

## NOTIFICATION

Dated Shillong, the \_\_\_\_\_ October, 2005

NO.DC./L/ - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulation Bill of the Khasi Hills Autonomous District Council is hereby published for general information:-

### **THE KHASI HILLS AUTONOMOUS DISTRICT (ALLOTMENT, OCCUPATION OR USE OR SETTING APART OF LAND) REGULATION, BILL, 2005.**

(Passed by the Khasi Hills Autonomous District Council on the 24<sup>th</sup> October, 2005.)

(Received the assent of the Governor on \_\_\_\_\_)

(Published in the Meghalaya Gazette on \_\_\_\_\_)

## A

### BILL

to make provision for the allotment, occupation or use or setting apart of land in the Khasi Hills Autonomous District.

**PREAMBLE** – Whereas under Clause (a) of Sub- Paragraph (1) of Paragraph 3 of the Sixth Schedule to the Constitution of India, it is expedient and necessary to make laws for regulating the allotment, occupation or use and/ or the setting apart of land in the Khasi Hills Autonomous District (other than any land which is reserved forest) for the purpose of agriculture, residential and other purposes for the promotion of the interest of the inhabitants of the District.

Be it enacted in the Fifty Sixth year of the Republic of India as follows-

#### 1. **SHORT TITLE, EXTENT AND COMMENCEMENT:-**

(1) This Act may be called the Khasi Hills Autonomous District (Allotment, occupation, use and setting apart of land) Act, 2005.

(2) It extends to the whole of the Khasi Hills Autonomous District.

(3) It shall come into force with effect from the date of its publication in the official Gazette of the State of Meghalaya.

#### 2. **DEFINITIONS** – In this Act, unless there is anything repugnant in the subject and context:-

(a) “Allotment” means distribution or setting apart of land to any person who is a Khasi and an inhabitant of the area to which this Act extend by any means of transfer including sale, lease, mortgage, exchange, gift etc for any purpose;

(b) “District” means the Khasi Hills Autonomous District;

(c) “District Council” means the Khasi Hills Autonomous District Council.

(d) “Executive Committee” means the Executive Committee of the Khasi Hills Autonomous District Council and/ or a Committee of two of its Executive Members consisted by it to discharge any particular function under this Act on its behalf;

(e) “Executive Member Incharge Land” means the Executive Member of the Khasi Hills District Council authorized by the Chief Executive Member to perform the duties pertaining to lands;

(f) “Corporation” means a body or Society authorized by law to act as one individual and includes also a Company, an Institution, a Firm, a Religious Body or Non-Government Organisation registered as such under the relevant law for the time being in force;

(g) “Chief” means a Syiem or a Lyngdoh or a Sirdar or a Wahadadar as the case may be of any Elaka;

(h) “Chief and his Durbar” means an Executive Durbar presided over by the Chief with some members as per customary practices prevalent in an Elaka and duly approved by the Executive Committee. The function of his Durbar is to run the day-to-day administration of the Elaka.

(i) “Elaka” means an administrative unit in the District specified in Appendix – I and II;

(j) “Durbar Raid” means a Durbar of the Raid consisting of the Syiem Raid, Sordar Raid, the Longsan (representatives elected by the clans) and the representative of each village under the Raid as the case may be;

(k) “Headman” means the administrative head of the Village within the jurisdiction of each of the existing Elaka specified in Appendix – I and II and shall include a Rangbah Shnong, a Sordar Shnong, a Matabor and a Myntri Shnong, Syiem Raid, Lyngdoh Raid, Sordar Raid, Basan Raid;

(l) “Land” means and includes Ri Kynti and Raid Lands in the District either vacant or occupied and includes all benefits arising out of the land and things attached to the earth or permanently fastened to anything attached to the earth; but shall not include any land which is acquired by any Government or is included within any cantonment as by law established;

(m) “Owner” means and includes any recorded owner in respect of any Ri-Kynti or Ri-Raid land as well as a Settlement Holder whose name has been entered as such in the Record of Rights maintained by the District Council as by law established;

(n) “Dulir” means a document indicating the particulars of the recorded owner and the description of the land along with other details thereof as extracted from the Record of Rights duly issued by the District Council from time to time to the recorded owner as per the provisions of this Act;

(o) “Prescribed” means prescribed under this Act or by Rules made thereunder;

(p) “Ri-Kynti” means a private land or a land absolutely possessed by a person.

(q) “Raid” means any administrative unit recognised as such within an Elaka specified in Appendix I & II composed of one or more villages under such Elaka;

(r) “Ri Raid” or “Raid Land” means a community land under the administration of the Raid being managed by the Chief and his Durbar or Durbar Raid or village Durbar and includes all types of land, else than a Ri-Kynti land not already settled with or owned by any individual or Kur;

(s) “Record of Rights” means a register maintained by the District Council as per the provision of this Act and Rules framed there under recording the name of the owner of land within the District Council including the type of the land, area, boundary and the location of the land;

(t) “Settlement Holder” means any person or corporation who has been allotted with a land set apart and permitted by the Executive Committee under the provision of this Act;

(u) “Syiemship” means those Elakas in the Khasi Hills District formerly known as Khasi States and it includes Wahadarship, Lyngdohship and Sirdarship as specified in Appendix – I;

(v) “Sirdarship” means those Elakas in the Khasi Hills District formerly known as British Sirdarship as specified in Appendix -- II;

(w) “Khasi” means and includes a person belonging to Khasi tribe comprising of a Khyntiam, a Pnar or a Synteng, a War, a Bhoi, a Lyngngam, a Nongtra, a Muliang who is recognized or deemed as such under prevailing Khasi custom or as defined under the Khasi Hills autonomous District (Khasi Social Custom of Lineage) Act, 1997.

(x) “Village Durbar” means a general Durbar constituted as per prevailing Khasi custom consisting of Khasi adults who are not less than 18 years of age for the purpose of administration of the village.

(y) “Person” means a Khasi male or female or a Khasi clan or a corporation.

3. **ALLOTMENT OF LAND:-**

(i) On and from the date of commencement of this Act no land under the District shall be allotted to any person without the previous permission of the District Council.

(ii) Allotment of any land by any means affected otherwise than by or under the previous permission of the District Council shall be illegal and void.

(iii) No allotment made henceforth shall be effective if the name of the Settlement Holder is not reported and duly entered in the Record of Rights maintained by the District Council under the provisions hereinafter contained.

(iv) District Council while permitting allotment of any land shall also be competent to prescribe and limit the duration of such allotment as well as the purpose for which the land allotted may be utilized.

4. **RECORD OF RIGHTS AND ISSUE OF DULIR:-**

A.

(i) On or within the date to be notified by the District Council and in the manner prescribed, every person of the District shall apply for Registration of his/ her/its name as the owner of the plot of land under his/ her ownership or bona fide possession either in his/ her/ its personal capacity in conformity with any other law for the time being in force or as the Khadduh of any family or clan in respect of any Ri-Kynti land along with a deposit of such fees as may be prescribed by the Executive Committee from time to time.

(ii) On receipt of such application, the District Council or its authorized Officer shall issue General Notice calling for objection against the prayer for registration and on hearing such objection, if any, shall dispose of the application either by registering the name of the person as the owner of the land in the Record of Rights of Ri- Kynti land or refusing to do so. Every such application shall be disposed of within six months from the date of its filing, excluding the period adjourned at the instance of the applicant praying for registration. In case of rejection of the application or in case of decision by way of contest by parties, the application shall be disposed of by way of speaking reasoned order.

(iii) In the event of registration of the name of any person as owner of any land as above, a Dulir to that effect shall be issued to the owner by such authority on payment of such fees as may be prescribed by the Executive Committee from time to time.

(iv) On and from the date of commencement of this Act no other land document other than the Dulir issued by the District Council in any form issued by any other authority shall be recognized.

Provided that no Dular in respect of Ri Kynti land shall be issued under this Act without having the land or plot identified by the Headman of the village and confirmed by the Chief and his Durbar having jurisdiction over such land or plot as prescribed under the rules made thereunder.

**B.**

(i) All lands hitherto used as Raid land shall be registered by the District Council as Raid land either suo moto or on application made by the respective Chief and his Durbar or Durbar Raid or Village Durbar through their authorized representatives in the Record of Rights maintained in respect of Raid land.

(ii) Every application for registration of an existing Raid land in respect of any village or Raid shall be made in the manner prescribed under this Act and on payment of such registration fees as may be prescribed by the Executive Committee from time to time.

(iii) On receipt of such application, the District Council or its authorized Officer shall issue General Notice calling for objection/ invitation against the prayer for registration and on hearing such objection, if any, shall dispose of the application either by registering the name of the village/ Raid represented by its Chief and his Durbar or Headmen, as the case may be, as the holder of the land in the Record of Rights of Raid land or refusing to do so. Every such application shall be disposed of within six months from the date of its filing, excluding the period adjourned at the instance of the applicant praying for registration.

(iv) On and from the date of commencement of this Act no other land document other the Dular issued by the District Council in respect of Raid land in any form issued by any other authority shall be recognized.

5. **SETTING APART OF RAID LAND:-**

(i) All Raid land set apart shall be identified by the Headman, certified by the Dorbar Raid and confirmed by the Chief and his Durbar concerned. Such settlement shall be forwarded by the Chief and his Durbar to the District Council for necessary entry in the Record of Rights who shall issue a Dular as prescribed.

Provided that under no circumstances any Raid land or any part thereof shall be permitted to be transformed to a Ri Kynti land or be settled to any person other than a Khasi.

Provided further that preference shall always be given to a landless Khasi inhabitant of the area over other aspirants while considering setting apart of any Raid land.

(ii) No land or any part thereof which is being used hitherto as Raid land or registered as such under this Act shall be used for any purpose so as to destroy the natural topography of the land or in any other manner so as to deprive the Village Community for which the land has been reserved and preserved as Raid land.

6. **POWER OF THE EXECUTIVE COMMITTEE TO CANCEL RAID LAND ALREADY SET APART:-**

If at any time any Ri-Raid land already allotted or set apart is found to have not been occupied, cultivated, improved or utilized in any manner for a period of three years continuously or in any manner in contravention of any condition laid down by the authority under this Act, the order of settlement, allotment, setting apart pertaining to such land shall be cancelled and the said Ri-Raid land shall be resumed by the Raid or village concern, unless:

- (a) The allottee concerned is able to satisfy the Executive Committee that there is reasonable ground for leaving the land fallow; or that
- (b) There is sufficient material evidence to satisfy the Executive Committee that earnest and visible attempts were being made to utilize the land in the manner laid down.

7. **RIGHTS OF SETTLEMENT HOLDER:-**

(i) Every person who, at the commencement of this Act, owns any land from the private land (Ri-Kynti) owner by means of registered Deed of Transfer as a settlement holder and registers himself/ herself/ itself as such under this Act shall become the owner of the land and shall: -

- (a) have permanent, heritable and transferable rights in the land subject to other laws for the time being in force.
- (b) be entitled by himself/ herself/ itself, his servants, agents or other representatives thereon for the better cultivation of the land or its convenient use;

(ii) Nothing in Sub-section (i) above shall entitle a settlement holder to use his/ her/ its land to the detriment of any adjoining land, which is not his, or in contravention of the provisions of any other law for the time being in force applicable to such land.

8. **REGULATION OF ALLOTMENT, OCCUPATION, USE OR SETTING APART OF LAND:-**

(i) The Executive Committee or any Officer of the District Council duly empowered by it in this behalf may, on application, may regularize such settlement, allotment, setting apart or occupation of land as were made before the commencement of this Act so as to bring them under and in conformity with the provisions of this Act and the Rules made thereunder. Any settlement, allotment, setting apart or occupation of land not being regularised as required herein shall be held to be illegal and void.

Provided that regularization shall not be made if –

- (a) it is in contravention of any provision of this Act or any law for the time being in force.
- (c) in the opinion of the Executive Committee, such regularization would be derogatory to the interest of the people or is likely to hamper with the development of the locality in particular or of the District in general.

(ii) Application for regularization shall be submitted to the authority authorized in this behalf by the Executive Committee within a period of six months from the date of commencement of this Act.

Provided that the Executive Committee may regularize such settlement, allotment, occupation or setting apart of land beyond the period of six months on reasonable grounds.

9. **PROHIBITION OF SALE, MORTGAGE ETC. OF LAND ALREADY ALLOTTED, OCCUPIED, USED OR SET APART:-**

(i) No land already settled, allotted, occupied or used or set apart by or under the sanction of the Executive Committee under the provisions of this Act shall be sold, mortgaged, leased, gifted or alienated in any form without the previous sanction of the Executive

Committee or any Officer duly authorized by it in this behalf which should be applied for and obtained in writing. Such applications shall be dealt with and disposed of in accordance with the provisions of this Act.

(ii) On any sanction under sub-section (i) above, fees shall be levied from the person in whose favour sanction is made at the rate(s) fixed and revised by the Executive Committee from time to time.

10. **MUTATION:-**

(i) Any person acquiring by succession, survivorship, inheritance, partition, gift, exchange or otherwise any right in any Ri-Kynti land, shall report his acquisition of such

right to any Officer duly empowered by the Executive Committee in this behalf within three months from the date of such acquisition along with prescribed fees that may be fixed and revised by the Executive Committee from time to time for mutation of his/ her/ its name in the Record of Rights.

(ii) On receiving the report under Sub-section (i) above, the officer empowered by the Executive Committee in this behalf shall publish a notice in the prescribed form requiring all persons interested in the mutation to file objection.

(iii) Should any objection to the report under Sub-section (ii) above be made by any interested person, the officer empowered by the Executive Committee in this behalf shall examine the objection and documents produced and after such further inquiry (if any) as appears necessary to ascertain the truth of the case shall give a decision in the matter in writing.

(iv) No order under Sub-section (iii) above shall be made unless the parties are given an opportunity of being heard.

(v) When the order under Sub-section (iii) above has been passed, the entries in the register of mutation may be made and necessary corrections in the general register shall also be made and a corrected fresh Dular shall be issued in favour of the person whose name has been mutated on payment of such fees as may be fixed and revised by the Executive Committee from time to time.

(vi) The order passed under Sub-section (iii) above may be intimated to the person in whose name mutation is made on payment of a fee as may be fixed and revised by the Executive Committee from time to time.

(vii) Appeal against any order made under Sub-section (iii) above shall lie to the Executive Committee whose decision shall be final.

11. **PENALTY FOR NEGLIGENCE TO REPORT:-**

The Executive Committee may, if it is of the opinion that any person has willfully neglected to make report required by Section 4 and 10 within the prescribed period, impose on such person a fine not exceeding Five Hundred Rupees.

12. **FIXATION OF CEILING ON RAID LAND HOLDING:-**

The Executive Committee may by notification fix a ceiling over the settlement, allotment or setting apart of land made by it or under its sanction under the provisions of this Act. In fixing such ceiling, the Executive Committee may prescribe a limit both in the number of plots as well as the size of the land that each individual or family may hold. Any area found in possession or occupation of any person in excess of the ceiling so fixed shall be illegal and void.

Provided that the Executive Committee may vary the ceiling from time to time as may be deemed necessary and may also prescribe different ceiling for different purpose for which the land is to be put or being out into use and further, prescribe different ceiling for different area or locality within the District taking into consideration the demand for and the availability of land.

Provided further that the Executive Committee may exempt the operation of such ceiling in respect of plot where permanent cultivation has been planted or permanent buildings or structures already created immediately before the commencement of this Act or in the case or cases where in the opinion of the Executive Committee, the ceiling could not be effected without causing extreme hardship to the settlement holder in question.

13. **PENALTIES:-**

Whoever contravenes any provisions of this Act for which no penalty has been otherwise provided for herein shall be penalized with fine which may extend to Five Thousand Rupees.

14. **DELEGATION OF POWERS:-**

Subject to the provision of Section 18, the Executive Committee may, by notification, delegate to the Executive Member Incharge land or to any Officer under it any of the powers conferred on it by this Act subject to restrictions and conditions as may be specified in the said notification.

15. **JURISDICTION OF CIVIL COURT BARRED:-**

No order passed, proceeding initiated, action taken under this Act by any Authority shall be called in question or shall be challenged in the court of law.

16. **PROTECTION OF ACTION TAKEN IN GOOD FAITH:-**

No suit prosecution or other proceeding shall lie –

- (a) against any Officer or authority of the District Council for anything done in good faith or intended to be done under this Act.
- (b) against the Executive Committee for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything done in good faith or intended to be done under this Act.

17. **APPEAL:-**

(i) Appeals against any order made by any authority under the provisions of this Act shall lie to the Executive Committee of the District Council whose decision shall be final.

Provided that the Executive Committee may authorize any two of its Executive Members to exercise power or powers conferred upon him under the provisions of this Act. Anything heard, any act done or order passed by such members of the Executive Committee shall be deemed to have been heard, done or passed by the Executive Committee.

(ii) Every appeal made under this section shall be preferred by a party within one month from the date of the order appealed against. However delay, if any, in filing the appeal beyond the period of one month may be condoned by the appellate authority on good and sufficient reasons shown by the appellant for such delay.

18. **REVIEW OF ORDERS:-**

(i) The Executive Committee may, either on its own motion or on the application of any party interested, review any order passed by itself or by any of its predecessors-in-office and/or revise any order passed by any authority of the District Council acting under this Act and pass such order in reference thereto as it deem necessary.

(ii) No order affecting any question of right between or amongst private persons shall be reviewed/ revised except after notice to any party likely to be affected and no application for review of such order shall be entertained unless it is made within 90 (ninety) days from the date of the order.

(iii) No order shall be reviewed at the instance of any party except on the following grounds, viz. –

- (a) discovery of new and important matter of evidence; or
- (b) some mistake or error apparent on the face of the record; or
- (c) any other sufficient reason.

19. **POWER TO REMOVE DIFFICULTIES:-**

If any difficulty arises in giving effect to any provision of this Act, the Executive Committee may as occasion requires, take any action not inconsistent with the provisions of this Act which may appear to it necessary for the purpose of removing the difficulty.

20. **POWER TO MAKE RULES:-**

- (i) The Executive Committee may make rule for the purpose of carrying out the provisions of this Act.
- (ii) Such rules when published in the Official Gazette shall have the force of law.

**STATEMENT OF OBJECT AND REASONS**

Whereas there is no law governing the settlement, allotment, occupation, use or setting apart of land in the District, it is therefore considered expedient to enact this Bill for proper regulation, administration and use of land so as to protect and promote the interest and welfare of the inhabitants of the District.

Hence this Bill.

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Certified that the above Regulation Bill was passed by the Khasi Hills Autonomous District Council on the 24<sup>th</sup> October, 2005.

(M. Pyrbot)  
Chairman,  
Khasi Hills Autonomous District Council,  
Shillong.

No. \_\_\_\_\_

I assent to this Regulation Bill.

Dated Shillong,  
The \_\_\_\_\_

GOVERNOR OF MEGHALAYA.

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**APPENDIX I**  
**[See Section 2 (i), 2 (k), 2 (q) and 2 (u)]**

1.	KHYRIM	-	SYIEMSHIP
2.	MYLLIEM	-	SYIEMSHIP
3.	NONGKHLAW	-	SYIEMSHIP
4.	CHERRA	-	SYIEMSHIP
5.	NONGSTOIN	-	SYIEMSHIP
6.	MAHARAM	-	SYIEMSHIP
7.	NONGSPUNG	-	SYIEMSHIP
8.	LANGRIN	-	SYIEMSHIP
9.	MAWSYNRAM	-	SYIEMSHIP
10.	MYRIAW	-	SYIEMSHIP
11.	RAMBRAI	-	SYIEMSHIP
12.	MAWIANG	-	SYIEMSHIP
13.	BHOWAL	-	SYIEMSHIP
14.	MALAI SOHMAT	-	SYIEMSHIP
15.	NOBOSOHPHOH	-	SYIEMSHIP
16.	JIRANG	-	SYIEMSHIP
17.	SOHIONG	-	LYNGDOHSHIP
18.	MAWPHLANG	-	LYNGDOHSHIP
19.	LYNGIONG	-	LYNGDOHSHIP
20.	MAWDON	-	SIRDARSHIP
21.	PAMSANNGUT	-	SIRDARSHIP
22.	NONGLWAI	-	SIRDARSHIP
23.	MAWLONG	-	SIRDARSHIP
24.	SHELLA CONFEDERACY	-	WAHADADARSHIP

**APPENDIX II**  
**[See Section 2 (v)]**

1.	DWARA		
	NONGTYRNEM	-	SIRDARSHIP
2.	WAHLONG	-	SIRDARSHIP
3.	JYRNGAM	-	SIRDARSHIP
4.	LAITLYNGKOT	-	SIRDARSHIP
5.	LAITKROH	-	SIRDARSHIP
6.	MYRDON	-	SIRDARSHIP
7.	MAWMLUH	-	SIRDARSHIP
8.	MAWBEH		
	LARKHAR	-	SIRDARSHIP

9.	MAWSMAI	-	SIRDARSHIP
	NONGTHYMMAI		
10.	MARBISU	-	SIRDARSHIP
11.	MYNTENG	-	SIRDARSHIP
12.	NONGPOH	-	SIRDARSHIP
13.	NONGKROH	-	SIRDARSHIP
14.	NONGJRI	-	SIRDARSHIP
15.	NONGRIAT	-	SIRDARSHIP
16.	NONGSHLUID	-	SIRDARSHIP
17.	RIANGSIH	-	SIRDARSHIP
18.	NONGLANG	-	SIRDARSHIP
19.	NONGLYNGKIEN	-	SIRDARSHIP
20.	NONGLAIT	-	SIRDARSHIP
21.	RAMDAIT	-	SIRDARSHIP
22.	SAITSOHPEN	-	SIRDARSHIP
23.	SYNNEI	-	SIRDARSHIP
24.	SINAI		
	MAWSHYNRUT	-	SIRDARSHIP
25.	SOHBAR	-	SIRDARSHIP
26.	TYRNA	-	SIRDARSHIP
27.	TYNRONG	-	SIRDARSHIP
28.	TYNRIANG	-	SIRDARSHIP
29.	UMNIUH – TMAR	-	SIRDARSHIP