



The Arunachal Pradesh Code

Volume - I

**REGULATIONS IN FORCE IN THE UNION
TERRITORY OF ARUNACHAL PRADESH**

**GOVERNMENT OF ARUNACHAL PRADESH
LAW AND JUDICIAL DEPARTMENT
1982**

THE BALIPARA/TIRAP/SADIYA FRONTIER TRACT
JHUM LAND REGULATION, 1947.

(Regulation III, IV and V 1947)

Whereas it is expedient to frame a Regulation in order to safeguard and regulate the rights of the tribes indigenous to the Balipara/Tirap/Sadiya Frontier Tracts to Jhum land in the Balipara/Tirap/Sadiya Frontier Tract.

Preamble.

Now, therefore, the Governor of Assam, in exercise of the powers conferred by sub-section (2) of section 92 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, is pleased to make following Regulation,—

1. (1) This Regulation shall be called the Balipara/Tirap/Sadiya Frontier Tract Jhum Land Regulation 1947.

Title and application.

(2) It extends to the whole of the Balipara/Tirap/Sadiya Frontier Tract.

(3) It shall come into force at once.

(4) Its provisions shall apply in supersession of all existing enactments and rules, so far as the latter are inconsistent with, contrary to or repugnant to, the provisions of this Regulation.

2. In this Regulation :—

Definitions.

(a) [“Administrator” means the Administrator of the Union Territory of Arunachal Pradesh appointed by the President under Article 239 of the Constitution]¹

**Note.*— No. EX/Misc/20/47/67-AD- This Regulation made by his Excellency the Governor of Assam under sub-section (2) of section 92 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, and assented to by His Excellency the Governor General on 17th January, 1948.

(aa) “Land Conservator” means and includes the [Deputy Commissioner]² of the Balipara/Tirap/Sadiya Frontier Tract, any officer exercising the powers of a District Magistrate within the Balipara/Tirap/Sadiya Frontier Tract, any sub-divisional officer within the limits of his sub-division and any officer especially invested by the [Administrator]³ with the powers of a Land Conservator under this Regulation.

(b) “Jhum Lands” means and includes all lands which any member or members of a village or community have customary rights to cultivate by means of shifting cultivation or to utilise by clearing jungle or grazing livestock provided that such village or community is in a permanent location but does not include :—

- (i) any land which has been or is under process of being terraced for the purpose of permanent or semipermanent cultivation whether by means of irrigation or not.
- (ii) any land attached appurtenant to a dwelling house and used for the purposes of permanent cultivation, or
- (iii) any land which in the opinion of the [Deputy Commissioner]² is subject to permanent cultivation.

Explanation :— (1) any land which is otherwise Jhum land according to the above definition shall be deemed to be so notwithstanding the fact that a part or the whole thereof may have been planted with fruit trees, bamboos, or tung or reserved for growing firewood.

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1. Definition for ‘Administrator inserted’ by the NEA (Reorg) (AP) ALO, 1972.
 2. Substituted for ‘Political Officer’ by the NEA (Admn) Regulation, 1965.
 3. Substituted for ‘Governor of Assam’ by the NEA (Reorg) (AP) ALO, 1972.

(2) Any village or community shall be held to be in permanent location of it always remains within a specific area, although part or the whole of such village or community may migrate from time to time to different localities within that area.

(c) "Community" includes the residents of a village as a whole, the Clan, sub-clan, phratry or kindred.

3. Where more than one land Conservator exercises authority within the same area, the [Deputy Commissioner]¹ may, subject to any orders issued by the [Administrator]² make such arrangements as he thinks fit for the distribution of work among such Land Conservators. Distribution of work among land Conservator.

4. (1) A Customary right to Jhum land shall be deemed to be established in favour of village or a community when such village or community has enjoyed the right to cultivate or utilise such Jhum land for not less than 5 years prior to the making of this Regulation. Accrual of customary rights.

(2) A customary right to Jhum land shall be deemed to be established in favour of an individual cultivator,—

- (a) if he inherited the land in accordance with a local custom ;
- (b) if he purchased the land prior to the making of this Regulation and such purchase was not contrary to local custom, or
- (c) if he has purchased the land at any date subsequent to making of this Regulation, provided such purchase was not contrary to any local custom or any provisions of this Regulation, or
- (d) if, being a resident of permanent village, he has brought the land under cultivation, and the land has not been cultivated at any time within 30 years preceeding his bringing the same into cultivation :

Provided that such land is within cultivable reach of his own village.

5. (1) Jhum land to which a community has a customary right may not be transferred to another community or to any individual except with the permission of the land Conservator. Transfers.

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- 1. Substituted 'Political Officer' by the NEA (Admn) Regulation, 1965. (7 of 1965)
 - 2. Substituted for 'Governor of Assam' by NEA (Reorg) (AP) ALO, 1972.

(2) Jhum land to which an individual belonging to a village or community has a customary right may be community or to that village or community as a whole. It shall not be transferred to another village or community or to a member of another village or community except with the previous permission of the Land Conservator.

(3) Nothing in this section shall affect a transferred which is valid under any other provision of this Regulation.

6. (1) No Jhum land shall be leased by anyone having a customary right thereto unless :—

(a) the Land Conservator has approved of such lease on the ground that such lease benefits the village or the community, or

(b) the lessor is, by reason of age or other infirmity unable to cultivate or utilise it, and the lessee is a member of the same village or community as the lessor.

(2) A lease under clause (b) above shall be determined on the death of the lessor or on the termination of his infirmity provided that the lessee shall be entitled to tend and reap any crop standing on the leased land on the date of the determination of the lease.

7. Jhum land which is transferred or leased otherwise than in accordance with the provisions of this Regulation shall be deemed to have been forfeited, and, subject to any customary right of inheritance, may be transferred by the Land Conservator to any member or members of the village or community to which the transferor or lessor belongs or belonged.

Improper transfers and leases.

8. Subject to any order that may be made under this Regulation, persons having customary rights to any jhum land shall be entitled to forest produce from such land for their own use or for the use of members of their own village or community, but shall be bound by any other rule or Regulation in force determining or regulating the sale of such produce.

Forest produce.

9. (1) All customary rights in Jhum land as are now in existence shall subsist subject to the provisions of this Regulation and any other law or Regulation which may hereafter be enacted by competent authority.

Taxation.

(2) Such rights shall also be subject to the payment by the persons entitled thereto of such rents, taxes or any other dues as may be lawfully imposed from time to time by competent authority.

(3) Where any such rents, taxes or other dues have not been paid by any person, the [Deputy Commissioner]¹ may suspend the rights of that persons to all Jhum land, and if the default has subsisted for more than a year, may declare such rights of that person to have been extinguished and may thereupon make such arrangement for the transfer of the rights as he thinks fit.

10. The Government may acquire any Jhum land required for a public purpose. No formal acquisition proceedings shall be necessary but an opportunity shall be given to those having rights in the land to show cause against such acquisition and resonable compensation shall be paid for all land required under this section.

Acquisition
for public
purpose.

Land so acquired shall, if relinquished by the Government at any time, be returned to the village, community or individual from whom it was acquired on refund, if any, of such compensation to the Government as the latter may decide.

11. The land Conservator may at any time summarily eject without notice any person who has squatted without authority of any jhum land.

Ejectment.

12. (1) The Land Conservator may at any time make such general or special order for the reafforestation of Jhum, land as he thinks fit as also for ensuring that strips of reasonable width within any jhum land may not be cultivated.

Prevention
of erosion.

(2) Where it appears that undue erosion or the diminution of the supply of water required or likely to be required for irrigation is resulting or is likely to result from the excessive cutting of trees from any jhum land, the Land Conservator may direct that a part or the whole of such jhum land shall be a protected forest, and no person shall thereafter cut any trees from such protected forest without the permission of the Land Conservator.

(3) Where it appears that undue erosion or diminution, of the supply of water required or likely to be required for irrigation, is resulting or is likely to result from the cultivation of any jhum land the Land Conservator may direct that the jhum land shall not be cultivated by any person for a period not exceeding ten years.

(4) No order shall be made under sub-section (2) of sub-section (3), unless a resoanable opportunity had been given to those having customary rights to the land to prefer objections against such order and unless all objections so preferred have been considered and rejected as unreasonable untenable.

1. Substituted for 'Political Officer' by the NEA (Admn) Regulation, 1965 (7 of 1965).

(5) For the purpose of protecting a road or bridge path, the Land Conservator may direct that any land lying within 50 years of the road or bridge path shall not be cultivated and may further direct that trees upon such land shall not be felled or cut.

(6) The Land Conservator may direct that for the purpose of preserving water supply, any particular area under jungle and previously un-cleared shall remain uncultivated provided that the existing rights of the community or the individual to collect forest produce shall not be interfered with.

13. The Land Conservator may make such general or special orders as he thinks fit to prevent risk or damage by fire to Jhum Land. Prevention of fire.

14. The Land Conservator may by order prohibit the establishment of any new village or erection or any new residential houses on any jhum land. Erection of houses.

Provided that no order shall be made under this section which would prevent person having customary rights to the land from securing reasonable and adequate accommodation for themselves and their families.

15. where a Tribal Council approved by the [Administrator]¹ in this behalf has been set up in any area, any or all of the powers granted to the Land Conservator under the Provisions of this Regulation may be vested by the [Administrator]¹ in that Tribal Council in respect of such area and the Land Conservator shall not exercise any power so vested. Powers of Tribal Council.

16. Any person who intentionally disobeys or violates any order or direction passed by competent authority under any of the provisions of this Regulation, shall, on conviction of such offence, be punished with imprisonment of either description for one month, or with fine not exceeding one hundred rupees, or with both. Penalty for disobedience or violation of orders/ direction.

17. The [Administrator]¹ may call for and examine the records of any proceedings or trial under the provisions of this Regulation and may set aside, modify or alter order or sentence passed by any subordinate authority. Appeal and revision.

1. Substituted for "Governor of Assam" by the NEA (Reorgn) (Arunachal Pradesh) ALO, 1972.

2. Substituted for "Governor" by the NEA (Reorgn) (Arunachal Pradesh) ALO, 1972.