

6:7:Others-

(ii) Accommodation for ICSSR-NERC at Permanent Campus.

The Executive Council in its meeting held on 9.3.92 vide Resolution No.74:92:06:7:(iv) has resolved that the University may provide land of a-a area of 3100 Sqm. to ICSSR-NERC on lease and the plot had also been identified by the EE, CDD near the stadium. This may kindly be seen at Annexure- 'A'. The Honorary Director expressed his gratitude to NEHU for allotting the plot of land of an area of 3100 Sqm. but requested the University to provide a plot of land near the Academic Complex and even a smaller plot in this area will be enough for the Centre. The matter has been re-examined with that of the Meghalaya Land Transfer (Regulation) Act 1971 where it appears that any transfer of land to a non-tribal would require the previous sanction of the "competent authority" as defined in Sec 2(a) of the Act. An extract copy of the Meghalaya Transfer of Land (Act) pages 1,2,3 & 6 may kindly be seen at Annexure-'B'.

In view of the Meghalaya Land Transfer Act 1971, it appears that the University cannot provide the land on lease to ICSSR-NERC unless the State Government gives clearance in order to avoid legal complication in future.

It may be recalled that the Executive Council vide Resolution No.EC:92:97:6:7:(ii) has regretted the request of CIEFL for allotment of land. This may kindly be referred to at Annex-'C' below.

The matter is placed for consideration of the Executive Council.

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EC:74:92:06:7(iv) - The Council RESOLVED that the University may provide land of an area of 3100 Sqm. to the ICSSR-NERC on lease.

ANNEXURE - 'B'

(As upto Amendment)

Act 11 of 1991

(MEGHALAYA ACT I OF 1972)

THE MEGHALAYA TRANSFER OF LAND (REGULATION)
ACT, 1971

An

Act

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

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

Short title, 1. (1) This Act may be called the Meghalaya (extent) and Transfer of Land (Regulation) Act, 1971. commencement

(2) It extends to the tribal areas within the State of Meghalaya as specified in Part II of the Table appended to paragraph-20 of the Sixth Schedule to the Constitution.

(3) It shall come into force on such date 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;

1. Inserted by Act 6 of 1975.

2. Came into force on the 17th January, 1972 (vide Governmentt Notification No.MREV.285/Bill/70/142, dated 17th January, 1972).

3. Clause(c) of the original Act, read: "(C) 'non-tribal' means a person who is not a tribal and excludes Rabhas and Kicharis resident in Meghalaya" was omitted by Act 6 of 1975.

contd..2/...

(c) "notification" means notification in the Official Gazette of 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) "tribal" means a person belonging to any of the Scheduled Tribes pertaining to Meghalaya and as specified in the Constitution (Scheduled Tribes) Order 1950, as amended from time to time and for the purposes of this Act shall also include the Rabhas, Kacharis (and Koches) resident in Meghalaya.

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 :

Provided that the Government of Meghalaya is satisfied may, from time to time, by notification, prohibit (any) transfer of land within such areas or areas as may be specified in the notification and there-upon the competent authority shall not sanction any such transfer of land under the provision of this Act, within such area or areas :

Provided further that no notification made under the preceding proviso shall apply to transfer of land for any of the purposes mentioned in Clause (a) or Clause (f) of sub-section (1) of Section 4.

(2) Every notification issued under the proviso to sub-section (1) of this section shall, -

(i) have effect on the date of its first publication in the official Gazette of Meghalaya ;

(ii) be laid, as soon as may be after its publication in the Official Gazette, before the House of the Legislative Assembly of the State.

(3) Any ~~pro~~ transfer of land made in contravention of the provisions of this section shall be void and shall not be enforceable in any Court.

1. Inserted by Act 6 of 1975.

2,3,4. Inserted by Act 1 of 1978 with effect from 30.3.78.

5. Original sub-sections (2) renumbered as sub-section (3) by Act 1 of 1978.

6 & 7. Inserted by Act 11 of 1991.

Disposal of applications.

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;

(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;

(f) Whether the land sought to be transferred is for the purpose of implementing a scheme to promote the interests of the tribals in the field of education or industry.

(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.

Acquisition of land by the State Government.

(4 A. where,-

(a) In respect of land the transfer of which is prohibited under the proviso to sub-section(1) of section 3, a person intending to sell his land is not able to effect such sale, or

Sale of land by Court or other authority. 3A. No land belonging to a tribal shall be sold in execution of any decree or order Passed by a court or an any other authority to any non-tribal except with the previous permission of the competent authority.

Penalties. 9. If any per 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 (such) 5 Banking Company, co-operative Society or other credit institution (as) the Govt. 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 Govt. 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) any letting out on rent of any building standing on land ;

(c) any transfer of land to or in favour of Govt. or District Council.

(d) any transfer of land to, or in favour of,

(i) any company, corporation, society (including co-operative society) autonomous body or association, wholly or substantially owned and controlled or managed by the Govt. and when the Govt. of Meghalaya may by notification, specify in this behalf;

4. Inserted by Act 16 of 1975.

5. Substituted for "any" and "which" respectively, by Act 18 of 1979.

ANNEXURE - 'C'

No.EC:92:97:6:7:(ii): The Council considered the request for allotment of land by the CIEFL and RESOLVED to regret the same.

6:7: OTHERS-

(i) Advertisement of vacancies in Academic Cadres.

EC:95:97:6:7:(i): The Executive Council considered the suspensions of the ordinance on advertisement of vacancies for the teaching posts, with the directive of the Visitor as conveyed by the MOHRD and RESOLVED that a Committee consisting of the following members will go into the matter and report to the Council in its next meeting. The Committee is also to report on the advertisement that may be made in the University News.

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| 1. Prof. AL Verma | Chairman |
| 2. Prof. AC Mohapatra | Member |
| 3. Prof. SK Mishra | Member |

(ii) Accommodation for ICSSR-NERC at Permanent Campus.

EC:95:97:6:7:(ii): The Council considered the lease of land to the ICSSR(NERC) and RESOLVED to regret the same as it is in contravention of the Meghalaya Land Transfer (Regulations) Act, 1971.

(iii) Permission of laying the water pipe lines by Shri Joseph F. Khongbuh through the compound of the NEHU at Mayurbhanj Complex, Nongthymmai, Shillong.

EC:95:97:6:7:(iii): The Council considered allowing Shri J.F. Khongbuh to lay a pipe line through the University land at Mayurbhanj Complex and RESOLVED that permission may be granted subject to fulfilment of the conditions laid down by the Estate Maintenance Cell and reserves the right to ask the person concerned to remove the pipe lines from its premises without assigning any reasons.

(iv) Allotment of P-Type Quarter to Prof. R. L. Walli, Prof. JB Bhattacharjee and Prof. B. Pakem.

At this juncture Prof. B. Pakem left the meeting and Prof. R. Lalthantluanga, Pro- Vice- Chancellor, Mizoram Campus presided over the meeting.

EC:95:97:6:7:(iv): The Council RESOLVED the allotment of P. Type quarter as follows:-

1. Prof. JB Bhattacharjee be considered senior to Prof. RL. Walli(in order