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LEGISLATIVE DEPARTMENT

Notification No.F.7(3)/H/75

Dated Gangtok, the 11th November, 1975.

No.6/1/75.—10th November, 1975.—The following Act of the Sikkim Legislature having received the assent of the President is hereby published for general information.

SIKKIM ACT NO.VI OF 1975

THE SIKKIM REGULATION OF TRANSFER AND USE OF LANDS ACT 1975.

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ACT

to make provisions for the regulation of transfer and use of lands by the landowners and other persons and for other matters connected therewith.

WHEREAS the Government of Sikkim has undertaken the task of introducing necessary and suitable measures relating to land-reforms in Sikkim and of giving effect to the policy that lands are so distributed as best to sub-serve the common good and that land-properties are not concentrated to the common detriment,

AND WHEREAS to facilitate the implementation of the said task and to give effect to such policy, it is expedient to make provisions for the regulation of transfer and use of lands by the landowners and other persons and for other matters connected therewith;

It is hereby enacted as follows :

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| Short title, extent and commencement : | 1.(1) | This Act may be called the Sikkim Regulation of Transfer and Use of Lands Act, 1975. |
| | (2) | It extends to the whole of Sikkim. |
| | (3) | It shall come into force on such date as the State Government may, by notification in the Sikkim Government Gazette, appoint and different dates may be appointed for different areas in Sikkim. |
| Regulation of transfer and use of lands. | 2.(1) | Notwithstanding anything to the contrary contained in any other law or custom or contract : <ul style="list-style-type: none"> (a) no landowner shall transfer by sale, lease or anyway whatsoever any land or right or interest in any land, (b) no person shall fell, remove or dispose of any trees in any Land, and (c) no person shall quarry any land or remove any sub-soil material from any land— |

without the permission in writing of the District Officer within whose jurisdiction the land is situated or of such other officer as may be specially empowered by the State Government in this behalf.

(2) The State Government may make rules laying down the principles, terms and conditions in accordance with which the permission referred to in sub-section (1) may be granted.

EXPLANATIONS

- (1) "Land" means any land used or capable of being used for any agricultural or non-agricultural purpose and includes forests ;
- (2) "Landowners" means any person owning lands more than ten acres in area, whether in his own possession or otherwise, in the State of Sikkim.

Contravention and penalties:

3.(1) Any transfer made in contravention of the provision of clause (a) of sub-section (1) of Section 2 shall be void ;

(2) If any person commits a breach of provision of clause (b) or clause (c) of sub-section (1) of Section 2, he shall be punished with fine not exceeding two thousand rupees and if the breach is a continuing one, with a further fine not exceeding two hundred rupees for each day during which the breach continues and the trees or sub-soil materials, as the case may be, shall be forfeited to the State Government.

Repeal and savings:

4.(1) The Sikkim Prevention of Transfer and Unauthorised Use of Lands Ordinance, 1975, is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance, any proceeding or remedy in respect of any right, obligation or liability under the said Ordinance and relating to the period before such repeal may be instituted, continued or enforced as if the said Ordinance had been in force and had not been repealed.

The Sikkim Regulation of Transfer and Use of Land Bill, 1975 passed by the Legislative Assembly of Sikkim on the 6th day of September, 1975, having been reserved by the Governor for the consideration of the President was assented to by the President on 17.10.1975.

T. S. GYALTSHEN,

Chief Secretary,
Government of Sikkim.
[F. No.7 (3)—Home/75]