbidden by law or opposed to public policy.

25. Amount of compensation by Court not to be lower than the amount awarded by the Collector – The amount of compensation awarded by the Court shall not be less than awarded by the Collector under Section 11.

26. Form of awards – (1) Every award under this Part shall be in writing signed by the Judge, and shall specify the amount awarded under clause first of sub-section (1) of Section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

- (3) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of Section 2, clause (2), and Section 2, clause (9), respectively, of the Code of Civil Procedure, 1908. (5 of 1908).

27. Costs – (1) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid.

- (2) When the award of the Collector is not upheld, the costs shall ordinarily be paid by the Collector, unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made he should pay a part of the Collector's costs.

28. Collector may be directed to pay interest on excess compensation – If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of nine per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court :

Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry.

28-A. Re-determination on the amount of compensation on the basis of the award of the Court – (1) Where in an award under this part, the Court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under Section 11, the persons interested in all the other land covered by the same notification under Section 4, sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under Section 18, by written application to the Collector within three months from the date of award of the Court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Court:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

- (2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard and make an award determining the amount of compensation payable to the applicants.
- (3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court any the provisions of Sections 18

to 28 shall, so far as may be, apply to such reference as they apply to a reference under Section 18.

PART IV APPOINTMENT OF COMPENSATION

29. Particulars of apportionment to be specified – Where there are several persons interested, if such persons agree the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such Persons the award shall be conclusive evidence of the correctness of the apportionment.

30. Dispute as to apportionment – When the amount of compensation has been settled under Section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

PART V PAYMENT

31. Payment of compensation or deposit of same in Court – (1) On making an award under Section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next subsection.

(2) If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under Section 18 would be submitted :

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under Section 18 :

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section, the Collector may, with the sanction of the appropriate Government, instead of awarding a money compensation in

respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned.

(4) Notwithstanding in the last forgoing sub-section shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land and competent to contract in respect thereof.

32. Investment of money deposited in respect of lands belonging to persons incompetent to alienate – (1) If any money shall be deposited in Court under sub-section (2) of the last preceding section and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall –

- (a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or
- (b) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the Court shall think fit;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such money shall remain so deposited and invested until the same be applied –

- (i) in the purchase of such other lands as aforesaid; or
- (ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In case of money deposited to which this section applies the Court shall order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Collector, namely -

- (a) the costs of such investments as aforesaid
- (b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such money are for the time being invested, and for the payment out of Court of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

33. Investment of money deposited in other cases – When any money shall have been deposited in Court under this Act for any cause other than that mentioned in the last preceding section, the Court may, on the application of any party interested or claiming an interest in such money order the same to be invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit therefrom as they might have had from the

land in respect whereof such money shall have been deposited or as near thereto as may be.

34. Payment of interest – When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per centum per annum from the time of so taking possession until it shall have been so paid or deposited:

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.

PART VI TEMPORARY OCCUPATION OF LAND

35. Temporary occupation of waste or arable land. Procedure difference as to compensation exists – (1) Subject to the provisions of Part VII of this Act, whenever it appears to the appropriate Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the appropriate Government may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or appointment thereof, the Collector shall refer such difference to the decision of the Court.

36. Power to enter and take possession, and compensation on restoration –

(1) On payment of such compensation, or on executing of such agreement or on making a reference under Section 35, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the persons interested therein :

Provided that if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require the land as if it was needed permanently for a public purpose or for a Company.

37. Difference as to condition of land – In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Court.

PART VII ACQUISITION OF LAND FOR COMPANIES

38. Company may be authorized to enter and survey –

38-A. Industrial concern to be deemed Company for certain purposes – An industrial concern, ordinarily employing not less than one hundred workmen owned by an individual or by an association of individuals and not being a Company, desiring to acquire land for the erection of dwelling houses for workmen employed by the concern or for the provision of amenities directly connected therewith shall, so far as concerns the acquisition of such land, be deemed to be a Company in Sections 4, 5-A, 6, 7 and 50 shall be interpreted as references also to such concern.

39. Previous consent of appropriate Govt. and execution of agreement necessary – The provisions of Sections 6 to 16 (both inclusive) and Sections 18 to 37 (both inclusive) shall not put in force in order to acquire land for any Company under this Part, unless with the previous consent of the appropriate Government, nor less the Company shall have executed the agreement hereinafter mentioned.

40. Previous enquiry – (1) Such consent shall not be given unless the appropriate Government be satisfied, either on the report of the Collector under Section 5-A sub-section (2), or by an enquiry held as hereinafter provided –

(a) that the purpose of the acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith or

(aa) that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry or works which is for a public purpose, or

(b) that such acquisition is needed for the construction of some work, and that such work is likely to prove useful to the public.

(2) Such enquiry shall be held by such officer and at such time and place as the appropriate Government shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure, 1908 in the case of a Civil Court.

41. Agreement with appropriate Government – If the appropriate Government is satisfied “ after considering the report. If any, of the Collector under Section 5-A, sub section (2), or on the report of the officer making an enquiry under Section 40 that “ the proposed acquisition is for any of the purposes referred to in clause (a) or clause (aa) or clause (b) of sub-section (1) of Section 40, it shall “ ** require the Company to enter into an agreement with the appropriate Government, providing to the satisfaction of the appropriate Government for the following matters, namely –

- (1) the payment of the appropriate Government of the cost of the acquisition;
- (2) the transfer, on such payment, of the land to the Company;
- (3) the terms on which the land shall be held by the Company;
- (4) Where the acquisition is for the purpose of erecting dwelling houses or the provision of amenities connected therewith, the time within which the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided;
- (4-A) Where the acquisition is for the construction of any building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose, the time within which, and the conditions on which, the building or work shall be constructed or executed; and
- (5) Where the acquisition is for the construction of any other work, the time within which and the conditions on which the work shall be executed and maintained, and the terms on which the public shall be entitled to use the work.

42. Publication of agreement – Every such agreement shall as soon as may be after its execution, be published “** in the Official Gazette and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

43. Section 39 to 42 not to apply where Government bound by agreement to provide land for Companies – The provisions of Sections 39 to 42, both inclusive, shall not apply, and the corresponding sections of the “ Land Acquisition Act, 1870 (10 of 1870), shall be deemed never to have applied, to the acquisition of land for any Railway or other Company, for the purposes of which, under any agreement with such Company, the Secretary

of State for India in Council, the secretary of State, the Central Government or any State Government is or was bound to provide land.

44. How agreement with Railway Company may be proved – In the case of the acquisition of land for the purposes of a Railway Company, the existence of such an agreement as is mentioned in Section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government.

44A. Restriction on transfer, etc – No company for which any land is acquired under this Part shall be entitled to transfer the said land or any part thereof by sale, mortgage, gift, lease or otherwise except with the previous sanction of the appropriate Government.

44-B. Land not to be acquired under this Part except for certain purpose for private companies other than Government companies – Notwithstanding anything contained in this Act, no land shall be acquired under this Part, except for the purpose mentioned in clause (a) of sub-section (1) of Section 40, for a private company which is not a Government company.

Explanation - “ Private company” and “ Government company” shall have the meanings respectively assigned to them in the Companies Act,

PART VIII MISCELLANEOUS

45. Service of notices – (1) Service of any notice under this Act shall be delivering or tendering a copy thereof signed, in the case of a notice under Section 4, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the court house, and also in some conspicuous part of the land to be acquired :

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and registered under Sections 28

and 29 of the Indian Post Office Act, 1898, and service of it may be proved by the production of the addressee's receipt.

46. Penalty for obstructing acquisition of land – Whoever willfully obstructs any person in doing any of the acts authorized by Section 4 or Section 8, or willfully fills up, destroys, damages or displaces any trench or mark made under Section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding five hundred rupees, or to both.

47. Magistrate to enforce surrender – If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

48. Completion of acquisition not compulsory, but compensation to be awarded when not completed – (1) Except in the case provided for in Section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

(3) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.

49. Acquisition of part of house or building – (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be so acquired :

Provided that the owner may, at any time before the Collector has made his award under Section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so acquired :

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house manufactory or building within the meaning of this section, the Collector shall

refer the determination of such question to the Court and shall not take possession of such land until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house, manufactory or building.

(2) If, in the case of any claim under Section 23, sub-section (1), thirdly by a person interested, on account of the severing of the land to be acquired from his other land, the appropriate Government is of the opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land or which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under Sections 6 to 10, both inclusive, shall be necessary; but the Collector shall without delay furnish a copy of the order of the appropriate Government to the person interested, and shall thereafter proceed to make his award under Section 11.

50. Acquisition of land at cost of a local authority or Company – (1)

Where the provision of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Company, the charges of and incidental to such acquisition shall be defrayed from or by such fund or Company.

(2) In any proceeding held before a Collector or Court in such cases the local authority or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation :

Provided that no such local authority or Company shall be entitled to demand a reference under Section 18.

51. Exemption from stamp duty and fees – No award or agreement made under this Act shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

51-A. Acceptance of certified copy as evidence – In any proceeding under this Act, a certified copy of a document registered under the Registration Act, 1908 (16 of 1908), including a copy given under Section 57 of that Act, may be accepted as evidence of the transaction recorded in such document.

52. Notice in case of suits for anything done in pursuance of Act –

No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such

person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

53. Code of Civil Procedure to apply to proceeding before Court – save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure, 1908, shall apply to all proceedings before the Court under this Act.

54. Appeals in proceedings before Court – Subject to the provisions of the Code of Civil Procedure, 1908 (5 of 1908), applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force an appeal shall only lie in any proceedings under this Act of the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to the Supreme Court subject to the provisions contained in Section 110 of the Code of Civil Procedure, 1908, and in Order XLV thereof.

55. Power to make rules – (1) The appropriate Government shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made :

Provided that the power to make rules for carrying out the purposes of part VII of this Act shall be exercisable by the Central Government and such rules may be made for the guidance of the State Government and the officers of the Central Government and of the State Government :

Provided further that every such rule made by the Central Government shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should 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.

Provided also that every rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.

(2) The power to make, alter and add to rules under sub-section (1) shall be subject to the condition of the rules being made, altered or added to after previous publication.

(3) All such rules, alterations and additions shall be published in the Official Gazette, and shall thereupon have the force of law.

**THE MANIPUR PUBLIC PREMISES
(EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1978.**

To provide for the prevention of slums and for the speedy eviction of unauthorised occupants from public premises in the State of Manipur. Be it enacted by the Legislature of Manipur in the twenty ninth Year of the Republic of India as follows :

- 1. Short title, extent and commencement** (1) This Act may be called the Manipur Public Premises (Eviction of Unauthorised Occupants) Act, 1978.
(2) It extends to the whole State of Manipur.
(3) It shall come into force with effect from 1st Dec 1978.

2. Definitions. In this Act, unless the context otherwise requires –

- (a) “competent authority” means any person or authority authorized by the Government, by notification, to perform the functions of the competent authority under this Act for such area or in relation to such class or public premises as may be specified in the notification.
(b) “Government” means the State Government.
(c) “Local authority” includes Planning & Development Authority, Municipal Board, District Council, Block Samiti, Town Committee, Gram Panchayat, etc.
(d) “Premises” means any land or any building or hut or part of a building or hut and includes
(i) gardens, grounds and outhouses, if any, appertaining to such building or hut or part of a building or hut, and
(ii) any fittings affixed to such building or hut or part of a building or hut for the more beneficial enjoyment thereof;
(e) “public premises” means
(i) any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the Government;
(ii) any premises belonging to, or vested, in a local authority.
(f) “Revenue Commissioner” means the Revenue Commissioner of the Government of Manipur;
(g) “Unauthorised occupation” in relation to any public premises, means the occupation, with in a period of two years immediately before the date of the commencement of this Act or at any time after such date by any person, of the public premises without lawful authority for such occupation.

3. Eviction of authorized occupants –

- (1) If the competent authority, after making such inquiry as it deems fit, is satisfied that any public premises are in unauthorized occupation, it may, for reasons to be recorded in writing, make an order of eviction directing that the public premises shall

- (1) (i) in the case of buildings, within ten days from the date of the proclamation referred to in clause (b) of sub-section (2) and
(iii) in other cases, within three days from the date of such proclamation, be vacated by all persons who may be in occupation thereof or any part thereof.
 - (2) (a) The competent authority shall before the date of the proclamation referred to in clause (c), cause a copy of the order made by it under sub-section (1) to be affixed on the outer door or some other conspicuous part of the public premises.
 - (b) (i) An officer specially authorized by the competent authority in this behalf shall cause the order made under subsection (1) to be proclaimed by beat of drum or tom-tom in or near the locality concerned and thereupon such order shall be deemed to have been duly served on all persons concerned.
 - (iii) The officer specially authorized by the competent authority under sub section (1) shall record a certificate stating the date of the proclamation and such certificate shall be conclusive proof of the fact and the date of such proclamation.
4. Taking possession of public premises in cases of refusal or failure to comply with order of eviction, the competent authority or any person specially authorized by it in this behalf may for that person from, and take possession of, the public premises and may for that purposes, use such force as may be necessary.
 5. Disposal of property left on the public premises by authorized occupants
 - (1) Where any person has been evicted from any public premises under this Act, the competent authority may, after giving seven days notice to the person from whom possession of the public premises has been taken and after publishing the notice in such manner as may be prescribed, remove or cause to be removed or disposed of by public auction, any property remaining on such premises.
 - (2) Where any property is sold under sub-section (1) the sale proceeds shall, after deducting the expenses of the sale and the amount if any, due to the Government or the local authority concerned as the case may be on account of damages, be paid to such person or persons as may appear to the competent authority to be entitled to the same;
 - (3) Provided that where the competent authority is unable to decide as to the person or persons to whom the balance of the amount is payable, or as to the apportionment of the same, it may refer such dispute to the Civil Court of competent jurisdiction and the decision of the Court thereon shall be final.

5. Appeals

- (1) An appeal shall lie to the Revenue Commissioner from every order of the competent authority made in respect of any public premises under sub section (1) of section 3.
- (2) The appeal under sub-section (1) shall be preferred within thirty days from the date of the proclamation referred to in clause (b) of sub section (2) of section 3.

Provided that the Revenue Commissioner may entertain the appeal after the expiry of the said period of thirty days if it is satisfied the appellant was prevented by sufficient cause from filing the appeal in time.

- (3) (a) The Revenue Commissioner may, for sufficient cause, order stay of the endorsement of the order of the competent authority pending the disposal of the appeal.
(b) No order for stay of enforcement shall be made under clause(a) unless the Revenue Commissioner is satisfied that the appellant is entitled to the possession of the public premises.
- (4) Every appeal under this section shall be disposed of by the Revenue Commissioner as expeditiously as possible.
- (5) The order of the Revenue Commissioner on appeal under this section, or the order of the competent authority under sub section (1) of section 3 where no appeal is preferred under this section to the Revenue Commissioner within the period specified in sub-section (2) of this section shall be final.

6. Jurisdiction of civil courts No. suit or other proceedings shall lie or be instituted in any civil court in respect to any matter arising under and provided for by this Act.

7. Power to make rules (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of foregoing power, such rules may provide for all or any of the following matters, namely :-

- (a) the making of enquiries under this Act;
- (b) the procedure to be followed in taking possession of public premises;
- (c) the manner in which appeals may be preferred and the procedure to be followed in appeals;
- (d) any other matter which has to be or may be prescribed;

(1) Every rule made or notification issued under this Act shall, as soon as possible, after it is made or issued be placed on the table of State Legislative Assembly and before the expiry of the session, in which it is so placed or the next session of Legislative Assembly agrees in making any modification in any such rule or notification or agree that the rule or

notification should not be made or issued, the rule or notification 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 of annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

8. Repeal & Savings :

- (1) The Manipur Public Premises (Eviction of Unauthorised Occupants) ordinance 1978 shall stand repealed on the day this Act comes into force.
- (2) Anything done and any step taken (including order, scheme, rule, form or notice) and any action taken under the repealed ordinance shall, in so far it is not inconsistent with the provisions of this Act be treated as to have been done and acted under the provisions of this Act and shall continue to be in force until preceded.

10. Validation : Notwithstanding anything contained in the Act or any other law for the time being in force in the State of Manipur anything done and any step taken (including order, scheme, rule, form or notice, appointment) supported by under the provisions of the repealed ordinance and the Rules framed thereunder shall not be illegal and invalid for the reason that the Governor had no power to promulgate the ordinance under Article 213 of the Constitution of India.

THE MANIPUR HILL AREAS (HOUSE TAX) ACT, 1966.
(Manipur Act 9 of 1966)

An Act to amend and consolidate the law relating to the levy of House Tax in the hill areas in the Union Territory of Manipur –

Be it enacted by the Legislative Assembly of Manipur in the Seventh Year of the Republic of India as follows :

- 1. Short title, extent and commencement** (1) This Act may be called the Manipur Hill Areas (House Tax) Act, 1966.
(2) It extends to the hill areas in the Union Territory of Manipur.
(3) It shall come into force on such date as the Administrator may by notification in the official Gazette appoint.

2. Definitions. In this Act, unless the context otherwise requires –

- (e) “Administrator” means the Administrator of the Union Territory of Manipur;
(f) “Deputy Commissioner” means the Deputy Commissioner appointed under S 4 of the Manipur Land Revenue and Land Reforms Act, 1960 and includes any other officer empowered by the Administrator to exercise and perform the powers and functions of the Deputy Commissioner under this Act;
(g) “family” means in relation to a person, the wife or husband of such person, his children, grand children, parents and brothers living jointly or practicing joint cultivation, and in case of a joint Hindu family, any member of such family;
(h) “hill areas” means such areas in the hill tracts of the Union Territory of Manipur as the Administrator may declare to be hill areas under the Manipur Land Revenue and Land Reforms Act, 1960;
(i) “House Tax” means the tax commonly known as ‘House’ or ‘Nagabari tax’ payable by the inhabitants of the hill areas;
(j) ‘official Gazette’ means the Manipur Gazette;
(k) ‘person under disability’ shall have the meaning assigned to it in the Manipur Land Revenue and Land Reforms Act, 1960;
(l) “prescribed” means prescribed by rules made under this Act;
(m) ‘year’ means the agricultural year commencing on such date as the Administrator may, in the case of any specified area, by notification in the official Gazette, appoint.

3. Charge of House tax

- (1) Subject to the other provisions of this Act, there shall be charged for every year. House tax at the rate of six rupees per annum on each family for owning a house in the hill areas at any time, during the year.

(2) The House tax shall be payable by the head of the family, not being a person under disability at such times, in such installments, to such authorities and at such places as may be prescribed.

(3) Where the head of the family is a person under disability, the tax shall be payable by any other adult male member of the family not being a person under disability, if such other member has taken part in Jhum or any other form of cultivation of land at any time during the year or otherwise gainfully employed.

NOTES : Section 3, In sub-S(1) of this section the words “three rupees” occurring in the second line were substituted by the words “six rupees” vide Amendment Act No. 10 of 1975, dated 8-5-75 to come into force on such date as the State Government may, by notification in the Manipur Gazette, appoint.

4. Assessment list

- i. The Deputy Commissioner shall cause an assessment lists of all houses liable to payment of House tax to be prepared in such form and manner and containing such particulars with respect to each family as may be prescribed.
- ii. When any assessment list has been prepared under sub-S(1), the Deputy Commissioner shall give public notice thereof and of the places where the list or a copy thereof may be inspected and every adult member of the family occupying any house included in the list and to take extracts therefrom free of charge.
- iii. The Deputy Commissioner shall receive and consider any objections which may be made within a period of one month from the date of the public notice referred to in sub-S (2), to any entry made in the assessment list or any omission therefrom.
- iv. When all objections have been considered and disposed of in accordance with the rules made in this behalf, the Deputy Commissioner shall cause the assessment list to be finally published in the prescribed manner.
- v. The entries in the assessment list as finally published shall be accepted as conclusive evidence for the purpose of assessing the House tax under this Act.

5. Amendment of assessment list.

- (1) The Deputy Commissioner may, at any time, amend the assessment list –
- (a) by inserting therein the name of any person whose name ought to be inserted;
 - (b) by inserting therein any house previously omitted; or
 - (c) by striking out the name of any person affected by the amendment notice of not less than one month that he proposes to make the amendment and consider any objection which may be made by such person.
- (2) Before making any amendment under sub-S (1), the Deputy Commissioner shall give to any person affected by the amendment notice of not less than one month that he proposes to make the amendment and consider any objection which may be made by such person.

6. Recovery of House tax

- (1) When House tax is levied on a family under this Act, the amount due for any year of assessment from the family shall be due jointly and severally from all adult male members of the family who at any time during the year, took part in the Jhum or other form of cultivation of land or were otherwise gainfully employed.
- (2) Any arrear of House tax shall be recoverable as an arrear of land revenue under the provisions contained in Chapter VII of in the Manipur Land Revenue and Land Reforms Act, 1960.

7. Exemption

(1) The House tax payable in respect of any house under this Act shall cease to be so payable if the family occupying such house abandons that house.

- (4) Notwithstanding anything contained in S 3, the Administrative may, for reasons to be recorded in writing, exempt such persons or class of persons as may be specified in the order or grant a remission or suspension of the House tax –
 - (a) in years in which crops have failed in any area, or
 - (b) in respect of persons or areas affected by flood, earthquake, drought and famine or other natural calamities.

8. Power to make rules

- (1) The Administrator may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers such rules may be provided for –
 - (b) the time and mode of payment of House tax under this Act and the authorities to whom payment of House tax is to be made;
 - (c) the manner of assessment lists and the particulars they should contain, the preparation of such assessment lists and their revision;
 - (d) the form of the assessment lists and the particulars they should contain, the preparation of such assessment lists and their revision;
 - (e) any other matter that may be, or has to be prescribed.
- (3) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be laid before the Legislative Assembly 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 notification or decides that the rule or notification should not be made, such rule or notification thereafter shall 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 or notification.

8. Repeal and savings

- (1) All existing laws, including Council or darbar Resolutions and Standing Orders relating to matters for which provision has been made in this Act are hereby repealed.
- (2) Notwithstanding the provisions of sub-S (1) any order, rule, assessment or notice made or issued under any of the law referred to in sub-S(1) shall continue in force and be deemed to have been made or issued under the provisions of this Act unless and until it is superseded by and order rule, assessment or notice made or issued under the said provisions, and any sum payable by way of House tax under any law referred to in sub-S (1) shall be recovered under this Act.