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**THE SIKKIM AGRICULTURAL LAND
CEILING AND REFORMS
ACT, 1977.**

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**THE SIKKIM AGRICULTURAL
LAND CEILING AND REFORMS ACT, 1977
(ACT NO. 14 OF 1978)
AN
ACT**

to provide for the imposition of a ceiling on agricultural lands, for the vesting of such lands in excess of the Ceiling limit and for matters connected therewith, with a view to preventing the concentration of agricultural lands in the State of Sikkim in the hands of a few persons to the common detriment and with a view to bringing about equitable distribution of agricultural lands in the State of Sikkim to sub serve the common good.

[21.3.1978]

WHEREAS all bustiwallas in respect of agricultural lands in Sikkim hold such lands directly under the State and there is no intermediate or interposing or intervening interest or agency between the State and such bustiwallas.

And

WHEREAS it is expedient to provide for the imposition of a ceiling on agricultural lands held by the bustiwallas and other persons in the State of Sikkim, for the vesting of such land in excess of the ceiling limit and for matters connected therewith, with a view to preventing the concentration of agricultural lands in the hands of a few persons to the common detriment and with a view to bringing about an equitable distribution of the agricultural lands in the State of Sikkim to sub serve the common good.

It is hereby enacted in the Twenty-eighth Year of the Republic of India by the Legislature of Sikkim as follows:

CHAPTER I

Preliminary

*Short title, extent
and commencement.*

1. (1) This Act may be called the Sikkim Agricultural Land Ceiling and Reforms Act, 1977.
- (2) It extends to the whole of Sikkim.
- (3) It shall come into force on such date as the Government may, by notification, appoint.

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

Definitions.

- (a) "adhiadar" means a person who cultivates the land of a bustiwalla on condition of delivering to or receiving from the bustiwalla a share of the produce of such land;
- (b) 'agricultural year' means the Fasli year being the period of twelve calendar months commencing on and from the first of day of February of one English year and ending with the thirty-first day of January of the next English Year immediately following;
- (c) 'agricultural land' means land which is ordinarily used or which is capable of being used for purposes of agriculture or horticulture and includes such land, notwithstanding that it may be lying fallow for the time being but does not include any land used as homestead;
- (d) 'bustiwalla' means a person who holds agricultural lands directly under the State and holds it ordinarily for the purpose of cultivating it by himself or by members of this family or by servants or laborers or by Adhiadar or by Kutiadar or by other cultivators.

Explanation: 'Cultivator' a means person who cultivates the land of another I on condition of payment of any consideration in cash or kind or in both or on condition of delivering or receiving a share or any fixed quantity of the produce and includes a person who cultivates the land of another person on any terms and conditions except as a paid servant or. hired laborer.

- (e) 'ceiling limit' means the ceiling limit as determined in accordance with the provisions of section .6;
- (f) 'charitable purpose' includes relief of the poor, medical relief or the advancement of education or any other object of general public utility;

- (g) 'competent authority' means any person or authority authorized by the State Government by notification to perform the functions of the competent authority under this Act for such area as may be specified in the notification and different persons or authorities. may be authorized to perform different functions;
- (h) 'date of vesting' means the date mentioned in the notification under sub-section (1) of section 11;
- (i) I["Family" in relation to a person means himself or herself and his wife or husband as the case may be (other than judicially separated wife or husband), minor sons and unmarried daughters.]
- (j) 'homestead' means a dwelling house together with any courtyard, compound, out-house, place of worship, family grave yard, library, office, guest house, tanks, wells, privies, latrines, drains and boundary walls, annexed to or appertaining to such dwelling house;
- (k) 'non-agricultural land' means land other than agricultural land or other than land comprised in a forest;
- (l) 'notification' means a notification published in the Official Gazette;
- (m) 'notified' area' means a district or part of a district or in any other area in respect of which a notification has been duly published under section 5;
- (n) 'Person' shall include a monastery or other religious, educational, charitable or other institution, co-operative society, corporation, local authority, company

1. Subs. by sec. 2 of the Sikkim Agricultural Land Ceiling and Reforms (Amd.) Act No.2 of 1978 (w. e. f. 22 6. 78.)

registered under any law for the time being in force and all other concerns, institutions or authorities holding agricultural lands before the notified date;

- (o) 'prescribed' means prescribed by rules made under this Act;
- (p) 'religious purpose' means a purpose connected with religious worship, teaching or service or any performance of religious rites;
- (q) 'Kutiadar' means a person who cultivates a land of a bustiwalla on condition of delivering a fixed quantity of produce of the land or any other fixed amount to the bustiwalla.
3. (I) The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or any contract or any usage or custom; *Act to override other laws.*
- (2) for the removal of doubts it is hereby declared that all bustiwallas and all persons holding agricultural lands hold such lands directly under the State and that there is no intermediate or interposing or intervening agency or interest between the State and the bustiwalla or other persons holding agricultural lands and that all such bustiwallas and other persons are liable to pay revenue to the Government of the State of Sikkim for such lands held by them.
4. -If any question arises as to whether any person is a bustiwalla or not, such question shall be determined by the competent authority in such manner as may be prescribed. *Determination of bustiwalla.*

CHAPTER II

Ceiling or Agricultural lands

5. (I) The State Government may 2[* * *] by notification declare that with effect from the date mentioned in the notification (hereinafter in this Act referred to as the notified date) no person shall be entitled, to hold *Persons not entitled to hold agricultural land in excess of ceiling limit.*
- ² Omitted by sec. 3 of the S. A. L. C. & R. (Amd.) Act 1978 No.2 of 1978 (w. e. f. 22. 6. 78)

any agricultural land in excess of the ceiling limit in the State of Sikkim and all lands in excess the ceiling limit shall vest in the. State in accordance with and under the provisions of this Act and the rules and notifications made there under.

3[**Explanation 1**- The State Government may notify different dates for different areas of the State.

Explanation 11 The land held by bustiwalla as owner along with land cultivated by him in the capacity of an Adhiadar or a Kutiadar shall, for the purposes of this Act, be deemed to be held by him]

4(****)

Ceiling limit.

5[6. U) The ceiling shall be

- (a) in the case of person having no family or a family consisting of not more than five members, twelve and a half standard acres, and
- (b) in the case of a person having a family consisting more than five members, twelve and a half standards acres increased by two standard acres for each member in excess of five, so however, that the ceiling area shall not exceed twenty and a half standard acres.

Explanation - (i) For the purpose of this sub-section, all lands held by a person individually or jointly with other members of his family shall be deemed to be held by him.

(ii) Where any holding is held by him, jointly with any person or persons other than a member of his family, the share of each person in the joint-holding shall be deemed to held by him.

3. Inst. by sec.3 of the S. A. L. C. & R. (Amd.) Act No.2 of 1978 (w. e, f, 22 6.78.)

4. Omitted by *ibid*;

5. Subs. by sec 4 of the S. A. L. C. -& R. (Amd.) Act No 2 of 1978 (w. e f. 22. 6. 78)

- (2) Every adult son of a person shall be treated as a separate unit and his share in his father's holding or in ancestral holding shall be aggregated along with other land, if any, held by him for the purposes of determining his ceiling limit.

Explanation I No person who has not completed the age of eighteen years on the date of the notification referred to in sub-section (i) of section 5 or on the date of future acquisition of land under section 16 shall be deemed to be an adult.

Explanation II The expression "adult son" includes an adult son who is dead and has left surviving behind him his widow, minor sons or daughters (other than married daughters) who either do not own any land or hold land less than twelve and a half standard acres.

- Notwithstanding anything in the preceding sub-sections, a
- 3) monastery or other religious institution shall be entitled to hold
- (a) sixty standard acres, if it is listed in Group A of Schedule I, and
- (b) twenty-five standard acres, if it is listed in Group B of Schedule 1.
- (4) The provisions of this Act shall not apply to
- (a) Land used for growing tea to the extent notified by the State Government;
- (b) land owned by the State Government or the Union Government or an undertaking or company owned by the State or the Union Government or by a local authority;
- (c) land held by a co-operative society including a co-operative Bank, the State Bank of India, a subsidiary of the State Bank of India as defined in the State

Bank of India (Subsidiary Banks) Act, 1959, a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Agricultural Refinance Corporation and the Agricultural Finance Corporation:

Provided that in the case of a co-operative society, no member shall be allowed to hold a share of the land which, together with his other land, exceeds the ceiling applicable to him under sub-section (1); and

- (d) land held for industrial purposes to the extent notified by the State Government in each case and for the period the land continues to: be used for such purposes.

Explanation I - Use of the land for a purpose other than that notified by the State Government shall be deemed to be cessation of use for industrial purposes unless such different use is approved by the State Government.

Explanation 11- Use of land for cultivation of crops to be used for industrial purposes shall not amount to use for industrial purposes.

- (5) The "standard acre" for different areas for the State shall be determined in the manner provided in Schedule II."]

Transfer of land.

7. No person holding agricultural land in excess of the ceiling limit immediately before the notified date shall transfer any such land or part thereof by way of sale, mortgage, gift, lease or otherwise 6[or cause any alteration in the use of such land] until he has furnished a statement under section 8 and a notification regarding the excess land held by him has been published under sub-section (1) of section 11; and any such transfer 7[or change in the use of land] in contravention of this provision shall be deemed to be null and void.

6. Subs. by sec. 6 of the: S A. L. C. & R. (Amd.) Act No.: of 1978 (w. e. f. 22.6. 1978)

7. Ins by ibid

8. (I) Every person holding agricultural land in excess of the ceiling limit on the notified date shall within such period as may be prescribed file a statement before the competent authority having jurisdiction specifying the location, extent or such other particulars as 'may be prescribed of all, agricultural lands held by him and also specify the lands within the ceiling limit which he intends to retain.
- Persons holding land in excess of ceiling limit to file statement.*
- (2) If the competent authority is of opinion that any person holds on the notified date agricultural lands in excess of the ceiling limit then notwithstanding anything contained in subsection' (1), it may serve a notice upon such person requiring him to file, within such period as may be specified in the notice, the statement referred to in sub section (1).
- (3) The competent authority may, if it is satisfied that it is necessary so to do, extend the date for filing the statement under this section by such further period or periods as it may think fit.
- (4) The statement under this section shall be filed by such person and in such manner as may be prescribed.
9. On the basis of the statement filed by a person under subsection (1) of section 8 and in cases where a person fails to file a statement in spite of service of a notice under subsection (2) of the said section, the competent authority may, after such inquiry as he may 'consider necessary either by himself or by any person subordinate to him, cause to be prepared a draft statement in respect of that person.] ,
- Preparation of draft statements as regards lands in excess of ceiling limit.*
- 8[(1) (2) Every such draft statement prepared under subsection (I), shall contain the following particulars, namely:
- 8 . Subs by sec. 6 of 'the S. A. L. C. (Amd.)Act No.-2of 1978(w.eJ.22.6.7S) & R

- (i) the name and address of the person;
 - (ii) the particulars of all agricultural lands held by such person;
 - (iii) the particulars of agricultural lands which such person intends to retain within the ceiling limit;
 - (iv) such other particulars as may be prescribed.
- (3) The draft statement shall be served in such manner as may be prescribed on the person concerned together with a notice stating that any objection to the draft statement shall be preferred within thirty days from the service thereof.
- (4) The competent authority shall duly consider any objection received within the period specified in the notice referred to in sub-section (3) or within such further period or periods as may be extended by the competent authority for any good or sufficient reason, from the person on whom a copy of the draft statement has been served under that sub-section and the competent authority shall, after giving the objector a reasonable opportunity of being heard, pass such orders as it deems fit.

Competent Authority to have powers of a Civil Court. g (9A).

The competent authority shall, for the purpose of this Chapter, have the powers of a Civil Court under the law for the time being in force relating to Civil Procedure in respect of the following matters, namely:

- (a) proof of facts by affidavits;
- (b) enforcing attendance of any person and his examination on oath;
- (c) production of documents; and
- (d) issue of commission.]

9. Ins by sec7 of the. S. A. L. C. &R (Amd.) Act No.2 of 1978 (w. e. f. 22. 6. 78)

10. After the disposal of the objection, if any, received under sub-section (4) of section 9, or after the disposal of any appeal, if preferred under section 13, the competent authority shall make the necessary alterations in the draft statements in accordance with the orders passed on the objection as aforesaid or in accordance with the orders, if any, passed under section 13

Final statement.

10 [or section 14, as the case may be, and shall determine the land held by the person concerned in excess of the ceiling limit and also the land which such person shall be allowed to retain within the ceiling limit and shall prepare a final statement on the basis of the draft statement as so altered and cause a copy of the final statement as so prepared to be served in the manner referred to in sub-section (3) of section 9 on the person concerned.

- II. (1) As soon as may be after the service of the final statement under section 10 on the person concerned the competent authority may by notification declare that all lands determined as in excess of the ceiling limit under section 10 shall with effect from such date as may be specified in the declaration, be deemed to have been vested in the State and upon the publication of such declaration all such lands shall vest absolutely in the State free from ,all encumbrances with effect from' the date so specified.

Vesting of lands in excess of ceiling limit.

- 11[(2) The encumbrances, if any, on the excess land vested in the State in pursuance of sub-section (1) shall attach to the amount payable under sub-section (1) of section 12.]

- (3) Where any excess land is vested in the State under sub-section (1), the competent authority, may, by notice in writing, order any person who may be in possession of such, land to surrender or deliver possession thereof to the State GOvernment or to any officer duly authorized by the competent authority in this behalf, within thirty days of the service of the notice.

10. Ins. by sec. 80 of the S. A. L. C. Br R (Amd) Act No.2 of 1978 (w. e. f. 22. 6.78)
11 Subs. by sec. 9 of the S. A. L. C. & R (Amd.) Act No. :2 of 1978 (w. e. f. 22. 6. 78)

- (4) If any person refuses or fails to comply with an order made under sub-section (3), the competent authority may take possession of the excess land or cause it to be given to the State Government or to any person authorized by the State Government in this behalf and may for that purpose use such force as may be necessary.

12 [(5) Without prejudice to the provisions of sub-section (4), a person who does not surrender or deliver possession of the excess land within thirty days of the service of the notice referred to in sub-section (3) shall be liable to pay to the State Government for the period he continues in possession or such amount as may be determined by the competent authority in the prescribed manner and such amount shall be recoverable as an arrear of land revenue".]

Payment of amount for excess land.

12. (1) Where any excess land vests or is deemed to have been vested under sub-section (1) of section 11 the State Government shall pay to the person or persons holding such land immediately before the date of vesting an amount determined by the competent authority according to the following principles:

- 13[(i) for the first twenty standard acres, an amount being two hundred times the land revenue payable for such land;
- (ii) for the next thirty standard acres, an amount being one hundred times the land revenue payable for such land;
- (iii) for the next fifty standard acres, an amount being fifty times the land revenue payable for such land; and
- (iv) for the remaining land, an amount being twenty-five times the land revenue payable for such land.]

12. Ins. by *ibid.*

13. Subs. by sec. 10 of the S. A. L.C. & R. (Amd.) Act No.2 of 1978 (w. e. f. 22. 6. 78)

- (2) Before determining the amount to be paid as aforesaid, every person interested shall be given an opportunity to state his case as to the amount to be paid to him.
- (3) Notwithstanding anything contained in the foregoing provisions, if the State Government is of opinion that as a result of imposition of ceiling limit on the lands held by a monastery or other religious institution and vesting of the excess lands as a result thereof it has become difficult for such monastery or religious institution to carry on proper management and administration, the State Government may in accordance with such rules as may be prescribed, pay to such monastery or religious institution, such annual sum not exceeding the average of the amounts received by such monastery or religious institution from such excess lands during the preceding three years immediately before the date of vesting.
13. (1) If any person is aggrieved by an order of the competent authority under section 4 or sub-section (4) of section 9 or section 12, he may within thirty days from the date of the order prefer an appeal to the Tribunal to be constituted by the State Government. *Constitution of Tribunal and appeals thereto.*
- (2) Such Tribunal shall consist of a sole member who shall be not below the rank of a Deputy Secretary to the State Government.
- (3) The Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing appeals, in time.
- (4) In deciding appeals, the Tribunal shall exercise all the powers which a Civil Court has and shall follow as far as possible, the same procedure which a Civil Court follows in deciding appeals against decrees of an original court under the law relating to Civil Procedure.

*Second appeal to
State Land Tribunal.*

14. (1) If any person is aggrieved by any decision of the Tribunal constituted under section 13, he may within 14[sixty] days from the date of the decision prefer an appeal to the State Land Tribunal to be constituted by the State Government.
- (2) Such Tribunal shall consist of a member who shall not be below the rank of. a District Judge or an Additional District Judge.
- 3) The State Land Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appelland was prevented by sufficient cause from filing the appeal in time.
- (4) In deciding appeals under this section, the State Land Tribunal shall exercise all the powers and shall follow the same procedure to be followed by the Tribunal under sub-section (4) of section 13, and may vary, alter, modify or set aside the order of such Tribunal or pass such other orders as it may deem fit.
- (5) Save as otherwise provided" no Court or Tribunal except the Supreme Court exercising jurisdiction under Article 136 of the Constitution of India, shall have any jurisdiction with respect to all or any of the matters falling within the jurisdiction of the Tribunal or the State Land Tribunal.

*Made of payment of
amount.*

15

The State Government shall within a period of ten months from the date of the order of the competent authority determining the amount to be paid under section 12, or in a case where an' appeal has been preferred against such order under section 13, or under section 14, within a period of ten months from the date of the final appellate order, pay the amount determined under section 12, or under" section 13, or under section 14, as the case may be, to the person or persons entitled thereto in ten equal install

.14 Subs. by sec. 11 of the S. A. L. C. & R (Amd.) Act No.2 of 1978 (w. e. f. 22. 6. 78)

ments and such amount shall carry interest at the rate of five percent per annum from the date of the order under section 12 until final payment.

15[Provided that where the amount payable to a person does not exceed the sum of rupees one thousand, the entire amount shall be paid in a lump sum.]

16. (1) If on or after the commencement of this Act or on or after the notified date or on or after the date of vesting under section 11, any person acquires by transfer, inheritance, or otherwise any agricultural land the extent of which together with the extent of the agricultural land held by him exceeds in aggregate the ceiling limit, than he shall within three months of the date of such acquisition, file a statement before the competent authority having jurisdiction specifying the extent, location and such other particulars as may be prescribed of the agricultural lands held by him and also specifying the agricultural lands within the ceiling limits which he intends to retain.
- Ceiling limit of future acquisition of land.*

- (2) The provisions of section 8 to 15 (both inclusive) shall, so far as may be, apply to the statement filed under this section and to the land held by such person in excess of the ceiling limit.

17. . Save as otherwise provided in this Act, no Civil Court shall have jurisdiction to decide or deal with any question or to determine' any matter which is by or under this Act or any rules made there under required to be decided or dealt with or to be determined by the competent authority of any other authority and no orders passed or proceedings commenced under the provisions of this Chapter shall be called in question in any Civil Court.
- Bar of jurisdiction.*

Ins; by sec. 12 of the S. A. L. C. & R (Amd) Act No.2 1978 (w. e. f. 22.6.78)

Cultivation by cultivators.

18. (1) Where any land vested in the State under section 11 is being cultivated by a cultivator, the right of cultivation of such cultivator in relation to any such vested land which including any other land held or cultivated by him is in excess of three standard acres shall on and from the date of vesting stands terminated. .
- (2) Every cultivator shall in relation to the land which he is authorized by sub-section (1) to retain under his cultivation become on and from the date of vesting a bustiwalla in respect of such land.
- (3) If such cultivator is also a bustiwalla in respect of any other land immediately before the date of vesting in excess of three standard acres he shall not be entitled to retain under his cultivation any land under sub-section (1) and his right of cultivation in respect of all excess lands as referred to in sub-section (1) shall stand terminated. .

State Government to be party to all proceedings.

- 16[18A. The State Government shall be party to all proceedings under the provisions of this Chapter.

Penalties.

- 18B. Whoever contravenes any order passed under this Chapter or obstructs any person from taking possession of any land under section 11 or fails to furnish the statement required under section 16 or makes or submits a statement or furnishes any information which is false or which he has reasons to believe to be false, shall be punishable with fine which may extend to one thousand rupees.

Recovery of arrears of land revenue and other Government dues.

- 18C. All arrears of land revenue and other Government dues in respect of any holding or holdings, part or parts whereof has or have been acquired under this Chapter, may, without prejudice to any other mode of recovery, be recovered by deducting the outstanding amount from the amount payable under section 12.

15.

16. Ins. by sec. 13 of the S. A. L. C. & R. (Amd.) Act No.2 of 1978 (w. e. f. 22.6.78)

- 18D. Where on account of an arithmetical error a person has been paid any amount in excess of what he is entitled to under section 12, the State Government shall be competent to recover the excess amount as an arrear of land revenue:

Recovery of excess amounts paid.

Provided that no order for recovery of any such amount shall be made without giving the person an opportunity of being heard by the Competent Authority.]

CHAPTER III

Preparation of record-of-rights

19. (1) . The State Government may, for the purpose of carrying out the purposes of this Act, make an order directing that a record-of-rights be prepared in respect of all agricultural lands in the State of Sikkim or for such area as may be specified in the notification.
- (2) The State Government may by order declare that the record-of-rights, if any, already in the process of preparation or already made or prepared immediately before the commencement of this 'Act shall be deemed to be the record-of-rights prepared and published under this section and may, if necessary, order such record-of-rights to be revised.
- (3) The preparation of record-of-rights under sub-section (1) or the revision of record-of-rights under sub-section (2) shall be made by such officer appointed by the State Government referred to as the Revenue Officer in this act, in accordance with such rules as may be prescribed and shall contain such particulars as may be prescribed.
20. (1) When a record-of-rights has been revised or prepared the Revenue Officer shall publish a draft of the record so revised or prepared in the prescribed manner and for the prescribed period and shall receive and consider any objection which may be made during such period to any entry therein or to any omission there form.

Preparation of record-of-rights.

Draft and final publication of the record-of-rights.

- .. (2) When all such objections have been considered and disposed of according to such rules as may be prescribed in this behalf, the Revenue Officer shall finally prepare the record and cause such record to be finally published in the prescribed manner and make a certificate stating the fact of such final publication and the date thereof and shall date and subscribe the same under his name and official designation.
- (3) Separate publication of different parts of draft or final records may be made under sub-section (1) or sub-section (2) for different local areas.
- (4) An Officer specially empowered by the State Government may, on application within one year or of his own motion within such period as may be prescribed from the date of final publication of the record-of rights under sub-section (2), revise an entry in the record finally published under the provisions of subsection (2) after giving the persons interested an opportunity of being heard and after according reasons thereof.
- (5) Any person aggrieved by an order passed under sub-section (4) may, within such period as may be prescribed, appeal in the prescribed manner to the Tribunal constituted under section 13.
- (6) The certificate of final publication referred to in sub-section (2), or in the absence of such certificate, a certificate signed by the Revenue Officer of the area where the. Lands to which the 'record-of-rights relates is wholly or partly situate, stating that a record-of rights has been finally published on a specified date, shall be conclusive proof of such publication and of the date thereof.
- (7) The State Government may, by notification, declare with regard to any area specified in the notification that the record-of-rights for such area has been finally published and such notification shall be conclusive proof of such publication.

- (8) In any suit or other proceeding in which record-of rights prepared and finally published under this Chapter, or a duly certified copy of the record or an extract there from, is produced, such record-of rights shall be presumed to have been finally published.
- (9) Every entry in the record-of-rights finally published under sub-section (2) including an entry revised under' sub-section (4) subject to any modification by an order on appeal under sub-section (5) or corrected under section 21 shall be presumed to be correct.

17(21. [^] * * * * *)

22. (1) When an order has been made under section 19 directing revision or preparation of a record-of-rights, no Civil Court shall entertain any suit or application for the determination of the revenue or the intendents of any land or the status of any person in relation to any land to which' the record-of-rights relates, and if any suit or application in which any of the aforesaid matters is in issue, is pending before a Civil Court on the date of such order, it shall be stayed and it shall on, the expiry of the period prescribed for an appeal under sub-section (5) of section 20 when such an appeal has been filed under that sub-section, on the disposal of such appeal, abate so far as it relates to any of the aforesaid matters.

*Bar of jurisdiction
of civil court in respect of certain
matters.*

Explanation: In this section "suit" includes an appeal.

- (2) No Civil Court shall entertain any suit or application concerning any land if it relates to any alteration of any entry in the record-of-rights finally published, revised, corrected or modified under any of the provisions of this Chapter.

17. Omitted by sec. 14 of the S. A. L. C. & R.. (Amd.) Act No.2 of 1978 (w. e. f. 22. 6. '78)

CHAPTER I V

Distribution of vested lands

Principles of distribution of lands.

23. (1) Subject to the provisions of this Act and the rules made there under, the settlement of lands which vest in the State under section I I shall be made, on such terms and conditions and in such manner as may be prescribed, with persons who reside near the locality where the land is situated and who intend to bring the land under personal cultivation and who owns no land or less than three standard acres of land, preference being given to those among such persons who form themselves into a co-operative farming society:

Provided that settlement of any such lands may be made with other persons where such settlement is in the opinion of the State Government necessary for the public purpose connected with agricultural or otherwise on such terms and conditions as the State Government may think fit.

- (2) Subject to the provisions of sub-section (1), all lands vested in the State under this Act, shall be disposed of or otherwise dealt with to sub serve the common good on such terms and conditions as the State Government may deem fit.
- (3) Notwithstanding anything contained in sub-section (1) and (2),
- 3) where the State Government is satisfied that it is necessary to retain or reserve any such land vested under this Act for the purpose of the State Government or any other public purpose, it shall be competent for the State Government to retain or reserve such land for the same.

CHAPTER V

Management of lands vested in the State

Management of vested land by the State.

24. All lands and all interests therein vested in the State under this Act shall, unless the State Government otherwise directs by any general or special order and subject to such rules as may be prescribed by the State Government in this behalf, be managed by the Collector of the district in which the lands are situated:

Provided the State Government may entrust the management of such lands in any area to such authority as may be prescribed and such authority shall, thereupon manage the lands subject to the control of the State Government and in accordance with such rules as may be prescribed.

CHAPTER VI
Provisions as to revenue

25. (1) Every person shall be liable to pay revenue to the State Government for the lands allowed to be retained by him within the ceiling limit. *Liability to. pay Revenue.*
- (2) Revenue shall be the first charge on the lands.
26. (1) A person shall pay as revenue for the lands allowed to be retained by him such amount as maybe determined by the Revenue Officer in the prescribed manner having regard to the amount payable by him as khazana for such lands immediately before the notified date. *Determination of Revenue and appeal.*
- (2) Where, immediately before the notified date, no khazana was payable in respect of the lands allowed to be retained by such person or where khazana for such lands was payable wholly in kind or partly in kind and partly in cash, he shall pay as revenue such amount as may be determined by the Revenue Officer in the prescribed manner having regard to the prevailing average rate of cash khazana for lands of similar description and with similar advantages in the vicinity.
- (3) Until any revenue is determined under sub-section (1) or sub-section (2) every person shall continue to pay as revenue to the State Government for the lands allowed be retained by him within the ceiling limit such proportionate amount as would have been paid by him as khazana for such lands immediately before the notified date.

(4) Any person aggrieved by an order determining the amount of revenue under sub-section (1) or sub-sections (2), may, within thirty days from the date of such order, appeal to the Tribunal constituted under section 13 and such appeal shall be disposed of in the manner provided in section 13.

CHAPTER VII

Restrictions on alienation of lands by Scheduled Tribes

Commencement and overriding effect, 27. (1) The provisions of this Chapter shall come into force on such date as the Government may, by notification, appoint.

(2) The provisions of this Chapter shall have effect notwithstanding anything to the contrary contained elsewhere in this Act.

Restrictions on alienation, of land by Scheduled Tribes. 28. Save as otherwise provided in this - Chapter any transfer by a person belonging to a Scheduled Tribe in respect of any land allowed to be retained by him under this Act or portion thereof shall be void.

Explanation:- (1) The expression "Scheduled Tribes" in this Chapter shall mean such Tribes or Tribal communities as are deemed to be Scheduled Tribes in relation to the State of Sikkim under Article 342 of the Constitution of India.

(2) "Land" for this Chapter shall mean lands allowed to be retained or any portion of such land by member of a Scheduled Tribe under- this Act.

Transfer of land by Scheduled Tribes. 29. (1) A person belonging to a Scheduled Tribe may transfer his land or part thereof by' transfer to on other member of Scheduled Tribe or to the Government or to a Corporation owned or controlled by the Government or to a Scheduled or nationalized bank or to a registered co-operative society.

(2) A person belonging to a Scheduled Tribe may, with the permission in writing of the Revenue Officer, transfer his land to a person not belonging to any Scheduled Tribe.

(3) The Revenue Officer shall not grant permission referred to in sub-section (2) unless he is satisfied that no transferee belonging to a Scheduled Tribe is willing to pay the fair and reasonable consideration for the transfer of the land and that the proposed transfer is intended to be made for one or more of the following purposes, namely:

- (a) to meet the expenses for the maintenance, education, marriage or medical treatment of such person or any member of his family, or
- (b) to make payment of any amount to the Government or other local authorities, or
- (c) for the purpose of making gift of the land to any institution established exclusively for religious or charitable purpose;
- (d) for the purpose of establishing or running any industry; or
- (e) for such other purpose as may be prescribed.

30. No document of transfer made in contravention of the provisions of this Chapter shall be registered by any authority or in any way recognized as valid in any Court exercising civil, criminal or revenue jurisdiction or by any other authority. *Bar on registration of documents of transfer.*
31. (1) If a transfer of any land by a person belonging to a Scheduled Tribe is made in contravention of the provisions of this Chapter, or if the permission for the transfer under sub-section (2) of section 29 is found, after an inquiry in the prescribed manner, to have been obtained by misrepresentation or fraud, the Revenue Officer may, of *Power of Revenue Officer to set aside improper transfers.*

his own motion or on a application made in that behalf and after giving the transferee an opportunity of being heard by an order in writing, annul the transfer where necessary and shall order ejectment of the transferee from such land, unless such transferee has been in continuous possession, for twelve years under the transfer made in contravention of this Chapter.

(2) When the Revenue Officer has passed any order of ejectment under sub-section (1); he shall also order restoration of the transferred land to the transferor or his successors-in-interest.

(3) If an order of ejectment under sub-section (1) or an order of restoration under sub-section (2) is not complied with within thirty days of the passing of such order or within such further period as may be extended by the Revenue Officer for good and sufficient reason, the Collector of the district in which such land is situated, shall on a requisition to that effect from the Revenue Officer, effect such ejectment and restoration and for that purpose use such force as may be necessary.

Restriction on the sale in execution of decree or order.

32. No decree or order shall be passed by any court for the sale of the land of person belonging to a Scheduled Tribe, except for realization of any Government dues or other public demands:

18[Provided that no such sale shall take place in favor of any person not belonging to a Scheduled Tribe except with the permission of the Collector of the district who shall not grant such permission unless he is satisfied that no member of the Scheduled Tribe is willing to buy the land at the minimum amount equivalent to the market price for such land.]

Appeal.

33. Any person aggrieved by an order of the Revenue Officer under section 31 may, within thirty days from the date of such order, appeal to the Tribunal constituted under section 13 and such appeal shall be disposed of in the manner provided in section 13.

18. Ins. by sec. 15 of the S. A. L. C. & R. (Amd.) Act No.2 of 1978. (w. e. f. 22. 6. 78)

34. Save as otherwise provided, no suit or other proceeding shall lie in any Court, Tribunal or before any other authority, to challenge, vary or to set aside any order passed under this Chapter by the Revenue Officer or the Tribunal: *Bar to suits and other proceedings.*
35. On and from the commencement of the provisions of this Chapter, the provisions contained in the Revenue Order No 1, dated the 17th May, 1917 and all other laws relating to matters governed by this Chapter shall cease to have any force and effect. *Certain laws to cease to have effect.*

CHAPTER VIII Miscellaneous

36. (1) The State Government may, by notification make rules for the purpose of carrying the provision of this Act, *Power to make rules.*
- (2) In particular, and without prejudice to the generality of the provisions, such rules may provide for all or any of the following matters, namely:
- (a) the manner of determination under section 4;
- 19[(b) and (c) * *]
- **
- (d) the period within which the statement may be filed under sub-section (1) of section 8 and the particulars which are to be specified in such statement and the person by whom and the manner in which such statement is to be filed;
- (e) the particulars to be mentioned in the draft statement under sub-section (2) of section 9;
- (f) the manner of serving the draft statement under subsection (2) of section 9;
- (g) determination and manner of payment of an annual sum under sub-section (3) of section 12;
19. Omitted by sec. 16 of the S. A.L. ,C.&;, R. (Amd.) Act No.2 of 1978 (w. e. f. 22. 6. 78) .

- (h) the particulars to be mentioned in the statement referred to in sub-section (I) of section 16;
- (i) the preparation and under revision of record-of-rights section 19;
- (j) publication of the draft and final record-of-rights under section 20, the period of such publication, the period within which an application is to be made under sub-section (4) of section 20, and the period within which an appeal is to be preferred under sub-section (5) of section 20;
- (k) the principle and the manner of distribution of lands under section 23;
- (l) management by the Collector or other authority of the vested lands under section and the authority under the proviso to section 24;
- (m) the manner of determination of revenue under subsection (1) and sub-section (2) of section 26;
- (n) the purposes under clause (e) of sub-section (3) of section 29;
- (o) the manner of enquiry under section 31.

Protection for acts done in good faith. 20[36A.

No suit or prosecution or other legal proceedings shall lie against any person or the State Government for anything done or purported to have been done in good faith or in pursuance of this Act or any rule framed or order passed under this Act.]

Power to remove difficulties. 37.

If any difficulty arises in giving effect to the provisions of this Act or the rules made there under, the State Government, by order, do anything not inconsistent with such provisions which appears to be necessary or expedient for the purpose of removing the difficulty:

21[Provided. that no order under this section shall be made by the State Government after the expiration of a period of two years from the commencement of this Act.]

20. Ins. by sec. 17 of the S. A. L. C. & R (Amd.) Act No.2 of 1978 (w. e. f. 22.6.78)

21. Ins. by sec. 18 of the S. A. L. C. & R. (Amd.) Act No. 2 of 1978 (w. e. f. 22. 6. 78)

38. On and from the date of vesting under section 11 of this Act, the provisions of the Sikkim Regulation of Transfer and Use of Lands Act, 1975 shall cease to have effect in respect of all lands to which provisions of this Act shall apply.

Sikkim Regulation of Transfer and Use of Lands Act, 1975, not to apply.

SCHEDULE 22[1]

[Section 6 (4) (I) and section 6 (4) (ii)]

GROUP 'A'

1. Pemayangtse Gompa Phodong
2. Gompa
3. Phensang Gompa
4. Kalong Gompa
5. Rumtek Gompa
6. Tashiding Ngadak Gompa

GROUP. 'B'

1. Melli Gompa
2. Sangaak Cholling Gompa
3. Honchoed Palri Gompa' Dubdi
4. Gompa
5. Sinon Gompa
6. Tashiding Guru Lhakang
7. Dolling Gompa
8. Rinchenpung Gompa
9. Lhuntse Gompa
10. Namchi Ngadak Gompa
11. Simik Gompa
12. Yangang Gompa
13. Tumin Gompa
14. Kartot Gompa
15. Linkey Gompa
16. Pabyok Gompa
17. Enchey Gompa
18. Labrang Gompa
19. Lingdok Chankar Gompa
20. Ringeon Gompa
21. Hee Gyathang Gompa
22. Lingthem Gompa
23. Tolung Gompa

22. Ins. by sec. 19 of the S. A. L. C. & R. (Amd.) Act No.2 of 1978 (w, e. f.2'.6. 78)

24. Sharchok Bayphuk
25. Labrang Wangditse
26. Chungthang Gompa
27. Chakung Gompa
28. Chawang ani Gompa
29. Bakcham Gompa (Lhakang)
30. Hungri Gompa
31. Ship Knag Choling Gompa
32. Rbenock Gompa
33. Santam Gompa
34. Singchit Ngadak Gompa
35. Likney Pbagyal Gompa
36. Sam dong Gompa
37. Barmiok Gompa
38. Lachen Gompa
39. Lachung Gompa
40. Lachen Mani Lhakang
41. , Lachung Thangmochi
42. Lachung Mani Lhakang
43. Dotsuk Gompa
44. Lachen Tbangu
45. Gying Gompa
46. Chaney Gompa
47. Tendang Tsamkang
48. Tumlang Mani Lhakang
49. Tingbung Gompa
50. Summer Gompa
51. Sang Gompa
52. Parbing Gompa
53. Thakurbari, Gangtok Town
54. Zingling Mandir, Song
55. Durga Mandir, Rumtek,
56. Mahadev Sbivalaya Mandir, Parkha
57. Mahadev Mandir, Sam dong
58. Shivalaya Mandir, Tintek
59. Shivalaya Mandir, Chhujachen
60. Thakurbari, Rangpo Bazar
61. Thakurbari, Singtam Bazar
62. Radha Krisbna Mandir, Rhenock Bazar
63. Mahadev Mandir, Rhenock Bazar
64. Sbivalaya Mandir, Aritar Khamdong
65. Shivalaya Mandir" Chbota Singtam
- 66." Sbivalaya. Mandir, Dikling Pachekhani

67. Shidheshwar Mahadev Mandir, Namchebong
68. Mandir, Tarpin
69. Thakurbari, Rongli Bazar
70. Onkareshwar Mandir, Aho
71. Kali Mandir, Rangpo
72. Krishna Mandir, Duga
73. Thakurbari, Pakyong Bazar
74. Krishna Mandir, Niya Bram
75. Chemchey Mandir, Namchi
76. Thakurbari, Namchi Bazar
77. Thakurbari, Melli Bazar
78. Mahadev Than, Legshep
79. Shri Pashupati Nath Mandir, Dhambudanra
80. Mandir, Timburbung
81. Icha Pura Dasi Ram Dham, Samdong
82. Thakurbari, Soreyong
83. Mandir, Gelling
84. Mandir Sadhungaon, Chakung
85. Durga Bhawani Mandir, Kaluk
86. Paranami Mandir, Tharpu
87. Bhagawati Saraswati Mandir, Dentam
88. Mandir, Hee Gaon
89. Durga Mandir, Burmiok
90. Devi Mandir, Sancharey
91. Thakurbari, Nayabazar
92. Durga Bhawani Devi Mandir. Upper Burmiok
93. Devi Mandir, Tadung
94. Durga Mandir, Dentam
95. Shiva Mandir, Martam
96. Bhagawati Mandir, Kewzing
97. Rameshwar Mandir. Sadam
98. Rameshwar Mandir, Sumbuk
99. Bhagawati Mandir, Sumbuk
100. Shivalaya, Dhargaon
101. Shivalaya, Lingmo
102. Shankar Bhagawan Shivalaya, Majhitar
103. Gangtok Presbyterian Church
104. Namchi Presbyterian Church
105. Chakung Rumbuk Church
106. Wak Presbyterian Church
107. Phambong Presbyterian Church
108. Rhenock Presbyterian Church
109. Mangan Pentecostal Church- --, -
110. Mosque at Gangtok

23["**SCHEDULE" II**
Section 6 (5)

1. All agricultural lands shall, on the basis of productivity of the soil and access to markets, be classified into Circles. Until a new classification is made, the classification made in Notification No. 615/LR dated the 7th June, 1957, shall be operative in respect of the area referred to therein. For other areas, the classification determined in the course of settlement operations shall be accepted.

2. Each circle shall, on the basis of altitude and type of crops grown, be further divided into classes and sub-classes. The classes and sub-classes recorded in the record-of-rights for the time being in force shall be accepted for the purpose of ascertaining the class or sub-class to which a land belongs.

3. After ascertaining the, appropriate Circle, class and sub-class in the manner aforesaid, the area comprised in the holding shall be converted into standard acres according to the following table of conversion :--

<u>CIRCLE</u>	<u>CLASS</u>	<u>AREA EQUIVALENT TO</u> <u>A STANDARD</u> <u>ACRE</u>
A	I Paddy/Cardamom II -	1.00 acre
	do- J	1.25 acres
	III--do	1.50 -do-
	I Dry	2.00 acres
	II -do	2.50 -
	III -do	do3.00 -do-
	Banjo	3.00 -do
B	Ii-Paddy/Cardamom II	1.10 acres
	-do-	1.37 -do-
	III -do	1.65 -do-
	I Dry	2.20 -do
	II Dry	2.75 -do-
	III -do	3.30 -do-
	Banjo	3.30 -do
C	I Paddy/Cardamom II -	1.30 acres
	do	1.50 -do-
	III -do	2.00 -do-
	I Dry	2.60 -do-
	II -do	3.00 -do-
	III -de	4.00 -do
	Banjo	4.00 -do-"]

23. Ins by sec 20 of the S. A. L. C. ' & R. (Amd.) Act No.2 of 1978 (w. e. f. 22. 6. 78)

**THE SIKKIM AGRICULTURAL LAND. CEILING AND
REFORMS (AMENDMENT) ACT, 1985
(ACT NO.3 OF 1986)
AN ACT**

(25. 2. 1986)

to amend the Sikkim Agricultural Land Ceiling and Reforms Act, 1977.

Be it enacted by the Legislative Assembly of Sikkim in the Thirty-sixth Year of the Republic of India as follows:

1. (1) This Act may be called the Sikkim Agricultural Land Ceiling and Reforms (Amendment) Act, 1985.

(2) It shall come into force at once.

2. In the Sikkim Agricultural Land Ceiling and Reforms Act, 1977, to section 7, the following proviso shall be added, namely:

"Provided that a transfer by any person holding land in excess of ceiling limit in favour of landless person or persons having land below the ceiling limit and not exceeding the ceiling limit with the prior permission of the State Government shall not be deemed to be null and void."