









THE MEGHALAYA TRANSFER OF LAND (REGULATION) ACT, 1971

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

Sections of the Act

- 1 Short Title and Commencement - Sub-Sections (1) to (3)
- 2 Definitions - Sub-Sections (a) To (e) Land Competent Authority Transfer Tribal Notification
- 3 Transfer of Land - Sub Sections (1) to (3)  From tribal to a non-tribal or By non-tribal to another non-tribal
- 4 Disposal of Application - Sub-Sections (1)(a)-(e), (2) to (4) and 4A 
- 5 Appeal 
- 6 Restriction on Registration, etc  If contrary to the Act
- 7 Registration of transfer made before commencement of the Act  

Sections of the Act

8

• Eviction of Unauthorized possession - **Sub-Sections (1) to (4) and 8A**

9

• Penalties - **Sub-sections (a) to (d)**

Fine / Imprisonment

10

• Cognizance of Offences

Cognizable and Bailable

11

• Exemptions - **Sub-sections (a) to (d)**

Security for any loan – Banks / Societies / Credit Institutions

12

• Bar or suit in Civil Court



13

• Suit against any authority / officer acting in good faith



14

• Power to make Rules

Notification by Government of Meghalaya



Section 3

The Act – a glimpse

- ▶ “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”

Exclusions
Land/Revenue plots located in normal areas i.e, European Ward, Cantonment area, Police Bazar, Jail Road

Exceptions
3A

- Devolution & Succession – Personal Law
- Partition / Settlement amongst immediate family
- Will in favour of parents, legally married spouse, son / daughter or legally adopted son / daughter, grandson / granddaughter, son-in-law, daughter-in-law.

Definitions:

“**Transfer**” - the conveyance of land of one person to another & includes gift, sale, exchange, mortgage, lease, surrender, will other than will covered by Clause (c) of Sub Section (1) of Section 3A, license or any mode of transfer or any authority which confers rights upon a non-tribal to use or to derive benefits from the land as an owner.

“**Tribal**” - a person belonging to any of the Scheduled Tribe 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.

“**Competent authority**” - 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.

The Act – a glimpse

Granting or Refusing Sanction

Circumstances

- (a) NT holds other land in Meghalaya?
- (b) Tribal willing to take the land at the market value?
- (c) NT carrying on business, profession or vocation hence necessary reside in the area?
- (d) To promote the economic interests of the STs in the area?
- (e) Required as a place of public religious worship or as burial or cremation ground?
- (f) For implementing a scheme to promote the interests of the tribals in the field of education or industry?

Procedure

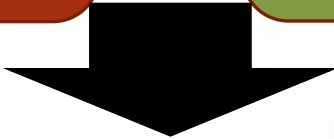
2. Written Order; provide reasons for refusal
3. Application to be disposed not later than 6 (six) months
4. No Order within 6 (six) months = Deemed Sanction accorded

The Act – a glimpse

Acquisition of land by the State Government

(a) The person want to sell but is prohibited under Section 3(1)

(b) The person wants to sell but no tribal is willing to purchase the land at market value



1. The person or the competent authority has to submit an application to the Deputy Commissioner of the District for acquisition of land by the State Govt.
2. DC shall take over the land, by order, on payment of compensation
3. Land shall thereupon vest in the State Government free from all encumbrances.

Notifications

Revenue & Disaster Management

Order No. & Date	Content
Order No. 1 RDS.45/2011/2, dt.30.Mar.2011	Kept on hold all proposals for transfer of land to non-tribal entities pending consideration of amendment to the Act & Restructuring of the Industries and Investment Policy
Order No. 2 RDS.45/2011/27, dt.24.Aug.2012	Relaxed Order 1 for companies / societies / NGOs engaged in Education (Land size to commensurate with actual requirement of the institutions / universities)
Order No. 3 RDS.2/2013/Pt/49, dt.19.Jun.2014	Order 1 withdrawn to ensure that provisions of the Act are not curtailed in terms of Section 4.1(e) as the Act does not authorize any notification to curtail the right of religious societies for transfer of land in their name.

Section 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

(e) Whether the land proposed to be transferred is actually required as a place of public religious worship by any community or as burial or cremation ground.

DCs Lease Agreement Clauses - *the nitty-gritties*

4. Land is utilized not for the purpose it was leased out

Breach of Lease Terms

5. Land is not put into use within a period of ten years from the date of issue of the lease

Govt. reserves the **right to cancel the lease** and to take over the land.

May dispose it off in the manner it deems is fit

6. Land being surrendered under Clause 5

Govt. shall **pay compensation** for the building and other structures including trees planted and raised by the lessee
Amount as may be valued by the DC

19. On determination of the term of the lease

Lessee / heirs, representatives & assigns shall have the **first offer** of renewal thereof on terms to be fixed by the Government.

Mutation/inclusion of names/persons in case of death of the lessee

An **order/declaration as legal heir** from a Competent Court of Law is to be obtained by the applicant(s).



Thank you

Smt. R. Lyngdoh