

**THE UNITED KHASI-JAINTIA HILLS AUTONOMOUS DISTRICT
(TRANSFER OF LAND) ACT, 1953**

NOTIFICATION
The 4th May 1953

UNITED KHASI-JAINTIA HILLS DISTRICT (TRANSFER OF LAND) ACT, 1953

(Passed by the United Khasi-Jaintia Hills District Council)

[Received the assent of the Governor of Assam on 2nd May 1953]

(Published in the Assam Gazette, dated 6th May 1953)

AN
ACT

Preamble - Whereas it is necessary to make provision in the Autonomous District of the United Khasi-Jaintia Hills with respect to the transfer, allotment, occupation or use of land for any purpose likely to promote the interests of the inhabitants thereof;

Be it enacted as follows:-

- 1. Short title extent and commencement** - (1) This Act may be called the United Khasi-Jaintia Hills District (Transfer of Land) Act, 1953.
 - (2) It extends to the whole of the United Khasi-Jaintia Hills District.
 - (3) It shall come into force at once. The pending applications for land shall be dealt with and disposed of under the provisions of this Act.
- 2. Definitions** - In this Act, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them, that is to say-
 - (a) "District" means the United Khasi-Jaintia Hills District;
 - (b) "District Council" means the District Council of the United Khasi-Jaintia Hills District;
 - (c) "District Fund" means the District Fund of the United Khasi-Jaintia Hills District
 - (d) "Executive Committee" means the Executive Committee of the United Khasi-Jaintia Hills District Council.
 - (e) "Tribal" means a person who belongs to one of the Schedule Tribes in Assam and specified as such by order made by the President of India under Article 342 (1) of the Constitution of India in so far as the specification pertains to the Autonomous District of Assam;
 - (f) "Land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth but shall exclude minerals, natural gas and petroleum.
 - (g) "Family" means a person and his wife and children dwelling together with him;
- 3. Transfer of land** - No land within the District shall be sold, mortgaged, leased, bartered, gifted or otherwise transferred by tribal to a non-tribal or by a non-tribal to another non-tribal except with the previous sanction of the District Council.

Provided that no sanction will be necessary in the case of a lease of a building on rent:

Provided further-

- (a) That sanction shall not be accorded to the sale from a tribal to a non-tribal if the intended transferee either already holds one piece of house property or land in Shillong within 5 miles from the Deputy Commissioner's Court either in his name or in the name or names of other members of his family or falls within the category (in the opinion of the Chief Executive Member), of the class of profiteering landlords;
 - (b) That reason shall be recorded for any refusal of transfer from a tribal to a non-tribal or from a non-tribal to another non-tribal.
4. **Acquired rights not to be affected** - Any right in respect of land acquired under any law in force shall not be affected by the coming into force of this Act.
 5. **Ejectment** - If any person other than a tribal is found to be in possession of any land otherwise than in accordance with the provisions of this Act, or in such possession thereof as found contrary to Section 4 above, the Chief Executive Member or any other authorized in writing by the Chief Executive Member in this behalf, may serve a notice upon the person concerned requiring him to vacate the land within three months from the date of service of the notice and to remove any buildings or fences which may have been raised on such land subject to the condition that crops actually growing on the land may be allowed to remain till they are ripe for harvest.
 6. **Penalty** - Any person or persons intentionally disobeying an order or requisition to vacate under Section 5 shall be liable to a fine which may extend to two hundred rupees, and, in case such disobedience is continued, to a further fine which may extend to fifty rupees for each day during which such breach continues.
 7. **Application for transfer** - (1) All applications for sale, mortgage, lease, gift or any other form of transfer of land from a tribal to a non-tribal or from a non-tribal to another non-tribal shall be made to the Secretary, Executive Committee of the District Council and accompanied by an application fee and a transfer fee at rates specified in the Schedule to this Act. No sanction shall be given to such applications before a report is received from the local Administrative heads and duly considered.
 - (2) The fees shall be deposited by the applicant into the District Fund by Treasury Chalcans which shall be attached to the application in proof of the deposit.
 - (3) In the event of the application being rejected the transfer fee shall be refunded.
 8. **Existing restriction on use of land in or near Shillong** - Nothing in this Act shall be held to affect the existing restrictions on the use of land in and near Shillong such as would affect the water and wood supply or a beauty spot in Shillong.
 9. **Power to make rules** - (1) the Executive Committee may make rules by notification in the Official Gazette for the purpose of carrying out the provisions of this Act;
 - (2) such rules, when confirmed by the District Council and published, shall have the force of law.

SCHEDULE

- (1) The rate of application fee is Rupee one for each application.
- (2) The rate of transfer fee is :-
 - (a) One percent of the sale price in case of sale, subject to a maximum of Rs. 1,000.
 - (b) Half percent of the value of the property as may be valued by the Chief Executive Member in case of a gift subject to the maximum Rs. 500. The valuation of the property shall be based on the current market value of the property taking into consideration the value of similar properties in the neighbouring area.
 - (c) One percent of the consideration money in the case of a lease subject to the maximum of Rs. 500.
 - (d) Rupees 10 in the case of mortgage when the amount of the mortgage is Rs.3,000 or below and Re. 1 for every additional Rs.1,000 or part thereof.

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