

MEGHALAYA TRANSFER OF LAND (REGULATION) ACT, 1971

1 of 1972

[28th December, 1971]

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MEGHALAYA TRANSFER OF LAND (REGULATION) ACT, 1971

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An Act to regulate transfer of land in Meghalaya for the protection of the interests of the Scheduled Tribes therein Be it enacted by the Legislature of Meghalaya in the twenty-second year of the Republic of India as follows:

1. Short title, extent and commencement :-

(1) This Act may be called the Meghalaya Transfer of LandtRegulation) Act, 1971.

(2) It extends to the tribal areas within State of Meghalaya as specified in Part II of the table appended to paragraph 20 of the Sixth Schedule to the Constitution of India.

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

2. Definitions :-

In this Act, unless the context otherwise requires

(a) "competent authority" means such authority as the Government of Meghalaya may, by notification, appoint for the purpose of exercising all or any of the functions of a competent authority under this Act for the whole of Meghalaya or any part thereof;

(b) "land" includes immovable property of every description and any rights in or over such property ;

(c) "notification" means notification in the official Gazette of Meghalaya;

(d) "transfer" means the conveyance of land of one person to another and includes gift, sale, exchange, mortgage, lease, surrender or any other mode of transfer;

(e) "tribal" means a person belonging to any of the Scheduled Tribes pertaining to Meghalaya and as specified in the Constitution (Scheduled Tribes) Order, 1950 as amended from time to time and for the purpose of this Act, shall also include the Rabhas, Kacharis and Koches resident in Meghalaya.

3. Transfer of land :-

(3) Any transfer of land made in contravention of the provisions of this section shall be void and shall not be enforceable in any Court.

4. Disposal of applications :-

(2) Every order granting or refusing sanction shall be in writing and in the case of refusal shall contain reasons for such a refusal.

(3) Every application for sanction under this section shall be disposed of by the competent authority as early as possible and not later than six months.

(4) If no order is passed by the competent authority on such application within six months, it shall be deemed that the sanction has been accorded.

4A. Where :-

(a) in respect of land the transfer of which is prohibited under the

proviso to sub-S. (1) of S. 3, a person intending to sell his land is not able to effect such sale, or

(b) in respect of the land for sanction of the competent authority is sought under sub-S. (1) of S. 3, the land cannot be disposed of to a tribal, by reason of the fact that no tribal is willing to purchase the land or is willing to purchase the land on the terms offered by the seller or at the market value, such person or the competent authority, as the case may be, shall apply to the Deputy Commissioner of the District for the acquisition of the land by the State Government and where the State Government decide to acquire the land the Deputy Commissioner shall, by order, take over the land on payment of the compensation in accordance with the principle specified in the Land Acquisition Act, 1894 and the land shall thereupon vest in the State Government free from all encumbrances.

5. Appeals :-

Any person aggrieved by an order passed by the competent authority refusing him sanction under this Act, may, within a period of sixty days from the date of order as communicated, prefer an appeal to the Board of Revenue and its order shall be final.

6. Restrictions on registration, etc :-

No officer required under any law for the time being in force relating to the registration of documents or to the recording of any rights in or over land shall register any documents or record any right relating to any transfer of land which is contrary to the provisions of this Act.

7. Registration of certain transfers made before commencement of the Act :-

Every transfer of land made after the commencement of the Constitution and before the commencement of this Act by a tribal to a non-tribal or by a non-tribal to another non-tribal shall, within a period of two years from the commencement of this Act, be registered by the transferee or any person claiming title through him before such authority as the Government of Meghalaya may specify in this behalf: Provided that the Government of Meghalaya may direct the authority to register any such transfer beyond the period of two years.

8. Eviction of persons in unauthorised possession :-

(1) If any person is found in possession of any land otherwise than

in accordance with the provisions of this Act, the competent authority may serve a notice upon such person requiring him .to show cause why he should not be evicted from the land, and, after giving him an opportunity of being heard, require him to vacate the land and to remove any buildings or fences which may have been erected thereon within such time as may be fixed in this behalf: Provided that crops actually growing on the land, if any, shall be allowed to remain till they are harvested.

(2) If any person refuses or fails to comply with an order made under sub-S. (1), the competent authority may evict such person from the land.

(4) Any person aggrieved by an order passed by the competent authority under sub-S. (1) may, within a period of thirty days from the date of order is communicated, prefer an appeal to the Board of Revenue and its order shall be final.

8A. Sale of land by Court or other authority :-

No land belonging to a tribal shall be sold in execution of any decree or order passed by a Court or any other authority to any non-tribal except with the previous permission of the competent authority.

9. Penalties :-

If any person fails

(a) to comply with the provisions contained in S. 7 ; or

(b) to carry out any order passed under sub-S. (1) of S. 8 ; he shall, on conviction before a Magistrate, be punishable with fine which may extend to five hundred rupees, or in default, to imprisonment which may extend to one month.

10. Cognizance of offences :-

All offences punishable under this Act shall be cognizable and bailable.

11. Exemptions :-

Nothing contained in this Act shall apply to

(a) any transfer of land as security for any loan granted by such banking company, co-operative society or other credit institution as the Government of Meghalaya may, by notification, specify in this behalf: Provided that the banking company, co-operative society or other credit institution as notified above by the Government of

Meghalaya shall not transfer any land to a non-tribal except with the previous sanction of the competent authority as provided in S. 3 ;

(b) the letting out on rent of any building standing on land;

(c) any transfer of land to, or in favour of, Government or District Council;

12. Bar of suits in civil courts :-

No suit shall be brought in any civil court to set aside or modify any order made under this Act.

13. Suits, etc. :-

against authority and officers acted in good faith. No suit, prosecution or legal proceeding shall lie against any authority or officer for anything done in good faith under this Act.

14. Power to make rules :-

(i) The Government of Meghalaya may, by notification, make rules to carry out the purposes of this Act.

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

(a) the form and manner in which applications for sanction of the competent authority may be made under this Act and the fees payable therefor;

(b) the procedure to be followed by the competent authority in the disposal of appeals/applications under this Act:

(c) the particulars to be furnished in respect of registration under S.7;

(d) any other matter which may be prescribed.