The 2nd August, 1974

No. RDS.82/73- In exercise of the powers conferred by Section 14 of the Meghalaya Transfer of Land (Regulation) Act, 1971 (Act No. 1 of 1972), the Government of Meghalaya are pleased to make the following rules:-

1.Short title and commencement: - (1) These rules may be called the Meghalaya Transfer of Land (Regulation) Rules, 1974.

(2) They shall come into force at once.

2. Definition: - In these rules, unless the context otherwise requires:-

a) "Act "means the Meghalaya Transfer of Land (Regulation) Act, 1971.

b) "Form" means a form specified in these rules.

c) "Section" means a Section of the Act.

d) "Schedule" means a Schedule appended to these rules.

e) "Words and expressions used in these rules and not defined but defined in the Act have the meaning respectively assigned to them in the Act.

3. Competent Authority: - In these rules, "Competent Authority" means any authority appointed by the Government of Meghalaya under Section 2 (a) of the Act for the purpose of exercising all or any of the functions of a Competent Authority under the Act for the whole of the Meghalaya or any part thereof.

4.Application for sanction under Section 3 if the Act ─ (1) All applications for sanction of the Competent Authority under Section 3 of the Act shall be made in writing and signed by both the parties of the proposed transfer giving particulars in Form 'A' by affixing a Court Fee Stamp of Rupee one.

(2) The Applications shall be submitted before such officer as the competent Authority may authorize and the officer shall give a receipt to the applicant in Form'B'.

(3) A register in Form 'C' shall be maintained by the Competent Authority for all applications received under Sub-rule (1).

5. Fee − (1) The fee payable for application for sanction under Section 3 of the Act shall be as shown in Schedule 'B'.

(2) Fee for application for sanction under Section 3 of the Act shall be paid to the Competent Authority and the application shall be accompanied by a Treasury Challan/Receipt evidencing payment of the said fee.

6. Enquiry ─ (1) Immediately on receipt of the application under Rule 4 of sanction for sale of a plot of land the Competent Authority shall issue public notice in Form 'D' inviting buyers for the land proposed to be transferred from amongst the tribals. In case not tribal comes forward to buy the land the market value within 30 days from the date of publication of the said notice, the Competent Authority shall proceed to dispose of the application in accordance with the provisions of the Act.

(2) Immediately on receipt of application for sanction for transfer of land otherwise than by sale, the Competent Authority shall issue public notice in Form 'E' inviting objectives within 30 days against the said transaction.

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(3) In disposing of applications filed under Rule 4 the Competent Authority may call for report from any person or authority and also authorize any officer to make such enquiry as it dem fit and proper.

(4) The Competent Authority shall dispose of the applications filed under Rule 4 as early as possible ant not later than six months as provided in sub-sections (3) and (4) of Section 4 of the Act and the period of six months shall be counted from the date from which the application is received by the Competent Authority.

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

(6) The Competent Authority shall communicate the final order of granting or refusing sanction to the applicant by registered post addressed to the applicant or, if there is no postal service, the order may be communicated by any other means or service and the signature of the person to whom the copy of the order is delivered shall be obtained.

(7) Registration under Section 7 of the Act – (1) The Competent Authority appointed under Section 2(a) of the Act shall also be the Authority for registration of transfer of land under section 7 of the Act.

(2) The Competent authority shall issue a public notice asking persons to register the transfer of land made after the commencement of the Constitution and before the commencement of the Act by a tribal to a non-tribal or by a non-tribal to another non-tribal.

(3) The Competent Authority shall maintain a register for registration of land under Section 7 of the Act in Form 'F'.

(4) Any person who wants to have his transfer registered under Section 7 of the Act may apply to the Competent Authority giving particulars mentioned in Form 'F' by registered post and on receipt of such application the Competent Authority shall register the transfer and note the particulars of the transfer in the register maintained under sub-rule (3).

(5) If a person fails to register his transfer of land within two years from the commencement of the Act as provided in Section 7 of the Act, he may apply to the Government of Meghalaya in the Revenue Department for condonation of delay under provision to Section 7 of the Act. The applicant shall give reasons for non-registration of the transfer within two years and shall also pay a fee of Rs. 5.

The application shall be accompanied by a Treasury Challan evidencing payment of the said late fee.

(6) In case the application filed under sub-rule (5) is granted, the Government of Meghalaya shall issue directions to the competent Authority to register the transfer and on receipt of such directions the Competent Authority shall register the transfer.

(7) In case the application filed under sub-rule (5) is rejected the fee so deposited shall be refunded to the person who paid the fee.

(8) (1) In notice to show cause under Section 8 of the Act shall be in Form 'G'.

Contd….Page…..3

(2) The notice shall be served by delivering it to the person to whom it is directed or by delivering it at the usual place of abode of such person or to some adult member of his family, or in case it cannot be so served by sending it by registered post. In case such notice cannot be served in any of the ways hereinbefore mentioned it may be served in such ways as the Competent Authority may direct.

D. Singh
Secretary to the Government of
Meghalaya

Revenue & Disaster Management Department

SCHEDUL
E 'A'
FORM A –
Part 1
[See Rule 4
(1)]

Information to be furnished by the non-tribal applicant in whose favour transfer of land is to be considered.

1. (a) Name……..Father's name…… (c)Age……. (d) Sex…..... (e) Husband/Wife's name……
District……State……
2. Place of birth……
3.Place of present residence……..District…….. State ……..
4. Duration in the place of present residence…… 5. Occupation …… 6. Particulars of the plot to be transferred with area and boundaries, etc ……..
7. Purpose of transfer …… 8. Value of the land proposed to be transferred……...
9. Number of plots of land in the possession of the applicant and members of his family in different parts of the State.

Explanation: - Member of his family "means the members of his/her family consisting of wife/husband, the parents, children and step-children.

(Particulars, area and boundaries of each plot to be given separately).

I solemnly affirm that the particulars given above are true to the best of my knowledge and belief.

Signature of the applicant

Contd….Page…..4

PART II

Particulars to be furnished by land owner whose land is proposed to be transferred to the applicant.

1.Name ……Father's name……
Age……..
2.Place of residence……..District…….
3.Occupation……..
4.Nature and mode of acquiring the ownership over the land proposed to be transferred ……
5.Number of plot already transferred to non-tribal with area and boundaries of each plot.

6.Names and addresses of the tribals, if any willing to take the land on transfer and price offered. 7.Reasons for the present proposed transfer affected in favour of the applicant.

I solemnly affirm that the particulars given above are true to the best of my knowledge and belief.

(Signature of the transferor)

SCHEDUL
E 'A'
FORM B
[See Rule 4
(2)]

Received the application
dated…… from
Shri/Smti…….for transfer /purchase/lease/gift, etc of lands. The serial number per register is
……
…….dated…….

Signature of the officer

Contd….Page…..5

FORM 'C'

N	a m	Name of the applicant 2 3	Date of application Receipt 4	Date of 5	Type of transfer

[See Rule 4 (3)]

Serial No.	Amount deposited as fee	Date whenever enquiry started	Date when enquiry report submitted	Date of disposal with decision	REMARKS
1	6				7

SCHEDULES

SCHEDULE ·A·

FORM D

[See Rule 6 (1)]

Notice is hereby given that Shri / Smti ……...

Intends to transfer his/her land situated at

…….. Measuring

……acres as per schedule given below at Rs. …….

SCHEDULE NORTH :
EAST :
SOUTH :
WEST :

Intending purchasers from amongst the tribals may contact the office of the undersigned within 30 days from the date of this office between 10.a.m. and 4 p.m. on all working days and give notice in writing that he/she in intends to purchase the land.

Given under my hand and seal this……
……..day of 199…….

Signature and Seal

_____

SCHEDULE 'A'

FORM 'E'
[See Rule 6 (2)]

Notice is hereby given that Shri/Smti…….. Intends to transfer his/her land situated at…….. Measuring …….acres by way of gift/exchange/mortgage/lease/surrender as per schedule given below:-

SCHEDULE NORTH :
EAST :
SOUTH :
WEST :

Interested parties may file their objection, If any, under the officer of the undersigned within 30 days from the date of issue of this notice between 10 a.m. and 4.p.m. on all working days in writing.

Given under my hand and seal this……
……..day of 199…….

Signature and Seal

Contd….Page…..7

SCHEDULE

'A'

FORM

'F'

[See Rule 7

(3) (4)]

Serial No.	Date of the application	Name of the applicant	Nature of transfer	Date of transfer	Name of the transferor	Name of the transfer	Remarks
1	2	3	4	5	6	7	8

Contd….Page…..8

SCHEDULE ‘A’

FORM ‘G’

[See Rule 8 (1)]

Whereas, it has been found that you ……...

Are in possession of the land described in the Schedule below without obtaining necessary permission under the Meghalaya Transfer of Land (Regulations) Act, 1971 (Meghalaya Act, I of 1972) and Rules framed there under.

Now therefore….. in exercise of powers conferred under Section 8 of the said Act you are hereby asked to show cause on

……...

…….day of

…….199……at……a.m. before me as to why action under the Provisions of the Said Act shall be taken you.

Competent Authority

_____

SCHED

ULE B (See

Rule 5) The rate of fee is:-

(a) Five percent of the sale price in case of sale.

(b) Two and half percent of the value of the property as may be valued by the Competent Authority in case of a gift. The valuation of the property shall be based on the current marks value of the property taking into consideration of the value of similar properties in the neighbouring area. (c) Five percent of the consideration money in the case of lease.

(d) Re. 1 per hundred in the case of mortgage;

Provided that the fee payable under items (a), (b) (c) and (d) Rupees one hundred in case of other transfer.