
Land Revenue

South District



Agenda

- ▶ Old Laws of Sikkim
- ▶ Land Records
- ▶ Cadastral Survey
- ▶ Issues

Old Laws of Sikkim

- ▶ Article 371 F (k)

- ▶ All laws in force immediately before the appointed day in the territories comprised in the State of Sikkim or any part thereof shall continue to be in force therein until amended or repealed by a competent legislature or other competent authority

- ▶ Appointed day – 26th April 1975

Old Laws of Sikkim

- ▶ The adaptation of Sikkim laws (no.1) order 1975
 - ▶ Sikkim Darbar to State Government
 - ▶ 'Laws' includes
 - ▶ any enactment, proclamation, regulation, rule, notification or other instrument having ... the force of law in Sikkim
 - ▶ First Schedule – repealed
 - ▶ Sikkim Subject Regulation 1961 to Citizenship Order
 - ▶ Second Schedule – until altered, amended or repealed

Bhutia/Lepcha lands

- ▶ Notice issued by John C. White, Political Officer in 1897
- ▶ No Bhutias and Lepchas are to be allowed to sell or sublet their lands without the express sanction of the Council

Revenue Order No.1

- ▶ No Bhutias and Lepchas are to be allowed to sell, mortgage or sub-let any of their land to any person other than a Bhutia or a Lepcha without the express sanction of the Darbar.
- ▶ Issued by C.A. Bell, Superintendent, Sikkim state
- ▶ 17th May, 1917

Clarification - 1

- ▶ No Nepali can purchase Bhutia or Lepcha's land unless special permission has been accorded by His Highness the Maharaja of Sikkim

- ▶ 21st May, 1931

To Check

- ▶ Whether the land is B/L property
- ▶ Does the buyer belong to B/L community

- ▶ Power of attorney

Clarification - 2

- ▶ Woman follows the nationality and community of her husband
- ▶ B-L woman marrying a person of other community
 - ▶ only if such land was acquired by her prior to her marriage
 - ▶ Land acquired after marriage may be sold to any community

To Check

- ▶ Whether the land is B/L property
- ▶ If the Buyer is Female
 - ▶ Does the buyer belong to B/L community
 - ▶ Community of her Husband
- ▶ If the Seller is Female
 - ▶ Community of father and husband
- ▶ Whether the land was purchased before or after marriage

Married Women's Property Regulation, 1962

- ▶ 12th October 1962
- ▶ Sikkimese woman married to a person who is not a Sikkim Subject
 - ▶ If she holds immovable property in Sikkim at the time of marriage, she shall continue to hold such property
 - ▶ And shall have the power to dispose of such property either by sale, mortgage or otherwise to a Sikkim Subject during her life time

Married Women's Property Regulation, 1962

- ▶ Sikkimese woman married to a person who is not a Sikkim Subject
 - ▶ shall have no right to acquire any immovable property or any interest in such property in the territory of Sikkim subsequent to her marriage
- ▶ Husband and any offspring born of that marriage
 - ▶ shall acquire no interest in any immovable property which she may hold in Sikkim

Married Women's Property Regulation, 1962

▶ On death

- ▶ Shall not devolve on her husband nor shall it be inherited by any offspring of such marriage
- ▶ Shall devolve and be inherited by such person or persons who would have been regarded but for her marriage as her next of kin under the rules for intestate succession
 - ▶ provided always that next of kin in order to succeed to such property is a Sikkim Subject

To Check

- ▶ If the Buyer is female

- ▶ If Unmarried

- ▶ SSC/COI – self

- ▶ If Married

- ▶ SSC/COI – self and husband

- ▶ Inheritance cases

- ▶ SSC/COI of all inheritors

- ▶ In case inheritor is female

- ▶ South District, Sikkim

- ▶ SSC/COI of her husband

Restriction on Non-Sikkimese

- ▶ **Minutes of Council Meeting - 14th Mar, 1913**
 - ▶ rules prohibiting Marwaris from settling in Sikkim except in Gangtok, Rangpo and Rhenock without permission of PO
 - ▶ to be applied to Gangtok, Rangpo and Rhenock also
- ▶ **Restriction on British Indian subjects - 22nd Sep, 1936**
 - ▶ British Indian Subjects (Marwaris and Modis) are not allowed to possess land in Sikkim or to have any control over such land;
- ▶ **South District, Sikkim** they are, however, allowed by the Darbar, to settle and

North Sikkim

- ▶ Proclamation of His Highness Maharaja of Sikkim dated 30th August 1956
 - ▶ Rules relating to the settlement and or the carrying on of any occupation in north sikkim areas by outsiders (non-indigenous) only on a permit issued by the Sikkim Darbar shall continue to hold force.

Cultivators Protection Act 1985

- ▶ Prescribed authority to decide – District Collector
- ▶ Order for termination
 - ▶ Failed to cultivate the land or pay rent
 - ▶ Cultivator has sublet the land
 - ▶ Owner desires to cultivate the land
 - ▶ Cultivator has erected residential house without written permission of owner
- ▶ Cultivator can voluntarily surrenders his right
- ▶ Abandons cultivation
- ▶ Disputes

Issues - Kutiadar/Adhiyadar

- ▶ Entry in remarks
- ▶ Corrections
 - ▶ Revenue officers cannot decide
 - ▶ Based on order of District Collector only

Laws for determination of cases relating to land

- ▶ Notification No. 1205/L&F
 - ▶ Tehsildar court
 - ▶ For Declaration as lessee, bustiwala, secondary holder
 - ▶ For specific performance of contract between primary and secondary holders
 - ▶ For ejectment of secondary holders
 - ▶ For determination of boundaries
 - ▶ Boundaries relating to bazaar areas – bazaar department
 - ▶ First Appeal to Revenue Commission
 - ▶ Second Appeal to Dewan
 - ▶ Adverse Possession – 12 years – Title
- ▶ South District, Sikkim

Issues - Chitibikri/Hissadar

- ▶ Entry in the remarks
- ▶ Means - Sale or Share of right of property
- ▶ Issue – Title over the land
- ▶ Civil dispute
- ▶ Revenue Officers / Executive Magistrates cannot decide

Other related notifications

- ▶ Road reserves
 - ▶ In the administrative control of forest department
 - ▶ Sikkim Public Premises (Eviction of Unauthorised Occupants and rent recovery) Act, 1980
- ▶ Registration of documents rules 1930
- ▶ Economic holding 3082/LR dated 24/3/1954
- ▶ Sikkim Agricultural Land Ceiling and reforms act 1977 and amendment act 1985

Land Records

- ▶ Notification No. 6 dated 4th February 1984
 - ▶ Old Land Record of 1951 shall cease to be in operation and new land record shall come into force with immediate effect

- ▶ Record Writing
 - ▶ Amin
 - ▶ Head Amin
 - ▶ Revenue Inspector

Cadastral Survey

- ▶ **Features**

- ▶ Land settlement
- ▶ Establishing ownership and control
- ▶ Land use

- ▶ **Traditional Methods - Chain and Tape**

- ▶ **Advantages**

- ▶ Easy

- ▶ Cost effective

- ▶ South District, Sikkim

- ▶ **Disadvantages**

Cadastral Survey

- ▶ 20 % of Cadastral Survey
- ▶ Mapping
 - ▶ Large Scale 1:2000 or 1:1000
 - ▶ No Datum (No Latitude, Longitude)
 - ▶ No Height details (No contours)
- ▶ Collecting and updating details
 - ▶ Ownership
 - ▶ Boundaries
 - ▶ Crops
- ▶ South District, Sikkim
 - ▶ Land type

Cadastral Survey - Issues

- ▶ Village Boundaries – on ground
- ▶ Control Points
- ▶ Terrain
- ▶ North Direction
- ▶ Area
- ▶ Irregular boundaries
- ▶ Triangulation

Land Rent

- ▶ Title
 - ▶ Government owns all lands
- ▶ Hence Rent
- ▶ Annual Demand
- ▶ Collection
- ▶ Why it is important
 - ▶ Source of revenue to government
 - ▶ Proof of Possession
 - ▶ Adverse Possession – 12 years continuous

Thank You

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