

MEGHALAYA ACT 12 OF 1972

THE MEGHALAYA TRANSFER OF LAND REGULATION ACT, 1971

(As passed by the Assembly)

[Received the assent of the President on the 28th December, 1971]

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An

Act

to regulate transfer of land in Meghalaya for the protection of the interest of the Scheduled Tribes therein

Be it enacted by the Legislature of Meghalaya in the Twenty-second Year of the Republic of India as follow:-

Short title and commencement.

1. (1) This Act may be called Meghalaya Transfer of Land (Regulation) Act, 1971.
- (2) It shall come into force on such day as the Government of Meghalaya may, by notification, appoint.

Definitions.

2. 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) “non-tribal” means a person who is not a tribal and excludes Rabhas and Kacharis resident in 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) “transfer” means a conveyance of land of one person to another and includes gift, sale, exchange, mortgage, lease, surrender or any other mode of transfer;

(f) "tribal" means a person belonging to any of the Schedule Tribes pertaining to Meghalaya and as specified in the Constitution (Scheduled Tribes) Order, 1950, as amended from time to time.

Transfer of land.

3. (1) No land in Meghalaya shall be transferred by a tribal to a non-tribal or by a non-tribal to another non-tribal except with the previous sanction of the competent authority.

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

Disposal of application.

4. (1) In granting or refusing sanction under section 3 the competent authority shall take into account the following matters according to the circumstances of each case:-

(a) whether the non-tribal holds any other land in Meghalaya;

(b) whether there is any other tribal willing to take the land on transfer at the market value;

(c) whether the non-tribal seeking to take the land on transfer is carrying on any business, profession or vocation in or near the area and whether for the purposes of such business, profession or vocation, it is necessary for him to reside in the area;

(d) whether the proposed transfer is likely to promote the economic interests of the Scheduled Tribes in the area.

(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 sanction has been accorded.

Appeal.

5. 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 the order is communicated, prefer an appeal to the Board of Revenue and its order shall be final.

Restrictions on registration, etc.

6. No officer required under any law for the time being in force relating to the registration of documents or 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.

Registrations of certain transfers made before commencement of the Act.

7. 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 transferor 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.

Eviction of persons in unauthorised possession.

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

Penalties.

9. If any person fails-

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

(b) to carry out any order passed under sub-section (1) of section 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.

Cognizance of offences.

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

Exemptions.

11. Nothing contained in this Act shall apply to-

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

Provided that a 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 section 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.

Bar of suits in civil courts.

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

Suits, etc., against authority and officers acting on good faith.

13. No suit prosecuting or legal proceeding shall lie against any authority or officer for anything done in faith under this Act.

Power to make rules.

14. (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 application for sanction of the competent authority may be made under this Act and the fee payable therefore;
- (b) the procedure to be followed by the competent authority in the disposal of application under this Act;
- (c) the particulars to be furnished in respect of registrations under Section 7;
- (d) any other matter which may be prescribed.