

THE MEGHALAYA AGRICULTURAL LAND (REGULATION) BILL, 2022

A Bill

to regulate the use of agricultural land for non-agricultural purposes for the preservation of arable land resources of the State and protection of agricultural land from colonization by residential, recreational, institutional, industrial and commercial activities; and in the interest of sustaining the livelihood of farmers and ensuring food security.

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

Short title, extent and commencement	1.	(1) This Bill may be called the Meghalaya Agricultural Land (Regulation) Bill 2022. (2) It extends to the whole territory of the State. (3) It shall come into force on such date as the Governor of Meghalaya may, by notification, appoint.
Definitions	2.	In this Bill, unless the context otherwise requires:- (a) “agricultural land” means arable land either under cultivation or under temporary fallow, and includes paddy field, vegetable plantation, fruit orchard and crop nursery, but does not include land abandoned under shifting cultivation; (b) “Bill” means the Meghalaya Agricultural Land (Regulation) Bill 2022; (c) “Government” means the Government of Meghalaya; (d) “notification” means notification in the Official Gazette of Meghalaya; (e) “person” includes an individual, a joint family, a company, a firm, an association of persons or a body of individuals, whether incorporated or not, the Central Government or the State Government or the Government of any other State or Union Territory in India and a local authority; (f) “State” means the State of Meghalaya.
Appointment of Regulatory Authority and subordinate officers	3.	(1) For carrying out the purpose of this proposed enactment, the Government shall, by notification, appoint the Regulatory Authority together with subordinate officers to assist him as it thinks fit and shall specify the function or functions and the area or areas over which they shall exercise jurisdiction. (2) The subordinate officers so appointed shall exercise all or any of the functions of the Regulatory Authority for the whole State or any part thereof.
Regulation of agricultural land and	4.	(1) No agricultural land in the State shall be used for any non-agricultural purpose.

Restriction thereon		(2) No building construction for any permanent dwelling, or for any recreational, institutional or industrial activity or commercial use shall be permitted on agricultural land.
Dispute over agricultural or non-agricultural land and purpose	5.	When giving effect to the operation of Section 4 of this proposed enactment, in case any dispute arises over – (a) the agricultural status of any piece of land; the Regulatory Authority shall certify, after inquiry and upon evidence, whether such piece of land is agricultural or non-agricultural land. (b) the purpose of any activity on a piece of agricultural land; the Regulatory Authority shall certify, after inquiry and upon evidence, whether such activity is of agricultural or non-agricultural purpose.
Reversion to and restoration of agricultural land	6.	If any person uses any agricultural land for any non-agricultural purpose – a) he shall be liable to revert the use of the agricultural land to its original purpose; and b) he shall be liable to restore the land to its original use at own expense, including removing any structure, fill up any excavation, and to take such steps as may be required in order that the land may be used for its original purpose and that the general conditions of an arable land may be satisfied.
Appeal	7.	Any person aggrieved by an order passed by the Regulatory Authority may, within a period of 60 (sixty) days from the date the order is communicated, prefer an appeal to the Board of Revenue constituted under the Meghalaya Board of Revenue Act, and its order shall be final.
Offences and Penalties	8.	If any person fails – (a) to comply with any liability specified in Section 6; or (b) to carry out any order passed under Section 7; he shall, on conviction before a Magistrate, be punishable with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
Cognizance of offences	9.	All offences punishable under this proposed enactment shall be cognizable and bailable.
Exemptions	10.	Nothing contained in this proposed enactment shall restrict the construction of roads, laying of water pipes, and erection of poles for transmission lines of power or communication over any agricultural land by an order of the Governor of Meghalaya, by notification, in the public interest;

		Provided that such order shall not be made if there exists the option of an alternate route to avoid encroachment onto the said agricultural land.
Bar on suit in Civil Court	11.	No suit shall be brought in any civil court to set aside or modify any order made under this proposed enactment; and no suit, prosecution or legal proceeding shall lie against any authority or officer for anything done in good faith under this proposed enactment.
Power to make rules	12.	The Government may, by notification, make Rules to carry out the purposes of this proposed enactment.

STATEMENT OF OBJECT AND REASONS

In the past 50 years in Meghalaya, valuable areas of fertile agricultural land, particularly paddy fields, have been lost to colonization by residential, recreational, institutional, industrial and commercial activity, and it is high time that a legislation be brought out to regulate the use of agricultural land for non-agricultural purposes.

The intention of this proposed enactment includes the following reasons:-

1. To preserve the limited arable land resources in the State.
2. To curb colonization of agricultural land by non-agricultural activities.
3. To protect the livelihood of farmers who depend on agriculture as a primary occupation.
4. To sustain productivity of agricultural land and quality of crop yield.
5. To ensure food security for the people rich and poor.

Hence this Bill.

Shri. Adelbert Nongrum
MLA, North Shillong

FINANCIAL MEMORANDUM

Implementation of the provisions of this proposed enactment shall involve expenditure from the Consolidated Fund of the State.